



Privacy Notice (How we use workforce information)

Under data protection law, individuals have a right to be informed about how the school uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about **you**.

We, St Nicholas of Tolentine Catholic Primary School, are the 'data controller' for the purposes of data protection law.

The categories of school information that we process

These include:

- personal information (such as name, employee or teacher number, national insurance number)
- characteristics information (such as gender, age, ethnic group)
- contract information (such as start date, hours worked, post, roles and salary information)
- work absence information (such as number of absences and reasons)
- qualifications (and, where relevant, subjects taught)
- any relevant medical information including any physical or mental health conditions
- Financial information such as your bank details, your salary and pension details for processing your monthly payroll.

This list is not exhaustive, to access the current list of categories of information we process please see the Information and retentions policy available on the school website.

Why we collect and use workforce information

- 1 This section contains information about the legal bases that we are relying on when handling your information as described above.
- 2 The two tables below contain a general description of the different legal bases but we have also used a colour code system so that you can see which bases we are relying on for each of the purposes described at paragraphs 4 to 20 below.
- 3 If we do not have a contract with you, for example, if you are a governor, trustee or volunteer, we will not rely on the contractual basis ("**CT**") to use your information.

Contractual obligation ("**CT**")

We will need to use your information in order to comply with our contractual obligations under your employment contract with the School. For example:

- we need your name and bank details so that we can pay you your salary;
- we may need to provide your personal information to a pension provider so that you can benefit from your pension entitlement;

- we also need to use your personal information to provide contractual benefits.

Legal obligation ("LO")

We have to comply with various laws and this entitles us to use your information where necessary. For example:

- we have to make sure that you have the right to work in the UK;
- to fulfil our duty of care to you and your colleagues;
- we have to fulfil our safeguarding duties towards pupils; and
- sometimes we will be legally obliged to disclose your information to third parties such as the DBS, local authorities or the police. More detail of when we will do so is set out at paragraph 6 above.

Vital interests

We may use your information where this is necessary to protect your vital interests or someone else's. For example, to prevent someone from being seriously harmed or killed.

Performance of a task carried out in the public interest ("PI")

The following are examples of when we use your information to perform tasks in the public interest:

- looking after your welfare and development and the welfare and development of others. This includes equal opportunities monitoring;
- safeguarding and promoting the welfare of our pupils;
- providing pupils with an education;
- ensuring the security of the school site which may involve issuing you with a [● photocard];
- making sure that you are complying with your employment obligations;
- facilitating the efficient operation of the School; and
- ensuring that we comply with all of our legal obligations.

Legitimate interests ("LI")

This means that the School is using your information when this is necessary for the School's legitimate interests except when your interests and fundamental rights override our legitimate interests.

We have a legitimate interest in using your information to:

- promote the School including fundraising and publicity;
- preserve historical school records.

The School must also comply with an additional condition where it processes special categories of personal information. These special categories are as follows: personal information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic information, biometric information, health information, and information about sex life or orientation. The bases that we are relying on to process special categories of personal information are set out below:

Employment, social security and social protection ("ESP")

The processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the School and staff in the field of employment, social security or social protection. For example, sometimes this would allow us to disclose your information to third parties such as the DBS or occupational health services.

Vital interests

To protect the vital interests of any person where that person cannot give consent, for example, if they are seriously hurt and are unconscious.

Legal claims ("LC")

The processing is necessary for the establishment, exercise or defence of legal claims. This allows us to share information with our legal advisors and insurers.

Medical purposes ("MP")

This includes medical treatment and the management of healthcare services. Substantial public interest ("SPI")

The School is also allowed to use special categories of personal information where doing so is necessary in the substantial public interest. This is similar to "Public interest" in the table above, for example the School may use special categories of information when providing an education to pupils, looking after the welfare of pupils or when the School is inspected.

Why does the School use your personal information?

The letters highlighted in different colours below refer to the legal bases we are relying on, please see the section above for an explanation.

4 We commonly use personal information for:

- 4.1 providing education and support to our pupils - **PI**, **SPI**;
- 4.2 ensuring that we provide a safe and secure work environment - **PI**, **ESP**, **SPI**;
- 4.3 providing employment services (such as payroll and references) - **CT**, **PI**, **SPI**;
- 4.4 providing training and support - **PI**, **SPI**;
- 4.5 personnel, administrative and management purposes and to enable us to meet our legal obligations as an employer. For example, to pay staff and to monitor their performance - **CT**, **LO**, **PI**, **ESP**, **SPI**;
- 4.6 safeguarding and promoting the welfare of all staff and pupils - **ESP**, **SPI**; and
- 4.7 fulfilling our contractual and other legal obligations - **CT**, **LO**, **PI**, **ESP**, **SPI**.

5 Some specific examples of when the School uses your personal information are set out below:

- 5.1 We use your personal information to consider your suitability to work in your role at the School - **LO**, **PI**, **SPI**.
- 5.2 We will check that you have the right to work in the UK by reviewing your identification documents and keeping copies on your personnel file - **LO**, **PI**, **SPI**.
- 5.3 We may use your personal information in addressing any performance or disciplinary concerns which arise - **PI**, **SPI**.
- 5.4 We will use information relating to any medical condition you may have in order to verify fitness to work, monitor sickness absence and comply with our duty of care towards you - **PI**, **MP**, **SPI**.
- 5.5 We will use your information when dealing with complaints and grievances with which you are involved (e.g. from other staff and parents) - **PI**, **SPI**.
- 5.6 We may use your information when responding to an incident, for example, if something is published on social media which concerns the School - **PI**, **LI**.
- 5.7 We often use photographs and video recordings of staff, for marketing and promotion purposes. This will include in School publications, in social media and on the School's websites - **LI**.

- 5.8 We will also allow external publication of certain media where appropriate (for example, a photograph or article in a local newspaper) - **LI**.
- 5.9 We may also make recordings for teaching purposes, for example, recording a drama lesson to provide feedback to you or pupils. We may also record lessons for pupils who were not able to attend in person - **PI, SPI**.]
- 5.10 We use CCTV recordings for the purposes of crime prevention and investigation and also in connection with our obligation to safeguard the welfare of pupils, staff and visitors to the School site. Further information about the use of CCTV can be found in the School's CCTV policy a copy of which is published on the School's website - **PI, SPI**.
- 5.11 The School regularly monitors and accesses its IT system for purposes connected with the operation of the School. The IT system includes any hardware, software, email account, computer, device or telephone provided by the School or used for School business. The School may also monitor staff use of the School telephone system and voicemail messages. Staff should be aware that the School may monitor the contents of a communication (such as the contents of an email) - **PI, SPI**.
- 5.12 The purposes of such monitoring and accessing include:
- 5.12.1 to help the School with its day to day operations. For example, if a member of staff is on holiday or is off sick, their email account may be monitored in case any urgent emails are received - **PI, SPI**; and
- 5.12.2 to check staff compliance with the School's policies and procedures and to help the School fulfil its legal obligations. For example, to investigate allegations that a member of staff has been using their email account to send abusive or inappropriate messages - **PI, SPI**.
- 5.13 Monitoring may be carried out on a random basis and it may be carried out in response to a specific incident or concern - **PI, SPI**.
- 5.14 The School also uses software which automatically monitors the IT system (for example, it would raise an alert if a member of staff visited a blocked website or sent an email containing an inappropriate word or phrase). - **PI, SPI**]
- 5.15 The monitoring is carried out by EDIT. If anything of concern is revealed as a result of such monitoring, then this information may be shared with the head teacher and this may result in disciplinary action. In exceptional circumstances concerns will need to be referred to external agencies such as the Police - **PI, SPI**.
- 5.16 We will send you information about how to support the School, for example fundraising opportunities - **LI**.
- 5.17 We will keep details of your address when you leave our employment so we can send you the School Newsletter and keep in touch - **LI**.]
- 5.18 We may keep some old school records for a long time or even indefinitely, for example, to enable the history of the School to be kept - **LI**.

We use workforce data to:

- a) enable the development of a comprehensive picture of the workforce and how it is deployed
- b) inform the development of recruitment and retention policies
- c) enable individuals to be paid

Under the UK General Data Protection Regulation (UK GDPR), the legal basis / bases we rely on for processing personal information for general purposes are: Please see table above

Collecting workforce information

We collect personal information via staff contract forms.

Workforce data is essential for the school's / local authority's operational use. Whilst the majority of personal information you provide to us is mandatory, some of it is requested on a voluntary basis. In order to comply with UK GDPR, we will inform you at the point of collection, whether you are required to provide certain information to us or if you have a choice in this and we will tell you what you need to do if you do not want to share this information with us.

Storing workforce information

We hold data securely for the set amount of time shown in our data retention schedule. For more information on our data retention schedule and how we keep your data safe, please visit <https://www.stnicholas.bristol.sch.uk/>

Who we share workforce information with

We routinely share this information with:

- our local authority (where applicable)
- the Department for Education (DfE)
- Clifton Diocese
- Newman Catholic Trust

Why we share school workforce information

We do not share information about our workforce members with anyone without consent unless the law and our policies allow us to do so.

We also may share your personal information with third parties

6 We will need to share your information with:

- 6.1 the Disclosure and Barring Service (**DBS**), St Joseph's College who are the registered body the School uses to carry out DBS checks and / or the Teaching Regulation Agency (previously known as the National School for Teaching and Leadership (if applicable) when complying with our legal duty to carry out preappointment suitability checks - **LO**, **PI**, **ESP**, **SPI**; and
- 6.2 the DBS and / or the Teaching Regulation Agency (if applicable) if circumstances arise in which we are required to make a referral to either or both of these bodies - **LO**, **PI**, **ESP**, **SPI**.

7 To fulfil our obligations to you as an employer we will need to share your information with medical professionals, such as occupational health services, where we are making a referral - **CT**, **PI**, **SPI**.

8 Occasionally we will use consultants, experts and other advisors (including legal advisors and accountants) to assist us in fulfilling our obligations and to help run the School properly. We will often need to share your information with them if this is relevant to the work they carry out - **PI**, **ESP**, **LC**, **SPI**.

9 In accordance with our legal obligations, we will share information with Ofsted, for example, during the course of an inspection, and may need to share your information with the Department for Education - **LO**, **PI**, **ESP**, **SPI**.

- 10 As an employer we must check if you can work in the UK before we employ you. Additionally, if you are sponsored by us under Tier 2 or Tier 5 in certain circumstances we will have to provide information about you to UK Visas and Immigration to comply with our duties as a Tier 2/5 sponsor - **LO, PI, SPI**.
- 11 We may share some of your information with our insurance company or benefits providers, for example, where there is a serious incident or to ensure that you are able to take advantage of the benefit - **CI, PI, ESP, LC, SPI**.
- 12 We may need to share information about you with the Health and Safety Executive (a government organisation) if there is a health and safety issue at the School - **LO, PI, ESP, SPI**.
- 13 We may need to share your information with the Education and Skills Funding Agency e.g. if we need to make a serious incident report - **LO, PI, ESP, SPI**.
- 14 If the School is dealing with a complaint or grievance (e.g. from a colleague or a parent) we will need share your information with other parties if it is relevant, for example, the appropriate staff at the School, the colleague or parents making the complaint and [• governors / trustees] - **LO, PI, SPI**.
- 15 If appropriate, we will share your information with individuals connected to the School who are exercising their data protection rights, for example, when responding to a subject access request - **LO, PI, SPI**.
- 16 We will share personal information about staff with the relevant statutory agencies if it is appropriate to share this information to investigate allegations of misconduct - **LO, PI, ESP, SPI**.
- 17 We may need to share your information with the Local Authority Designated Officer in accordance with our safeguarding obligations - **LO, PI, ESP, SPI**.
- 18 On occasion, we may need to share your information with the police for the prevention and investigation of crime and the prosecution of offenders. We will only do this in specific circumstances to assist the police with their investigations. In exceptional circumstances CCTV recordings may be disclosed to third parties such as the police - **LO, PI, ESP, SPI**.
- 19 If appropriate, we will share your information with parents and pupils where this is related to your professional duties, such as information about the subjects you teach - **LO, PI, ESP, SPI**.
- 20 We may need to share your information if there is an emergency, for example, if you are hurt in an accident - **LO, PI, ESP, MP, SPI**.

We sometimes use contractors to handle personal information on our behalf. The following are examples:

- Strictly Education our payroll provider;
- EDIT our IT consultants who might access information about you when checking the security of our IT network; and
- we use third party "cloud computing" services to store some information rather than the information being stored on hard drives.

Local authority

We are required to share information about our workforce members with our local authority (LA) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

Department for Education

The Department for Education (DfE) collects personal data from educational settings and local authorities via various statutory data collections. We are required to share information about our

children and young people with the Department for Education (DfE) for the purpose of those data collections, under:

We are required to share information about our school employees with the (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

All data is transferred securely and held by DfE under a combination of software and hardware controls which meet the current [government security policy framework](#).

For more information, please see 'How Government uses your data' section.

Requesting access to your personal data

Under data protection legislation, you have the right to request access to information about you that we hold. To make a request for your personal information, contact the Head teacher by email st.nicholas.p@bristol-schools.uk or by phone 01173772260.

Depending on the lawful basis above, you may also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- a right to seek redress, either through the ICO, or through the courts

If you have a concern about the way we are collecting or using your personal data, we ask that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

For further information on how to request access to personal information held centrally by DfE, please see the 'How Government uses your data' section of this notice.

Withdrawal of consent and the right to lodge a complaint

Where we are processing your personal data with your consent, you have the right to withdraw that consent. If you change your mind, or you are unhappy with our use of your personal data, please let us know by contacting contact the Head teacher by email st.nicholas.p@bristol-schools.uk or by phone 01173772260.

Last updated

We may need to update this privacy notice periodically, so we recommend that you revisit this information from time to time. This version was last updated on 6th February 2023

Contact

If you would like to discuss anything in this privacy notice, please contact: contact the Head teacher by email st.nicholas.p@bristol-schools.uk or by phone 01173772260.

How Government uses your data

The workforce data that we lawfully share with the DfE through data collections:

- informs departmental policy on pay and the monitoring of the effectiveness and diversity of the school workforce
- links to school funding and expenditure
- supports 'longer term' research and monitoring of educational policy

Data collection requirements

To find out more about the data collection requirements placed on us by the Department for Education including the data that we share with them, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

Sharing by the Department

The Department may share information about school employees with third parties who promote the education or well-being of children or the effective deployment of school staff in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The Department has robust processes in place to ensure that the confidentiality of personal data is maintained and there are stringent controls in place regarding access to it and its use. Decisions on whether DfE releases personal data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of data requested; and
- the arrangements in place to securely store and handle the data

To be granted access to school workforce information, organisations must comply with its strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

How to find out what personal information DfE hold about you

Under the terms of the combined data protection laws (UK GDPR & Data Protection Act 2018), you're entitled to ask the Department:

- if they are processing your personal data
- for a description of the data they hold about you
- the reasons they're holding it and any recipient it may be disclosed to
- for a copy of your personal data and any details of its source

If you want to see the personal data held about you by the Department, you should make a 'subject access request'. Further information on how to do this can be found within the Department's personal information charter that is published at the address below:

<https://www.gov.uk/government/organisations/department-for-education/about/personalinformation-charter>

To contact the department: <https://www.gov.uk/contact-dfe>

