



PETERBOROUGH KEYS ACADEMIES TRUST

PRIVACY NOTICE TRUST WORKFORCE

Version 6.0

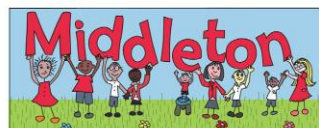
June 2020

Trustee Body Committee: PI Cttee 22 June 2020

Reviewed by School Local Data Officers (LDOs)

Date Policy Reviewed: 10 June 2020

Date of Next Review: June 2022



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I. Introduction

- 1.1. This notice is managed and maintained by the Chief Operating Officer (“COO”) supported by the Schools Local Data Officers (“LDOs”) and the Trust’s Data Protection Officer (“DPO”) with ratification through the Trust Leadership Group prior to presentation for Trust approval.
- 1.2. This privacy notice explains how we collect, store and use personal data about individuals we employ, or otherwise engage, to work at Peterborough Keys Academies Trust (PKAT) schools.
- 1.3. This notice is linked to the General Data Protection Regulation 2018 and in referring to ‘School Workforce’ is including those employed to teach, or otherwise engaged to work at, a school or Local Authority (LA).
- 1.4. Peterborough Keys Academies Trust (PKAT) is the licensed ‘data controller’ for the purposes of data protection law. Jack Hunt School, Longthorpe, Middleton, Ravensthorpe and Thorpe Primaries all operate as a data processor under the PKAT licence for the purposes of this document, “PKAT” will include the above schools.

2. Personal Data

- 2.1 Personal data is held by the Trust about those employed or otherwise engaged to work at the school.
- 2.2 Personal data is held to assist in the smooth running of the Trust, such as to enable individuals to be paid, as an example, as well as being processed for the purposes of the legitimate interests pursued by the School.
 - Fulfil contractual requirements
 - Enable staff to be paid
 - Facilitate safe recruitment, as part of our safeguarding obligations towards pupils
 - Support effective performance management
 - Inform our recruitment and retention policies
 - Allow better financial modelling and planning
 - Enable equalities monitoring
 - Improve the management and development of workforce data across the sector
 - Support the work of the School Teachers’ Review Body and the School Support Staff Negotiating Body.
 - Employment checks, e.g. Right to Work in UK, Disclosure and Barring Checks, etc
 - Enabling a comprehensive picture of the workforce and how it is deployed to be built up;
- 2.3 This personal data includes some or all of the following:
 - Contact details
 - Date of birth, marital status and gender
 - Next of kin and emergency contact numbers

- Contractual information, including, Salary, annual leave, pension and benefits information
- Bank account details, payroll records, National Insurance number and tax status information
- Recruitment information, including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process
- Qualifications and employment records, including work history, job titles, working hours, training records and professional memberships
- Performance information
- Outcomes of any disciplinary and/or grievance procedures
- Attendance, Punctuality and Absence data
- Copies of Identification Documents
- Photographic records
- Data about your use of the school's information, technology and communications system
- identifiers such as name and National Insurance Number and DOB;
- Copies of Identification Documents
- Next of kin and emergency contact numbers
- characteristics such as ethnic group;
- employment contract, pension and remuneration details;
- Bank account details, payroll records, and tax status information
- recruitment information and employment records
- professional qualifications;
- absence information; and
- medical information

2.4 We may also collect, store and use information 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, biometrics (for identity purposes), genetics and sickness records

2.5 Where information is held about a data subject the purposes of holding such data will be justified and made explicit.

3. Lawful Basis

3.1 PKAT holds the legal right to collect and use personal data relating to members of the workforce. We collect and use personal data in order to meet legal requirements and legitimate interests set out in the GDPR and UK law, including those in relation to the following:

- **Article 6 of the GDPR**, e.g. the processing is necessary for us to comply with the law.

- **Article 9 of the GDPR** where the data processed is sensitive personal data and is classified as ‘special category data’, e.g. data revealing ethnic origin. The GDPR says “In particular, this type of data could create more significant risks to a person’s fundamental rights and freedoms. For example, by putting them at risk of unlawful discrimination.”
- **Education Act 1996**
- **Education Act 2005 sections 113 and 114** - is a statutory requirement on schools and local authorities for the submission of the school workforce census return, including a set of individual staff records

3.2 We only collect and use personal information about you when the law allows us to. Most commonly, we use it where we need to:

- Fulfil a contract we have entered into with you
- Comply with a legal obligation
- Carry out a task in the public interest

3.3 Less commonly, we may also use personal information about you where:

- You have given us consent to use it in a certain way
- We need to protect your vital interests (or someone else’s interests)
- We have legitimate interests in processing the data

3.4 Some of the reasons listed above for collecting and using personal information about you overlap, and there may be several grounds which justify the school’s use of your data.

4. Consent

4.1 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. Where necessary, we will obtain consent as a lawful basis for processing data regarding a data subject and refresh such consent at routine intervals at least annually.

4.2 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. Such consent will be requested on an unambiguous ‘opt in’ basis and not bundled with other terms and conditions.

4.3 Where applicable, we will provide a mechanism for opting out of consenting to data processing that is as simple to effect as opting in.

4.4 No actual or potential prejudice will result from an employee withholding or withdrawing consent

5. Security

- 5.1 The Trust shall as far as reasonably practicable implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk of data breach.
- 5.2 The School implements a Breach Management Plan whereupon a data loss or breach is discovered and liaises with the Information Commissioner's Office to fulfil its legal obligations under GDPR.

6. Data Sharing

- 6.1 We do not share personal information 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 with:
- Suppliers of Services, systems or software which the school utilises for operating the school or student development.
 - Our Local Authority
 - The Department for Education (Dfe)
 - Your family or representatives
 - Educators and examining bodies
 - Our regulator, e.g. Ofsted
 - Suppliers and service providers - to enable them to provide the service we have contracted them for, e.g. Payroll, Pensions
 - Central and local government
 - Trade unions and associations
 - Health authorities
 - Safeguarding and security organisations
 - Health and social welfare organisations
 - Professional advisers and consultants
 - Charities and voluntary organisations
 - Police forces, courts, tribunals
 - Professional bodies
 - Employment and recruitment agencies
- 6.2 We are required to share information about our Trust employees with our local authority (LA) and the Department for Education (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.
- 6.3 The DfE collects and processes personal data relating to those employed by schools (including Multi Academy Trusts) and local authorities that work in state funded schools (including all maintained schools, all academies and free schools and all special schools including Pupil Referral Units and Alternative Provision). All state funded schools are required to make a census submission because it is a statutory return under sections 113 and 114 of the Education Act 2005.

6.4 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.

7. How we Store This Data

7.1 Personal data is stored in line with our GDPR Policy. 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.

7.2 In accordance with the GDPR, the school does not store personal data indefinitely. Once your employment with us has ended, we will retain this file and delete the information in it in accordance with the periods of time as stated in our Records Retention Policy.

8. How to Access Personal Data

8.1 Individuals have a right to make a 'Subject Access Request' to gain access to personal information that the school holds about them. Individuals also have the right for their personal information to be transmitted electronically to another organisation in certain circumstances. If you would like to make a request, please contact our data protection officer.

You 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
- claim compensation for damages caused by a breach of the Data Protection regulations

8.2 You are entitled to submit subject access requests all year round, but please bear in mind that it may be necessary for us to extend the response period when requests are submitted over the summer holidays. This is in accordance with article 12(3) of the GDPR, and will be the case where the request is complex – for example, where we need multiple staff to collect the data.

If you have a concern about the way we are collecting or using your personal data, we request 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>

9. Further Information

- 9.1 If you require more information about how the LA store and use this data please go to the following website: <https://www.peterborough.gov.uk/council/council-data/data-protection-act/>
- 9.2 If you require more information about how the DfE store and use this data please go to the following website: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>
- 9.3 If you are unable to access these websites we can provide copies on request or alternatively they can be contacted via the following methods:

Freedom of Information and Data Protection Governance
 Peterborough City Council
 Town Hall
 Bridge Street
 Peterborough
 PE1 1HQ
 Telephone: 01733 452533

Email: foi@peterborough.gov.uk

Public Communications Unit
 Department for Education
 Sanctuary Buildings Great Smith Street
 London SW1P 3BT

Website: www.education.gov.uk Email: info@education.gsi.gov.uk
 Telephone: 0370 000 2288

10. Version History

10.1 Table of Versions

VERSION	ACTION	RESPONSIBLE	DATE
3.0 (JHS)	2015 Notice updated to 2016 Draft and converted to standard template	Matthew DEERE	15/09/2016
3.0 (JHS)	Approved at SLT	Matthew	05/10/2016

		DEERE	
4.0 (JHS)	2016 Notice updated to include consideration of GDPR Legislation due May 2018	Matthew DEERE	12/10/2017
4.0 (JHS)	Approved by Governors and published	Matthew DEERE	10/11/2017
5.0 (JHS)	Reviewed and amended policy for approval	Andy DUFFY	16/09/2019
6.0	Amalgamation of individual school's policies in to a single Trust document.	Andy DUFFY	10/06/2020
6.0	Approved by PI Cttee and distributed to schools	Matthew DEERE	22/06/2020