**The Oaktree School - Privacy Notice**

**School Workforce**

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

# Name of Data Controller: The Oaktree School, Gorsewood Road, Woking, GU21 8WT

# Name of our Data Protection Officer: Aidan Relf: dpo@oaktree.surrey.sch.uk

## What information do we collect, hold and share about our workforce?

* Personal information (such as name, Date of birth, marital status, gender, contact details for you your next of kin and emergency contacts, employee or teacher number)
* Special categories of data (including information about your ethnic origin, health conditions and trade union memberships)
* Contract information (such as salary, annual leave, pension and benefits information, bank account details, payroll records, national insurance number and tax status information, start dates, hours worked, post, roles)
* Work attendance and absence information (such as your work pattern history, number of absences and reasons)
* Work performance and history (such as appraisal reports and correspondence, information about disciplinary or grievance matters, including any warnings issued to you)
* Information from your application form and recruitment process, such as qualifications and employment history (and, where relevant, subjects taught), 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, qualifications and employment records, including work history, job titles, working hours, training records and professional memberships
* Photographs
* CCTV footage
* Data about your use of the school’s information and communications system

We collect information from you both prior to and during your employment from a range of sources, including your application form, correspondence with you, forms you complete prior to and during employment, from interviews, appraisals and other meetings.

## Why we collect and use this information

The purpose of processing this data is to help us run the school, including to:

* Ensure that we are complying with our legal obligations, such as ensuring that you have the right to work in the UK, and to defend legal claims.
* Ensure you are paid correctly, and receive your entitlements to sick pay and annual leave.
* Facilitate safe recruitment, as part of our safeguarding obligations towards pupils
* Support effective performance management
* Inform our recruitment and retention policies
* Allow better financial modelling and planning
* Enable equalities monitoring
* Improve the management of workforce data across the sector
* Support the work of the School Teachers’ Review Body

We use other school workforce data to manage the day-to-day operation of the school, where processing is necessary for the purposes of the legitimate interests of the employer. In relying on legitimate interests, we first consider the necessity of processing the data when balanced against the interests, rights and freedoms of the individual. These legitimate interests include:

* To manage recruitment processes and respond to reference requests
* To inform the development of recruitment and retention policies
* To keep records of employee performance and work history, including training and appraisal records, to ensure acceptable standards of conduct are maintained and to manage training and career progression
* To manage absence effectively
* To manage day-to-day HR administration
* To enable the development of a comprehensive picture of the workforce and how it is deployed

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 go about withdrawing consent if you wish to do so.

Some of the reasons listed above for collecting and using personal information about you overlap, and there may be several grounds which justify the school’s use of your data.

We do not make employment decisions based on automated decision-making.

If we wish to process your personal data for a new purpose we will inform you of any additional processing.

## The lawful basis on which we process this information

We only collect and use personal information about you when the law allows us to. Most commonly, we use it where we need to:

* Comply with a legal obligation
* Carry out a task in the public interest

Less commonly, we may also use personal information about you where:

* You have given us consent to use it in a certain way
* We need to protect your vital interests (or someone else’s interests)

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 go about withdrawing consent if you wish to do so.

Some of the reasons listed above for collecting and using personal information about you overlap, and there may be several grounds which justify our use of your data.

## Collecting this information

Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with data protection legislation, we will inform you whether you are required to provide certain school workforce information to us or if you have a choice in this.

## Storing this information

We hold school workforce data securely in your personnel file, in electronic records within our HR system and also in other IT systems, including email.

Your information is stored in accordance with a data retention schedule, the full version of which is available from Information and Records Management Society’s toolkit for schools <https://c.ymcdn.com/sites/irms.site-ym.com/resource/collection/8BCEF755-0353-4F66-9877-CCDA4BFEEAC4/2016_IRMS_Toolkit_for_Schools_v5_Master.pdf>

In summary we retain most records relating to your employment on your personnel file for six years after employment has ended.

Evidence of your right to work in the UK is retained on your personnel file for two years after employment has ended, in accordance with Home Office recommendations.

Allegations of a child protection nature remain on file until normal retirement age, or 10 years from the date of the allegation, if longer, in accordance with statutory guidance.

Identity documents obtained for the purposes of undertaking a Disclosure and Barring Service check are only retained until the results of the check have been received.

## Who we share this information with and why

Your information will be shared with school staff with an HR or recruitment responsibility and managers within your area of work or department.

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

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

* Our local authority – to meet our legal obligations and statutory guidance we share certain information with it, such as safeguarding concerns
* The Department for Education
* Our regulator - Ofsted
* Suppliers and service providers – to enable them to provide the service we have contracted them for, such as payroll and parentmail
* Financial organisations
* Central and local government
* Our auditors
* Trade unions and associations
* Health authorities
* Security organisations
* Health and social welfare organisations
* Professional advisers and consultants
* Police forces, courts, tribunals
* Professional bodies
* Employment and recruitment agencies

We also share personal data with the Department for Education (DfE) on a statutory basis. This data sharing underpins workforce policy monitoring, evaluation, and links to school funding / expenditure and the assessment of educational attainment. See the section below on ‘Department for Education data collection requirements’ for further detail.

## Other third parties

We will also share your data with certain third parties to fulfil legal requirements, obtain or provide necessary information or because the third party processes data on our behalf. These third parties include:

* Your previous employers in order to undertake pre-employment checks
* The Disclosure and Barring Service in order to undertake pre-employment checks and follow-up checks during employment
* Suppliers and consultants that provide us with a service, such as occupational health, HR or legal services

When we appoint third parties to process data on our behalf, the third party is also required to process the data lawfully and fairly and in a manner that ensures appropriate security of the data, using appropriate technical or organisational measures to protect against unauthorised or unlawful processing and accidental loss.

## Department for Education data collection requirements

The DfE collects and processes personal data relating to those employed by schools (including Multi Academy Trusts) 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

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>

## Transferring data internationally

Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

## Requesting access to your personal data and your rights as a data subject

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 our Data Protection Officer (details at the beginning of this document).

If you make a subject access request, and if we do hold information about you, we will:

* Give you a description of it
* Tell you why we are holding and processing it, and how long we will keep it for
* Explain where we got it from, if not from you
* Tell you who it has been, or will be, shared with
* Let you know whether any automated decision-making is being applied to the data, and any consequences of this
* Give you a copy of the information in an intelligible form

You may also have the right for your personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request, please contact our Data Protection Officer.

You also have the right to:

* Object to processing where we are relying on legitimate interests as the legal basis for processing; in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed;
* Object to decisions being taken by automated means.
* Object to the use of your personal data if it would cause, or is causing, damage or distress
* Prevent your data being used to send direct marketing
* In certain circumstances, have inaccurate personal data corrected, deleted or destroyed, or restrict processing
* Claim compensation for damages caused by a breach of the data protection regulations

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 Information Commissioner’s Office at <https://ico.org.uk/concerns/>

## 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.

To make a complaint, please contact our Data Protection Officer.

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

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

## Further information

If you would like to discuss anything in this privacy notice, please contact our Data Protection Officer (details at the beginning of this document).