

# BURY CHURCH OF ENGLAND HIGH SCHOOL



## PRIVACY NOTICE FOR THE SCHOOL'S WORKFORCE (FULL VERSION)

### (How we use information about the above group)

#### Introduction

BCEHS exists for the purpose of educating young people, in a Christian setting, between the ages of 11 and 16. To do this effectively it has to **collect, create, store, use** and **share** data which is personal to individual employees who assist the school in meeting its legal obligations. The activities of collecting, creating, storing, using and sharing data are, together, what we call '**data processing**'. The word '**process**' is often used in this document to describe one, some or all of these actions.

'**Personal data**' is data from which a living individual can be directly identified or is likely to be identifiable when combined with other data which is, or could reasonably be expected to be, available.

If you, as a member of the school's workforce have provided personal data for the school to hold, or if personal data has been created or collected by some other means, then the **General Data Protection Regulation** (GDPR) of 2018 gives the school the legal right to process most of this personal data without having to ask for your permission on each occasion. Other data which the school needs to carry out its functions may require you to give your permission for the school to process it.

The purpose of this document is to provide you, as a member of the school's workforce, with detailed information about the school's rights and responsibilities when processing your personal data. It also explains which data the school can process by legal right, and which it requires your permission to process. In addition, it describes your legal rights in relation to how the school processes your personal data.

## Information which the school processes about you may include (with examples):

- **PERSONAL INFORMATION** (such as name, employee/teacher number, national insurance number, contact telephone number, home address)
- **PERSONAL CHARACTERISTICS INFORMATION** (your ethnicity, language(s), nationality, age, gender, any disabilities and your photo)
- **ATTENDANCE INFORMATION** (dates and reasons for absence, number of days absent, punctuality)
- **CONTRACT INFORMATION** (start & end dates of employment, hours worked, post held, salary, roles)
- **QUALIFICATIONS** (academic/vocational qualifications & certificates, professional qualifications, main teaching subjects)
- **JOB APPLICATION DETAILS** (received by the school when you apply for a job or a change of internal role during your employment, previous employment history)
- **MEDICAL INFORMATION** (details you have provided us with about allergies, dietary needs, physical issues, other health related needs, any person specific 'risk assessments' and occupational health reports,)
- **CAPABILITY & DISCIPLINARY INFORMATION** (details of any capability/disciplinary enquiry undertaken and any resulting actions or sanctions)
- **PERFORMANCE MANAGEMENT INFORMATION** (Objectives you have agreed during your biannual CPD Meetings, progress made towards these objectives, training records)
- **PHOTOGRAPHS** (passport style photo for the school's ID and cashless catering system, photos of you at work for promotional purposes and CCTV recordings of you in the reflection room)
- **THIRD PARTY LINKS** (such as business interests and family links, i.e. pecuniary interests to ensure school remains accountable for its use of public money )
- **WORK SUITABILITY** (DBS checks, Children's Barred List)

**NOTE:** Not all of the above information will apply to all members of the workforce. For example, some data items may apply only to teaching staff, others only to staff who do not have a teaching timetable.

## Why we collect and use this information (with examples):

We use some or all of the personal data described above:

- **TO ENSURE STAFF ARE PAID CORRECTLY** (to ensure that the correct rate of pay is attached to your contract(s), to ensure that the correct amount is paid into the correct bank account according to the payment cycle agreed)
- **TO INFORM WORKFORCE MANAGEMENT** (to enable the school to develop effective staff recruitment and retention policies)
- **TO ENSURE APPROPRIATE STAFF DEPLOYMENT** (to ensure that the school's wide range of job roles is effectively provided for via data based management decisions with regards to teaching, administrative and supporting post job descriptions)
- **TO ASSESS THE QUALITY OF OUR SERVICES** (to ensure ongoing improvement of the school's provision for children in all aspects of its work with them for example by conducting lesson observations and using them as a basis for improvement)
- **TO COMPLY WITH THE LAW REGARDING COMPULSORY DATA SHARING** (when providing the police or other agencies with information that the law requires us, under certain circumstances, to provide these bodies with)
- **TO PROVIDE THE GOVERNMENT WITH CERTAIN DATA** (as legally required)
- **TO ENSURE THE WELL-BEING, SAFETY AND SECURITY** (of yourself and others in the school community)
- **TO PROMOTE THE SCHOOL** (e.g. via photographs and images displayed around the school, in school documents (e.g Grapevine), on the school website and in the press where appropriate. For the use of photographs other than the ID system your permission will be sought.)

## The school's legal rights to process your information

We collect and use most of the information we hold about you under one of four legal rights which Article 6 of the GDPR gives us. The full legal description for each article may be found by referring to the **Notes** section, item **1**

**Consent** - *The individual has given clear consent for the school to process the information. (Article 6a)*

**Contract** - *Processing is necessary in relation to the contract of employment you have with the school. (Article 6b)*

**Legal obligation** - *Processing is necessary for compliance with a legal obligation (Article 6c)*

**Public task** - *Processing is necessary for the school to perform tasks in the public interest and for official functions, and the task or function has clear basis in law (Article 6e)*

*Additionally, in the rare event of someone's life being at risk the school may rely on Article 6d (**Vital interests**) to justify the processing of personal information.*

GDPR also identifies some '**special categories**' of data which are seen to be especially sensitive and which are described in the following paragraph.

Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be prohibited.

However, the school has the right to process these data and is exempt from this prohibition provided one of the legal bases above can be claimed in addition to one of the rights from Article 9 of the GDPR.

Under normal circumstances the school would only process three of the above special data categories, those of ethnicity, religion and health. The school's legal justification for processing ethnicity data is that it is obliged to monitor the ethnicity of its workforce for the purposes of equality. It records the religion which individuals identify with if they request leave for the purpose of religious observance. Appropriate health information is processed if an employee has a special need, develops special consideration during the course of their employment or requires leave for medical purposes. See **Notes** item **2** for the legal clause these rights are claimed under.

## **Consent**

The giving of consent, where necessary, provides the school with an additional legal right to process data.

### **When the school needs consent to process personal adult data**

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 pieces of information about you which the school may wish to process will mean it needs to ask your permission first. This is known as getting your agreement or '**consent**'. Because of the legal rights it holds, the school needs your consent for very few types of personal data but it will always ask for your consent to collect and use your photograph except where it has a legal right to do so for purposes which don't require your consent. Some other pieces of your data may also require the school to ask for your consent and you will be asked for this if it is necessary. As an example of how the consent system works, details of the different ways in which the school uses photographs of adults are given in the **NOTES** section under item **3**.

### **How the school asks for consent**

When it is necessary for your consent to be requested, the school will always make it easy for you to give it. This may require a tick in a box and/or a dated signature as proof that the consent has been given. On occasions, only verbal consent may be required although a formal record will be kept of your consent if this is the case.

### **How consent can be withdrawn?**

If you choose to withdraw consent that you have previously given then this will also be quick and easy to do by contacting the school's Business Manager in the first instance. However, there is always a good reason why the school asks for consent to process certain data so it's probably worth making sure you know what that reason is and whether it's actually to your advantage to withdraw your consent.

## Collecting your data

We collect your personal data via a variety of methods including,

- Documentation
- Verbal communication
- Telephone calls
- Performance observations
- Internet research

## Storing your data

We store your data on secure Microsoft Windows servers on which security updates are regularly installed. 'Administrator access' to our servers is highly restricted and access details are held securely. We also store your data in paper records which are secured physically in locked filing cabinets with restricted key access. The school is legally required to store personal data about you for a given period of time after your employment ceases although this period may vary depending on differing aspects of your employment role. The *Information and Records Management Society* (IRMS <http://irms.org.uk/>) offers detailed guidance about the length of time personal data should be retained by the school for different purposes and the school adheres to this guidance.

## Sharing your data

The school is legally required to share information about you with some organisations. It may also voluntarily share your information with other organisations when it has a good reason to do this.

The school does not share information about you with anyone without your consent unless the law and/or its policies allow it to do so. Sometimes when we share your information it is 'redacted' or 'anonymised'. This means that the school hides any information which may allow someone else to connect the information with you.

## Who we share your information with (with examples):

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

Information which is shared may be transferred by any of the following methods.

- Royal Mail or other postal/courier service
- Password protected or encrypted email
- Secure online portals
- Verbally by telephone

We may share information about you with,

- **ANY ORGANISATION** When you seek employment or other roles with another organisation and from whom we are asked for a reference and/or certain other employment details. (Consent Article 6a)
- **BURY LOCAL AUTHORITY** We are required to share information about our workforce with Bury LA under Section 5 of the Education (Supply of information about the School Workforce) (England) Regulations 2007 and amendments. (*Legal obligation - Article 6c*)
- **THE DEPARTMENT FOR EDUCATION** The DfE collects personal data from educational settings and local authorities via various statutory data collections. We are required to share information about our employees with the DfE under Section 5 of the Education (Supply of information about the School Workforce) (England) Regulations 2007 and amendments. The data may be shared directly or via Bury LA. The data will then be used by the DfE and may be shared with others for research purposes - the school has no control over this process. (*Legal obligation - Article 6c*)

The DfE declares that all data is transferred securely and held by the DfE under a combination of software and hardware controls which meet the current 'government security policy framework'.

To find out more information about how the DfE processes your data see item **4** in the **NOTES** section.

- **SAM** (*Staff Absence Management* software provider) (*Contractual obligation - Article 6b*)
- **JUDICIUM** (the school's HR and employment law advisors) (*Contractual obligation - Article 6b*)
- **MANAGED OCCUPATIONAL HEALTH** (occupational health provider) (*Contractual obligation - Article 6b*)
- **SHOW MY HOMEWORK** SMHK is an online homework management service which enables school staff to manage homework distribution and collection for their teaching groups. This is the school's chosen method for staff to manage homework. (Public task – Article 6e)
- **TOUR AND COACH COMPANIES** e.g. Equity and NST Travel Group (See **Note 5**) which organise and deliver activities away from the school site. This data sharing contributes towards the health & safety of all those involved. (*Legal obligation - Article 6c*)
- **EXAMINATION ORGANISATIONS** (so that correspondence, administration and training can take place by examination boards) (*Public task- Article 6e*)
- **PARENTPAY** (*Consent (implicit) - Article 6a*)

## Requesting access to your personal data

Under the rules of the GDPR you have the right to request access to the information we hold about you. This is called a *Subject Access Request* (SAR). To make a subject access request you should contact the school's Business Manager in the first instance.

## Your right to affect the school's processing of your personal data

GDPR gives you the right to:

- be INFORMED about how your data is used, for example, via this *Privacy Notice*,
- ACCESS the information the school processes about you, for example, via a *Subject Access Request* so that you can verify the lawfulness of its processing,
- RECTIFICATION which means you can get inaccurate or incomplete data corrected
- ERASURE of your data, for example, if you want to withdraw your consent for your photo to be used on the school website you can make sure it is removed from the website.
- RESTRICT the processing of your data if you challenge the way the school is doing it. If the restriction request is granted, then the restriction may be temporary while a decision about your challenge is made or it may be permanent if the school agrees with your challenge.
- PORTABILITY of data which means you can ask for a copy of your personal data in a commonly used format so that it could be used by an organisation of your choice.
- OBJECT to the processing of your data on grounds relating to your particular situation which you feel makes your needs different to those of other similar data subjects.
- SEEK compensation in certain circumstances if the misuse of your personal data leads to loss of reputation, distress, material or non-material loss,

Additionally, GDPR gives you the right not to be subject to a automated decision making. If you think a decision has been made about you via automated decision making you have the right to ask for human intervention to ensure that the outcome is justified or amended.

If you have a concern about the way the school is processing your personal data, you are requested to raise your concern with the Data Protection Officer as soon as possible after you become aware of the issue. If you prefer, you can contact the *Information Commissioner's Office* directly at <https://ico.org.uk/concerns/>

## Destroying the information we hold about you

The school is required to keep your personal data described in the first section of this privacy notice for varying amounts of time which may depend on your school role(s) and level of responsibility. For further information about how long we may keep personal information for you please visit *The Information & Records Management Society's* website at <http://irms.org.uk/> which explains the legal requirements for data retention.

## Further information

If anything in this privacy notice is unclear or if you require further information about how we use information about you, please contact the school's Data Protection Officer.

## NOTES

1. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016R0679>
2. “processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;” (GDPR Extract)
3. Where necessary, the school always asks for consent to take photographs of staff and explains what they are being taken for. The following table explains the details.

<b>CONSENT: The collection and use of staff images</b>			
<b>SCHOOL NEED</b>	<b>CONSENT REQUIRED?</b>	<b>OTHERS INVOLVED</b>	<b>WHERE STORED/RETENTION</b>
Individual photo for ID badges and cashless catering	<b>No.</b> The school needs the photograph to maintain security and assist with ensuring that meals are purchased by the correct card holders	Taking of photographs by a professional photographer or a member of staff	Photos are taken on a professional’s camera and then transferred to school on a CD. When staff join school during the year a photo is taken by a member of school staff. Photos are kept in a secure folder with limited access on the school’s server
Photos and videos of staff for promotional and educational purposes	<b>Yes.</b> The school can still provide an education without staff agreeing to this	A member of staff or a professional takes photos or records video of school life so that website pages can be updated with current staff.  3 <sup>rd</sup> party company, school staff	DVDs  On the school’s secure server and on its website host’s secure server(s).
Photos of staff are used to make the school corridors more interesting for those in school	<b>Yes.</b> The school can still provide an education without staff agreeing to this.	A member of staff or a professional photographer takes photos of school life	On the school’s secure server and by the manufacturer of the posters
Photos of staff may be included in the annual year book created as a souvenir for leavers	<b>Yes.</b> The school can still provide an education without staff agreeing to this.	Year team and the company which makes the year books	By the company which makes the year books and on the school’s secure server(s)
Educational visits	<b>Yes.</b> The school can still provide an education without staff agreeing to this.	A member of staff, usually a teacher, 3 <sup>rd</sup> party provider	Potentially the data could be stored by a transport, accommodation or activity provider
Photo of an act of misbehaviour	<b>No.</b> School may need this information to ensure your safety and the safety of others.	Member of staff / governors/ appropriate external authorities as required/ other pupils	If possible using a school camera and occasionally using a pupil’s or teacher’s phone. To be deleted after use has been made of any appropriate evidence.

4. To find out more about the data collection and data sharing requirements placed on the school by the Department for Education (for example; via the school census or the collection of sensitive data) go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools> or <https://www.gov.uk/guidance/data-protection-how-we-collect-and-share-research-data>

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

5. Equity, 1, Jubilee St, Brighton, East Sussex, BN1 1GE [www.equity.co.uk](http://www.equity.co.uk); NST Travel Group, Discovery House, Brooklands Way, Whitehills Business Park, Blackpool, FY4 5LW [www.nstgroup.co.uk](http://www.nstgroup.co.uk)