



## Smart Multi-Academy Trust

### Privacy Notice for Workforce and Prospective Employees

This privacy notice tells you what to expect us to do with your personal information when you make contact with us or use one of our services.

SMART Multi Academy Trust (the Trust), including all schools, is required to keep and process information about its workforce in accordance with its legal obligations under the General Data Protection Regulation (GDPR) and Data Protection Act 2018.

When processing workforce information, the Trust is Data Controller. This means that the Trust determines the purposes for which and the manner in which personal data is processed.

### The categories of school information that we process

These include:

- personal information (such as name, address, employee or teacher number, national insurance number)
- 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
- emergency contacts
- Medical information (where appropriate)
- copies of documents to support job applications (such as references, pre-employment checks, qualifications)
- 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)
- Payroll information (such as bank details)
- Information relating to staff performance, such as CPD and appraisal
- Outcomes of any disciplinary and/or grievance procedures
- CCTV footage

This list is not exhaustive. To access the current list of categories of information we process please contact the Trust DPO for a copy of the Trust Information Asset Register.

### Why we collect and use workforce information

We use workforce data to:

- a) comply with our duties as an employer- Employment Rights Act 1996
- b) comply with our duties under the Health and Safety at work Act 2015
- c) maintain a single central record of all staff
- d) enable recruitment
- e) keep staff safe
- f) keep pupils safe
- g) maintain staff records and personnel files
- h) maintain staff absence insurance cover

- i) enable the development of a comprehensive picture of the workforce and how it is deployed
- j) inform the development of recruitment and retention policies
- k) enable individuals to be paid and to maintain payroll records in accordance with the law
- l) facilitate staff development and performance management

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

- a) Consent: you have given clear consent for us to process your personal data for a specific purpose. For example, for photographs to be published on the school's social media accounts or website.
- b) Contract: the processing is necessary for a contract we have with you. Such as an employment contract.
- c) Legal obligation: the processing is necessary for the Trust to comply with the law, such as the return of statutory information to the DFE.
- d) Public task: the processing is necessary for the Trust to perform a task in the public interest

The Trust also processes special category data, examples of special category data (taken from the Information Commissioners' Office website) include:

- race
- ethnic origin
- politics
- religion
- trade union membership
- genetics
- biometrics (where used for ID purposes)
- health
- sexual orientation

The Trust will only process special category information where:

- We have to by law
- We are required to for medical or health purposes
- Where consent has been given

## Collecting workforce information

We collect personal information via:

- Pre-employment checks
- Contracts and payroll
- Staff appraisal
- The National College for Teaching and Leadership (NCTL) maintains the database of all teachers eligible to teach in the maintained sector in England. The database is called the Employer Access Service (<https://www.education.gov.uk/help/contactus/nctl>).
- Primary/ secondary Healthcare-NHS
- Pension authorities- Teachers' Pensions and the Tyne and Wear Pension Scheme
- DBS- Disclosure and Barring Service

Workforce data is essential for the Trust'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 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. This is available in the Trust's Information Management Policy; available on request from the DPO (DPO@smartacademies.net).

## **Who we share workforce information with**

We routinely share this information with:

- Newcastle City Council
- payroll
- Tyne and Wear pensions
- the Department for Education (DfE)
- Ofsted
- Staff absence insurance provider

## **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 will share your information in the following circumstances:

- Applications for employment where the data subject signs to agree to us obtaining references;
- Applications for Disclosure and Barring checks, where the data subject consents by commencing the application process with our DBS service provider;
- The completion of employment starter forms where the data subject signs to agree that we may collect and utilise their data for employment purposes including payments and pensions and third- party emergency contacts.
- Arranging staff absence insurance to cover the school against supply costs where staff are unable to attend work.

## **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 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 that 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 Trust Data Protection Officer; [DPO@smartacademies.net](mailto:DPO@smartacademies.net)

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 Information Commissioner's Office, 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 ICO 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 the Trust Data Protection Officer – [DPO@smartacademies.net](mailto:DPO@smartacademies.net).

## 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 25<sup>th</sup> September 2019.

## Contact

If you would like to discuss anything in this privacy notice, please contact the Trust Data Protection Officer (DPO) on [DPO@smartacademies.net](mailto:DPO@smartacademies.net)

## 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 Data Protection Act 2018, you are 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/personal-information-charter>

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

