



BENTON PARK SCHOOL

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Employee Privacy Notice

How we use information for Employees, Contractors, Agency Staff, Trainees and Volunteers

We take your data protection rights and our legal obligations seriously. In accordance with UK data protection law you have the right to know what personal data we hold about you and for what purpose.

Your personal data will be treated in a secure and confidential manner and only as set out below or otherwise notified to you in writing.

Benton Park School will be the data controller of your personal data. We have a Data Protection Officer (DPO) who is responsible for monitoring our compliance with Data Protection Law. You may contact the school's Data Protection Officer securely and confidentially at any time if you have any concerns about the processing of your personal data or any data protection issue. The DPO's contact details are Richard Lewis-Ogden dataprotection@carrmanor.org.uk

This Employee Privacy Notice explains how we collect, use, store and share personal data. In data protection law, these activities are called data processing.

The term employees in this privacy notice is used to cover Employees, Volunteers, Contractors, Agency Staff, Trainees and Regular Service Providers.

The categories of personal information that we collect, process, hold and share include:

- Personal Information (such as name, age, date of birth, marital status, national insurance number, telephone numbers and address, next of kin details, disabilities, medical conditions, personal identification, photograph)
- Pre-Recruitment Vetting Information (such as applications for post, interview and/or assessment records, qualifications, training, employment history, references, pre-recruitment checks including relevant criminal records history, overseas checks, prohibition checks, right to work in the UK and professional registration)
- Professional Information (performance management records, pay decisions, job role, job description, start date, leave date, continuous service date, contract changes, payroll number, exit interviews, qualifications, training, employment history, reference requests)
- Financial Information (such as salary, pensions contributions, tax information, working hours, allowances, benefits, sick pay, maternity/paternity/adoption/parental leave pay, bank details)



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- Special categories of data including characteristics, where permitted by law and provided voluntarily (such as gender, ethnicity, language, nationality, country of birth, sexual orientation)
- Attendance and Health Information (such as, date and time of signing in and out of school on a daily basis, number of absences and absence reasons, records of meetings to discuss absence, referrals for support to Occupational Health, Counselling or other agreed services, Individual Risk Assessments, Pre-Employment Health information, fit notes, Occupational Health reports, records of Special Leave requests, Annual Leave requests)
- Human Resources Information (such as meetings, emails and information in relation to sickness absence, reasonable adjustments, conduct, capability, grievance, maternity, paternity, flexible working, managing workforce change, managed staffing reductions, restructures and pay decisions)
- Performance Information (such as progress data for identified and attributable cohorts and class groups, learning walk, work scrutiny and observation information, information from faculty and line management meetings, business emails and information related to third party complaints)
- Safeguarding Information (such as records of concerns raised by staff, records of concerns regarding staff and follow up actions, digital monitoring and CCTV)
- Health and Safety Information (such as risk assessments, involvement in school trips, records of injuries, incidents or assaults, records in relation to insurance claims, records in relation to car insurance for business purposes)
- For any visitors and contractors to school, we collect name, car registration, any disability information (should the visitor wish to disclose this) and time entered and leaving the premises.
- Any other personal data which you choose to disclose to us during the course of your engagement whether verbally or in written form

Why we collect and use this information

We use the data:

- To meet our statutory requirements under the Education Act, Working Together to Safeguard Children and/or Keeping Children Safe in Education.
- To ensure we manage our performance and responsibilities in performing a public duty.
- To ensure we follow fair and proper process when managing employees.
- To ensure we meet contractual obligations.
- To support employees to access work, training and promotion.
- To comply with the law regarding data sharing.
- To safeguard students and adults.
- Enable the development of a comprehensive picture of the workforce and how it is deployed



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- Inform the development of recruitment and retention policies
- Enable individuals to be paid
- To contact staff and other nominated persons in the event of an emergency or unforeseen urgent circumstance.
- To enable school to provide access to school systems – e.g. SIMS and educational tools
- Defense of legal claims
- To plan and monitor expenditure on staff salaries within the school's budget
- To comply with legislation in relation to data sharing

The lawful basis on which we use this information

School collects and processes this information under the powers given to schools and local authorities for the legitimate interests of the controller or third party, where applicable.

The conditions for processing information for employees, under GDPR will include us having a lawful reason to process the information, in our case these include:

1. **(c) Legal obligation:** the processing is necessary for us to comply with the law (not including contractual obligations).
2. **(b) Contract:** the processing is necessary for a contract we have with the employee, or because they have asked us to take specific steps before entering into a contract.
3. **(e) Public task:** the processing is necessary for us to perform a task in the public interest or for our official functions, and the task or function has a clear basis in law.
4. **(f) Legitimate interests:** the processing is necessary for our legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.

In our case this is necessary to ensure fair and effective recruitment of suitable employees and the effective reward, administration, support, development and management of our employees. This is important to ensure that the school continues to meet its objectives both in the short and long term; maintains its reputation; and continues to attract and retain high calibre employees.

5. **(a) Consent:** the individual has given clear consent for us to process their personal data for a specific purpose.



Special Category Data

Special Category data is personal data which the GDPR says is more sensitive, and so needs more protection. In order for us to lawfully process special category data, we need to identify both a lawful basis (see above) and a separate condition for processing special category data.

In our case we will use the following conditions:

a) the data subject has given explicit consent to the processing of this personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject;

(b) 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;

(f) processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;

(g) processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;

(h) processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;

(j) processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.



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Collecting information

Whilst the majority of information employees provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform employees whether they are required to provide certain information to us or if they have a choice in this. Benton Park School collects and records personal data from a variety of sources, but mainly directly from the employee. Employees will usually provide this information directly to Managers, Human Resources or through participation in HR processes, emails or through verbal information which may be recorded electronically or manually. In addition, further information about employees will come from Managers or Human Resources or occasionally colleagues.

We may also obtain some information from third parties: for example, references from a previous employer, medical reports from external professionals, information from tax authorities, where we use CAPITA to carry out DBS checks or occasionally from students.

In some circumstances, data may be collected indirectly from monitoring devices or by other means (for example, building access control and monitoring systems, CCTV, Sign in App, telephone logs, email and Internet access logs). In these circumstances, the data may be collected by the school or a third party provider of the relevant service. This type of data is generally not accessed on a routine basis but access is possible. Access may occur, for instance, in situations where the school is investigating possible breaches of school policies. More frequent access to such data may be necessary in some cases such as our digital monitoring software.

Apart from personal data relating to employees, they may also provide the school with personal data of third parties, notably dependents and other family members, for purposes of administration and management, including the administration of benefits and someone to contact in an emergency. Before employees provide such third party personal data to the school you must inform these third parties of any data which you intend to provide to the school and why the school will process this data.

Retention of Data

We hold data in line with our Retention Schedule based on the industry standards using the following policy <https://irms.org.uk/page/SchoolsToolkit>. In terms of staff data we hold it for the duration of time the employee remains in post at Benton Park School.

We hold employee data for 6 years after the last date the employee worked for us, with the exception of the following records:



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- Information relating to safeguarding allegations will be retained until the person's normal retirement age, or 10 years from the date of the allegation whichever is the longer.
- Records relating to accident/injury at work will be retained for 12 years following the date of the incident.

Information will be securely destroyed once the retention period has elapsed.

Who we share information with

We routinely share employees' information with:

- The Local Authority
- The Department for Education (DfE)
- Third party professional services i.e. Occupational Health, HELP Employee Assist, HR Providers, Payroll Services, Pensions Providers
- Other software providers, so that you can carry out your duties, for example CPOMS, Evolve etc. local authority staff development platform (Leeds For Learning)

Where we have a professional responsibility we will also share information with:

- Professional Bodies, including the Disclosure and Barring Service, The Teacher Regulation Agency and Examination Boards.

On written request we may also share information with:

- Benefits Agencies
- HMRC
- Police
- Social Care

At your request we may also share information with

- Union Representatives
- Banks, Lettings Agents or Loan Agents
- Prospective Employers



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We expect such third parties to process any data disclosed to them in accordance with applicable law, including with respect to data confidentiality and security.

Why we share information

We do not share information about our employees, volunteers or contractors with anyone without consent unless the law and our policies allow us to do so.

We are a Local Authority Maintained School and we are required to share information about our school 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.

We share employee data with the Department for Education (DfE) on a statutory basis as part of the annual workforce census. This data sharing underpins educational policy and monitoring.

Where these third parties act as a "data processor" they carry out their tasks on our behalf and upon our instructions for the above mentioned purposes. In this case, personal data will only be disclosed to these parties to the extent necessary to provide the required services.

In addition, we may share personal data with national authorities in order to comply with a legal obligation to which we are subject. This is for example the case in the framework of imminent or pending legal proceedings or a statutory audit.

Data collection requirements:

The DfE collects and processes personal data relating to those employed by schools 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

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>.

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



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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.

For more information about the department's data sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

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

Employee rights relating to personal data

Under data protection legislation, employees have the right to request access to information about them that we hold. To make a request for your personal information please contact Lisa Sykes, HR Officer.

We aim to ensure that all personal data is correct. Employees also have a responsibility to notify us of changes in personal circumstances (for example, change of address and bank accounts) so that we can ensure that your data is up-to-date.

Employees have the right to request correction of any inaccurate data or to request deletion of any irrelevant data we hold about them.

Where we have relied upon consent to process particular information and employees have provided us with consent to process data, they have the right to withdraw such consent at any time.

Employees have the right to restrict our processing of personal data where:

- The subject contests the accuracy of the personal data until we have taken sufficient steps to correct or verify its accuracy;
- Where the processing is unlawful but the subject does not want us to erase the data;



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- Where we no longer need the personal data for the purposes of the processing, but the subject requires them for the establishment, exercise or defence of legal claims;

Where employees have objected to processing justified on legitimate interest grounds we will stop processing pending verification as to whether the school has compelling legitimate grounds to continue processing.

Where personal data is subjected to restriction in this way we will only process it with your consent or for the establishment, exercise or defence of legal claims.

Contact Us

We take complaints about our processing of personal data very seriously. 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 by contacting Sharon Pepper, Business Manager.

We also have a Data Protection Officer who is responsible for monitoring our compliance with data protection law. You may contact our Data Protection Officer, Richard Lewis-Ogden securely and confidentially at any time if you have any concerns about the processing of your personal data or any data protection issue.

Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/make-a-complaint/> telephone 0303 123 1113, or write to: ICO, Wycliffe House, Water Lane, Wilmslow, SK9 5AF