

Oak

Learning Partnership

PRIVACY NOTICE FOR STAFF



Oak Learning Partnership Document: **Privacy Notice for Staff**

Author:	Data Protection Officer (DPO)
Approver:	CFO
Owner:	CFO
Date:	May 2021
Next review:	May 2022

Changes History:

Version	Date	Amended by:	Substantive changes:	Purpose
1.0	May 2021	CFO	New document	First release

Contents

Purpose of the Notice

1. Information collected by the Trust
2. Collection of Information
3. Storage of Data
4. Purpose of Processing Personal Data
5. Access to Data
6. Protection of Data
7. Retention of Data
8. Your rights
9. What if you do not provide personal data?
10. Automated Decision-Making
11. How to Raise a Concern

Purpose of the Notice

Oak Learning Partnership Trust ('the Trust') collects and processes personal data relating to its employees to manage the employment relationship. The Trust is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations. The purpose of this Notice is to inform staff about the type of data collected, its use and its storage.

1. Information collected by the Trust

The Trust collects and processes a range of information about you. This includes:

- your name, address and contact details, including email address and telephone number, date of birth and gender;
- the terms and conditions of your employment;
- details of your qualifications, skills, experience and employment history, including start and end dates, with previous employers and with the Trust;
- information about your remuneration, including entitlement to benefits such as pensions or salary sacrifice schemes;
- details of your bank account and national insurance number;
- information about your marital status, next of kin, dependents' and emergency contacts;
- information about your nationality and entitlement to work in the UK;
- information about your criminal record;
- details of your schedule (days of work and working hours) and attendance at work;
- details of periods of leave taken by you, including holiday, sickness absence, family leave and sabbaticals, and the reasons for the leave;
- details of any disciplinary or grievance procedures in which you have been involved, including any warnings issued to you and related correspondence;
- assessments of your performance, including appraisals, performance reviews and ratings, performance improvement plans and related correspondence;
- information about medical or health conditions, including whether or not you have a disability for which the Trust needs to make reasonable adjustments; and
- details of your use of business-related social media;
- images of staff captured by the School's CCTV system;
- your use of public social media (only in very limited circumstances, to check specific risks for specific functions within the School, you will be notified separately if this is to occur); and
- details in references about you that we give to others.

2. Collection of Information

The Trust may collect the information in a variety of ways. For example, data might be collected through application forms, CVs or resumes; obtained from your passport or other identity documents such as your driving license; from forms completed by you at the start of or during employment (such as benefit nomination forms); from correspondence with you; or through interviews, meetings or other assessments.

In some cases, the Trust may collect personal data about you from third parties, such as references supplied by former employers, information from employment background check providers, information from credit reference agencies and information from criminal records checks permitted by law.

3. Storage of Data

Data will be stored in a range of different places, including in your personnel file, in the Trust's HR management systems and in other IT systems including the Trust's email system.

4. Purpose of Processing Personal Data

- 4.1 The Trust needs to process data to enter into an employment contract with you and to meet its obligations under your employment contract. For example, it needs to process your data to provide you with an employment contract, to pay you in accordance with your employment contract and to administer such items as benefit, pension and insurance entitlements.
- 4.2 In some cases, the Trust needs to process data to ensure that it is complying with its legal obligations. For example, it is required to check an employee's entitlement to work in the UK, to deduct tax, to comply with health and safety laws and to enable employees to take periods of leave to which they are entitled.
- 4.3 In other cases, the Trust has a legitimate interest in processing personal data before, during and after the end of the employment relationship. Processing employee data allows the Trust to:
- maintain accurate and up-to-date employment records and contact details (including details of who to contact in the event of an emergency), and records of employee contractual and statutory rights;
 - operate and keep a record of disciplinary and grievance processes, to ensure acceptable conduct within the workplace;
 - operate and keep a record of employee performance and related processes, to plan for career development, and for succession planning and workforce management purposes;
 - operate and keep a record of absence and absence management procedures, to allow effective workforce management and ensure that employees are receiving the pay or other benefits to which they are entitled;
 - obtain occupational health advice, to ensure that it complies with duties in relation to individuals with disabilities, meet its obligations under health and safety law, and ensure that employees are receiving the pay or other benefits to which they are entitled;
 - operate and keep a record of other types of leave (including maternity, paternity, adoption, parental and shared parental leave), to allow effective workforce management, to ensure that the Trust complies with duties in relation to leave entitlement, and to ensure that employees are receiving the pay or other benefits to which they are entitled;
 - ensure effective general HR and business administration;
 - provide references on request for current or former employees; and
 - respond to and defend against legal claims.
- 4.4 Some special categories of personal data, such as information about health or medical conditions, is processed to carry out employment law obligations such as those in relation to employees with disabilities.
- 4.5 Where the Trust processes other special categories of personal data, such as information about ethnic origin, sexual orientation or religion or belief, this is done for the purposes of equal opportunities monitoring. This is to carry out its obligations and exercise specific rights in relation to employment.

5. Access to Data

We may need to share your data with third parties, including third party service providers where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so. These include the following: -

- the Department for Education (DfE);
- Ofsted;
- other schools within the Trust;
- Prospective Employers;
- Welfare services (such as social services);
- Law enforcement officials such as police, HMRC;
- LADO;
- Training providers;
- Professional advisors such as lawyers and consultants;
- Support services (including HR support, insurance, IT support, information security, pensions and payroll);
- The Local Authority;
- Occupational Health;
- DBS; and
- Recruitment and supply agencies.

Information will be provided to those agencies securely or anonymised where possible. The recipient of the information will be bound by confidentiality obligations, we require them to respect the security of your data and to treat it in accordance with the law.

6. Protection of Data

The Trust takes the security of your data seriously. The Trust has internal policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by its employees in the performance of their duties. Where the Trust engages third parties to process personal data on its behalf, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

7. Retention of Data

- 7.1 Except as otherwise permitted or required by applicable law or regulation, the Trust only retains personal data for as long as necessary to fulfil the purposes they collected it for, as required to satisfy any legal, accounting or reporting obligations, or as necessary to resolve disputes.
- 7.2 To determine the appropriate retention period for personal data, the Trust considers the amount, nature, and sensitivity of personal data, the potential risk of harm from unauthorised use or disclosure of personal data, the purposes for processing the personal data, whether we can fulfil the purposes of processing by other means and any applicable legal requirements.
- 7.3 Once you are no longer an employee, worker or contractor of the company we will retain and securely destroy your personal information in accordance with our data retention policy.

7.4 The Trust typically retains personal data for 6 years subject to any exceptional circumstances or to comply with laws or regulations that require a specific retention period.

8. Your Rights

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us. Under certain circumstances by law you have the right to: -

- Access your personal information (commonly known as a “subject access request”). This allows you to receive a copy of the personal information we hold about you and to check we are lawfully processing it. You will not have to pay a fee to access your personal information. However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.
- Correction of the personal information we hold about you. This enables you to have any inaccurate information we hold about you corrected.
- Erasure of your personal information. You can ask us to delete or remove personal data if there is no good reason for us continuing to process it.
- Restriction of processing your personal information. You can ask us to suspend processing personal information about you in certain circumstances, for example, if you want us to establish its accuracy before processing it.
- To object to processing in certain circumstances (for example for direct marketing purposes).
- To transfer your personal information to another party.

If you want to exercise any of the above rights, please contact the Headteacher or Data protection officer in writing. We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

9. What if you do not provide personal data?

You have some obligations under your employment contract to provide the Trust with data. In particular, you are required to report absences from work and may be required to provide information about disciplinary or other matters under the implied duty of good faith. You may also have to provide the Trust with data in order to exercise your statutory rights, such as in relation to statutory leave entitlements. Failing to provide the data may mean that you are unable to exercise your statutory rights.

Certain information, such as contact details, your right to work in the UK and payment details, have to be provided to enable the Trust to enter a contract of employment with you. If you do not provide other information, this will hinder the Trust's ability to administer the rights and obligations arising as a result of the employment relationship efficiently.

10. Automated Decision-making

Employment decisions are not based solely on automated decision-making.

11. How to Raise a Concern

We hope that the Headteacher can resolve any query you raise about our use of your information in the first instance.

We have appointed a data protection officer (DPO) to oversee compliance with data protection and this privacy notice. If you have any questions about how we handle your personal information which cannot be resolved by the Headteacher, then you can contact the DPO on the details below: -

Data Protection Officer: Sheryl Cardwell
Data Protection Officer Email: DPO@oaklp.co.uk

You have the right to make a complaint at any time to the Information Commissioner's Office, the UK supervisory authority for data protection issues at <https://ico.org.uk/concerns>