

Privacy Notice – Staff

Reviewed: September 2020



Privacy notice for employees of the Russell Education Trust both centrally at the Trust and in the Trust's individual schools

1. Background

This Russell Education Trust ('the Trust') Privacy Notice applies to all personal data held by the Trust as a multi-academy trust and by individual schools in the Trust.

The Trust aims to ensure that all personal data collected by the Trust and in its individual schools, is collected, stored and processed in accordance with the [General Data Protection Regulation \(EU\) 2016/679 \(GDPR\)](#) and the Data Protection Act 2018 (DPA 2018) .

Under data protection law, individuals have a right to be informed about how the Trust 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 individuals we employ, or otherwise engage, to work centrally for the Trust and in the Trust's individual schools.

The Russell Education Trust, Manor House, 1 The Crescent, Leatherhead, Surrey, KT22 8 is the 'data controller' for the purposes of data protection law.

Our data protection officer is: Jo Townsend (see 'Contact us' below).

2. The personal data we hold

We process data relating to those we employ, or otherwise engage, to work centrally for the Trust and at our individual schools. Personal data that we may collect, use, store and share (when appropriate) about you includes, but is not restricted to:

- Personal contact details such as your name, address, contact telephone numbers and personal email address
- Date of birth, gender and NI number
- Marital status
- Next of kin and emergency contact numbers
- Salary, annual leave, pension and benefits information and details relating to maternity, paternity, shared parental leave and adoption leave and pay
- Bank account details, payroll records, National Insurance number and tax status information
- Employment and education history including recruitment information, right to work documentation, employment references, qualifications, work history and other information included in your CV or cover letter or as part of the application process
- Training records and professional memberships
- Information about your performance, used to conduct pay reviews, assess your training and development needs required for your role and to deal with any employee/employer disputes
- Information relating to and outcomes of any disciplinary and/or grievance procedures
- Absence data
- Copy of driving licence

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- Data about your use of our schools' information and communications system

We may also collect, store and use information about you that falls into "special categories" of more sensitive personal data. This includes information about (where applicable):

- Race, ethnicity, religious beliefs, sexual orientation and political opinions
- Trade union membership
- Health, including any medical conditions declared by you including any disabilities and dietary requirements, sickness records and forms, "fit notes" i.e. Statements of Fitness to Work from your GP, medical records and letters provided by you or the results of health checks such as eye tests, occupational health records and accident records
- Photographs and CCTV images captured in school

We may also collect, use, store and share (when appropriate), information about criminal convictions and offences.

We may also hold data about you that we have received from other organisations, including other schools, social services and the Disclosure and Barring Service in respect of criminal offence data.

3. Why we use this data

We use the data listed above to:

- a) Enable you to be paid your salary and pension and other employment related benefits and for the administration of statutory and contractual leave entitlements such as holiday or maternity leave.
- b) Facilitate safe recruitment, as part of our safeguarding obligations towards students
- c) Support effective performance management, conduct pay reviews, deal with employee/employer disputes and to meet training and development needs required in your role.
- d) Inform our recruitment and retention policies
- e) Allow better financial modelling and planning
- f) Enable equalities monitoring
- g) To comply with our legal obligations, to ensure the health, safety and wellbeing of our employees and the school community and for equal opportunities monitoring
- h) Improve the management of workforce data across the sector
- i) Support the work of the School Teachers' Review Body

3.1 Use of your personal data in automated decision making and profiling

We do not currently process any personal data through automated decision making or profiling. If this changes in future, we will amend any relevant privacy notices in order to explain the processing to you, including your right to object to it.

4. Our lawful basis for using this data

Depending on the processing activity, we rely on the following lawful bases for processing your personal data:

- Fulfil a contract we have entered into with you

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- Comply with a legal obligation (such as health and safety legislation, under statutory codes of practice and employment protection legislation)
- Carry out a task in the public interest or for official purposes
- You have given us consent to use it in a certain way
- Where it is necessary for our legitimate interests (or those of a third party) and your interests, rights and freedoms do not override those interests.
- To protect an individual's vital interests (i.e. protect your life or someone else's life) such as in a medical emergency

Where you have provided us with consent to use your data, you may withdraw this consent at any time. We will make this clear when requesting your consent, and explain how you go about withdrawing consent if you wish to do so.

4.1 Our basis for using special category data

For 'special category' data, we only collect and use it when we have both a lawful basis, as set out above, and one of the conditions for processing as set out in data protection law including:

- We need to perform our obligations or exercise our rights in relation to employment and the safeguarding of your fundamental rights.
- We need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent
- The data concerned has already been made manifestly public by you
- We have obtained your explicit consent to use your personal data in a certain way
- We need to process it for the establishment, exercise or defence of legal claims
- We need to use it for health or social care purposes and it is used by or under the direction of a professional obliged to confidentiality under the law
- We need to process it for public health reasons, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law
- We need to process it for archiving or for statistical purposes, and the processing is in the public interest.
- In addition, we rely on the processing condition at Schedule 1 part 1 paragraph 1 of the Data Protection Act 2018. This relates to the processing of special category data for employment purposes.

4.2 Criminal convictions and offences

Where appropriate we will collect information about criminal convictions as part of the recruitment process or we may be notified of such information directly by you in the course of working for us.

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where it is necessary to carry out our legal obligations. We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so in accordance with one of the lawful bases listed at 4) above. Additionally, we rely on the processing conditions set out at Schedule 1 of the Data Protection Act 2018.

5. Collecting this information

While the majority of information we collect from you is mandatory, there is some information that you can choose whether or not to provide to us.

Whenever we seek to collect information from you, we make it clear whether you must provide this information (and if so, what the possible consequences are of not complying), or whether you have a choice.

6. How we store and how long we keep your personal data

We create and maintain an employment file for each staff member. The information contained in this file is kept secure and is only used for purposes directly relevant to your employment.

For information on how long we keep your personal data, see our Data Retention Schedule.

We have security measures in place to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

We will dispose of personal data securely when we no longer need it.

7. Who we share data with

We do not share information about you with any third party without your consent unless the law and our policies allow us to do so.

Where it is legally required, or necessary (and it complies with data protection law) we may share personal information about you with certain third parties, including but not restricted to:

- The Department for Education (DFE) (including the Education Skills Funding Agency and Regional Schools' Commissioner). For information on how the DFE use this information see here: <https://www.gov.uk/guidance/data-protection-how-we-collect-and-share-research-data>
- Our regulator e.g. Ofsted to meet our obligations under the legislative framework for the monitoring and evaluation and assessment of schools
- Suppliers and service providers – to enable them to provide the service we have contracted them for, such as payroll and IT services
- Financial organisations such as electronic payments providers in our schools
- Central and local government – to meet the requirements under the Trust's Funding Agreement and other data collection requirements such as statistical and financial returns
- Our internal and external auditors - to meet our legal obligations to have our accounts audited in accordance with legislation
- Survey and research organisations – to support the collation of data to support the improvement of education across the country
- Health authorities – to meet our obligations to protect the welfare of school community. This includes sharing your details with NHS Test and Trace/Public Health England, where necessary, in relation to Coronavirus (Covid 19)
- Occupational Health providers – to comply with our legal obligations, to promote equal opportunities and to ensure the safety and wellbeing of our staff

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- Security organisations – to ensure that our staff and students are as safe as possible and to meet our obligations and duties under legislation
- Professional advisers and consultants – to ensure that we can meet our educational and legal requirements
- Charities and voluntary organisations – to ensure that can meet the educational and pastoral requirements of our students
- Police forces, courts, tribunals – to meet our obligations to share certain information in accordance with legislation
- Professional bodies to ensure that can meet our educational and legal requirements e.g. in employing teacher staff.

7.1 Transferring data internationally

We do not routinely transfer staff personal data overseas but when this is necessary we ensure that we have the appropriate safeguards in place.

Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

8. Your rights

8.1 How to access personal information we hold about you

You have a right to make a '**subject access request**' to gain access to personal information that we hold about you. If you make a subject access request, and if we do hold information about you, we will (subject to any exemptions that apply):

- Give you a description of it
- Tell you why we are holding and processing it, and how long we will keep it for
- Explain where we got it from, if not from you
- Tell you who it has been, or will be, shared with
- Let you know whether any automated decision-making is being applied to the data, and any consequences of this
- Give you a copy of the information in an intelligible form

You may also have the right for your personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request, please contact us (see 'contact us' below)

8.2 Your other rights regarding your data

Under data protection law, you have certain rights regarding how your personal data is used and kept safe. You have the right to:

- Object to the use of your personal data
- Prevent your data being used to send direct marketing

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- Object to the use of your personal data for decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, have inaccurate personal data corrected
- In certain circumstances, have inaccurate personal data deleted or destroyed or restrict its processing
- In certain circumstances, be notified of a data breach
- Make a complaint to the Information Commissioners Office
- Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact us (see 'Contact Us' below).

9. Complaints

We work to high standards when it comes to processing your personal information. If you have queries or concerns, please contact us in the first instance using the details below.

Alternatively, you can contact the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

10. Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our **data protection officer**:

- **Data Protection Officer:** Jo Townsend
- **Email address:** DPO@Russelleducationtrust.org.uk
- **Address:** Data Protection Officer, Russell Education Trust, Manor House, The Crescent, Leatherhead, Surrey, KT22 8DY. Please mark private and confidential for the attention of the Data Protection Officer.