

# Hamwic Education Trust Workforce Privacy Notice

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## 1. Introduction

Under UK data protection law, individuals have a right to be informed about the Hamwic Education Trust (HET) uses any personal data that we hold about them. We comply with this right by providing ‘privacy notices’ (sometimes called ‘fair processing notices’) to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about individuals we employ, or otherwise engage to work at our Trust including job applicants.

Our Trust, Hamwic Education Trust is the ‘data controller’ for the purposes of UK data protection law.

Our Trust Data Protection Officer is Gemma Carr (see ‘Contact us’ below).

## 2. The personal data we hold

Personal data that we may collect, use, store and share (when appropriate) about you includes, but is not restricted to:

- Contact details
- Date of birth, marital status and gender
- Next of kin and emergency contact numbers
- Salary, annual leave, pension and benefits information
- Bank account details, payroll records, National Insurance number and tax status information
- Information about you that is gathered during the recruitment process, such as:
  - Information about your education, qualifications and professional achievements;
  - Recruitment information, including copies of right to work documentation, references and other information included in an application form or cover letter or as part of the application process
  - We may obtain information from publicly available sources such as your social media profiles; and
  - Personal information (from you and third parties) when we carry out pre-employment checks, for example, references, confirmation of fitness to work, right to work in the UK and criminal records checks.
- 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
- Absence data
- Copy of driving licence, passport or birth certificate

We may also collect, use, store and share (when appropriate) information about you that falls into "special categories" of more sensitive personal data. This includes, but is not restricted to, information about:

- Any health conditions you have that we need to be aware of including any occupational health reports
- Sickness records
- Photographs and CCTV images captured in schools or Trust
- Trade union membership

We may also collect, use, store and share (when appropriate) information about criminal convictions and offences.

### 3. Why we use this data

We use the data listed above to:

- a. Ensure that we provide a safe and secure work environment;
- b. Provide employment services (such as payroll and references);
- c. Facilitate safe recruitment, as part of our safeguarding obligations
- d. Safeguarding and promoting the welfare of all staff and pupils; and
- e. Support effective performance management
- f. Provide training and support;
- g. Protect and promote the Trust's interests and objectives (including fundraising);
- h. Provide personnel, administrative and management purposes and to enable us to meet our legal obligations as an employer, for example, to pay staff and to monitor their performance;
- i. Inform our recruitment and retention policies;
- j. Allow better financial modelling and planning;
- k. Enable equalities monitoring;
- l. Improve the management of workforce data across the sector;
- m. Support the work of the School Teacher's Review Body;
- n. Fulfilling our contractual and other legal obligations;

Some specific examples of when the Trust uses your personal information are set out below:

- Suitability to work in a role at the Trust;
- To check that you have the right to work in the UK by reviewing your identification documents and keeping copies on your personnel file;
- In addressing performance or disciplinary concerns;
- We will use information relating to any medical condition you may have in order to verify fitness to work, monitor sickness absence and comply with our duty of care towards you;
- We may use your information when dealing with complaints and grievances (e.g. from other staff and parents);
- We may use information about you and photographs and video recordings of you for marketing and promotion purposes including in School or Trust publications, in social media and school or Trust websites;

- We may use your information to enable the development of a comprehensive picture of the workforce and how it is deployed;
- We may use your information to inform the development of recruitment and retention policies;
- We may also allow external publication of certain media where appropriate (for example, a photograph or article in a local newspaper);
- We may also make recordings for teaching purposes, for example, recording a drama lesson to provide feedback to you or pupils. We may also record lessons for pupils who were not able to attend in person;
- We use CCTV recordings for the purposes of crime prevention and investigation and also in connection with our obligation to safeguard the welfare of pupils, staff and visitors to school sites;
- The Trust regularly monitors and accesses its' IT system for purposes connected with the operation of the Trust. The IT system includes any hardware, software, email account, computer, device or telephone provided by the Trust or used for Trust business. The Trust may also monitor staff use of the Trust telephone system and voicemail messages. Staff should be aware that the Trust may monitor the contents of a communication (such as the contents of an email);
- The purposes of such monitoring and accessing include:
  - To help the Trust with its day to day operations. For example, if a member of staff is on holiday or is off sick, their email account may be monitored in case any urgent emails are received; and
  - To check staff compliance with the Trust's policies and procedures and to help the Trust fulfil its legal obligations. For example, to investigate allegations that a member of staff has been using their email account to send abusive or inappropriate messages.
- Monitoring may be carried out on a random basis or it may be carried out in response to a specific incident or concern.

The Trust also uses software which automatically monitors the IT system (for example, it would raise an alert if a member of staff visited a blocked website or sent an email containing an inappropriate word or phrase).

The monitoring is carried out by the Trust. If anything of concern is revealed as a result of such monitoring, then this information may be shared with the CEO and / or Line Manager , which may result in disciplinary action. In exceptional circumstances concerns may need to be referred to external agencies such as the Police.

### **3.1 Use of your personal data for marketing purposes**

Where you have given us consent to do so, we may send you marketing information by email or text promoting Trust events, campaigns, charitable causes or services that may be of interest to you.

You can withdraw consent or 'opt out' of receiving these emails and/or texts at any time by clicking on the 'Unsubscribe' link at the bottom of any such communication, or by contacting us (see 'Contact us' below).

### **3.2 Use of your personal data in automated decision making and profiling**

We do not currently process any personal data through automated decision making or profiling. If this changes in the future, we will amend any relevant privacy notices in order to explain the processing to you, including your right to object to it.

## **4. Our lawful basis for using this data**

Our lawful basis for processing your personal data for the purposes listed in section 3 above are as follows:

- The 'public task' basis – we need to process data to fulfil our statutory function as a Trust as set out here:
  - Education Act
- The 'legal obligation' basis – we need to process data to meet our responsibilities under law as set out here:
  - Keeping Children Safe In Education (KCSIE)
  - Health & Safety At Work Act 1974
- The 'consent' basis – we will obtain consent from you to use your personal data
- The 'vital interests' basis – we will use this personal data in a life-or-death situation
- The 'contract' basis – we need to process personal data to fulfil our employment contract with you

Where you have provided us with consent to use your data, you may withdraw this consent at any time. We will make this clear when requesting your consent, and explain how you would go about withdrawing consent if you wish to do so.

### **4.1 Our basis for using special category data**

For 'special category' data, we only collect and use it when we have both a lawful basis, as set out above, and the conditions we may rely on for processing special category data:

- We have obtained your explicit consent to use your personal data in a certain way
- We need to perform or exercise an obligation or right in relation to employment, social security or social protection law
- We need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent
- We need to process it for reasons of substantial public interest as defined in legislation
- We need to process it for the purposes of occupational health

For criminal offence data, we will only collect and use it when we have both a lawful basis, as set out above, and the condition we may rely on for processing criminal offence data is:

- We need to process it for reasons of substantial public interest as defined in legislation

## 5. Collecting this data

While the majority of information we collect about you is mandatory, there is some information that can be provided voluntarily.

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.

Most of the data we hold about you will come from you, but we may also hold data about you from:

- Local authorities
- Government departments or agencies
- Police forces, courts, tribunals
- References

## 6. How we store this data

We keep personal information about staff while they are employed at our Trust. We may also keep it beyond their employment at the Trust if this is necessary. Our record retention schedule sets out how long we keep information about staff.

If you would like a copy of the record retention schedule, please contact the Trust by emailing [compliance@hamwic.org](mailto:compliance@hamwic.org).

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

We will dispose of your personal data securely when we no longer need it.

## 7. Who we share data with

We do not share information about you with any third party without consent unless the law and our policies allow us to do so.

Where it is legally required, or necessary (and it complies with UK data protection law), we may share personal information about you with:

- Our local authority– to meet our legal obligations to share certain information with it, such as safeguarding concerns
- Government departments or agencies such as the Department for Education (DfE), Disclosure and Barring Service (DBS), National College for Teaching and Leadership (NCTL), Teacher Referral Agency (TRA)
- Our regulator, for example, our Multi-Academy Trust (Hamwic Education Trust), Ofsted
- Parents and pupils where this is related to your professional duties
- Suppliers and service providers:
  - Payroll
  - Management information System
  - Electronic signing in systems
- Financial organisations

- Our auditors
- Survey and research organisations
- Health authorities
- Security organisations
- Health and social welfare organisations
- Professional advisers and consultants such as lawyers to obtain legal advice or insurance
- Charities and voluntary organisations
- Police forces, courts, tribunals

### **Local Authority**

We are required to share information about our workforce members with our local authority (LA) under Section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

### **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 children and young people with the Department for Education (DfE) for the purpose of those data collections, under Section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

#### **7.1 Transferring data internationally**

We may share personal information about a staff member with the following international third parties, where different data protection legislation applies:

- Other schools or educational establishments
- Other future employers
- App or cloud server providers

Where we transfer personal data to a third-party country or territory, we will do so in accordance with UK data protection law and on the basis of an adequacy regulation by the UK government.

In cases where we have to set up safeguarding arrangements to complete this transfer, a copy of these arrangements can be accessed by contacting us.

## **8. Your rights**

### **8.1 How to access personal information that we hold about you**

You have a right to make a 'subject access request' to gain access to personal information that we hold about you. These requests will be free of charge. Any requests must be made to the Trust DPO (see 'Contact Us'). A response to any such request will be processed within one month from the date on which the request was received.

## 8.2 Your other rights regarding your data

Under UK data protection law, you have certain rights regarding how your personal data is used and kept safe. For example, you have the right to:

- Object to our use of your personal data
- Prevent your data being used to send direct marketing
- Object to and challenge the use of your personal data for decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, have inaccurate personal data corrected
- In certain circumstances, have the personal data we hold about you deleted or destroyed, or restrict its processing
- Withdraw your consent, where you previously provided it for the collection, processing and transfer of your personal data for a specific purpose
- In certain circumstances, be notified of a data breach
- Make a complaint to the Information Commissioner's Office
- Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact us (see 'Contact us' below).

## 9. Complaints

We take any complaints about our collection and use of personal information very seriously.

If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance.

Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/make-a-complaint/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

## 10. Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact:

- Gemma Carr, Data Protection Officer, Hamwic Education Trust, Unit E, The Mill Yard, Nursling Street, Southampton, SO16 0AJ. Email: [compliance@hamwic.org](mailto:compliance@hamwic.org)