



# The Fernwood School

*High Achievement with Care & Discipline for All"*

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## Workforce Privacy Notice

This notice will be monitored regularly and evaluated so that it remains responsive to current issues. This will be co-ordinated by the Data Protection Officer.

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## Purpose of the Policy

Under data protection law, individuals have a right to be informed about how The Fernwood Academy Trust 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.

We, The Fernwood Academy Trust, are the 'data controller' for the purposes of data protection law.

Our Data Protection Officer is SPS DPO Services.

## The Personal Data We Hold

We process data relating to those we employ, or otherwise engage, to work at our Trust. Personal data that we may collect, use, store and share (when appropriate) about you includes, but is not restricted to:

- Name
- 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
- 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
- Qualifications and employment records, including work history, job titles, working hours, training records and professional memberships
- Safeguarding information, DBS number, Disqualification by Association information
- Performance information
- Outcomes of any disciplinary and/or grievance procedures
- Absence data
- Proof of identify and residence
- Copy of driving license and car registration
- Photographs
- CCTV images

We may also collect, store and use information about you that falls into "special categories" of more sensitive personal data. This includes information about (where applicable):

- Race, ethnicity, religious beliefs and sexual orientation
- Health, including any medical conditions, sickness records and disability status



## Why We Use This Data

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

- Enable you to be paid including necessary deductions
- 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 ethnicity and disability monitoring
- Improve the management of workforce data across the sector
- Support the work of the School Teachers' Review Body
- To report to the DFE

## Our Lawful Basis for Using This Data

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

- Fulfil a contract we have entered into with you
- 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 the Trust's use of your data.

## 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 one of the following conditions for processing as set out in data protection law:

- 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
- The data concerned has already been made manifestly public by you
- We need to process it for the establishment, exercise or defence of legal claims
- We need to process it for reasons of substantial public interest as defined in legislation



- ✦ We need to process it for health or social care purposes, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law
- ✦ We need to process it for public health reasons, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law
- ✦ We need to process it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the processing is in the public interest
- ✦ For criminal offence data, we will only collect and use it when we have both a lawful basis, as set out above, and a condition for processing as set out in data protection law. Conditions include:
- ✦ We have obtained your consent to use it in a specific way
- ✦ 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
- ✦ The data concerned has already been made manifestly public by you
- ✦ We need to process it for, or in connection with, legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of legal rights
- ✦ We need to process it for reasons of substantial public interest as defined in legislation

## 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.

## Collecting This Information

While the majority of information we collect from you is mandatory, there is some information that you can choose whether or not to provide to us.

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
- ✦ Third parties who have provided a reference as part of the recruitment process



## Data Collection Requirements

To find out more about the data collection requirements placed on us by the Department for Education (for example; via the school census) go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

## How We Store This Data

Staff records are stored securely in paper files and in electronic format on the Trust's secure servers and SIMS.

We create and maintain an employment file for each staff member. The information contained in this file is kept secure and is only used for purposes directly relevant to your employment.

Once your employment with us has ended, we will retain this file and delete the information in it in accordance with our data retention policy.

## Data Sharing

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

Where it is legally required, or necessary (and it complies with the General Data Protection Regulation, otherwise known as the GDPR) we may share personal information about you with:

- Our local authority, to meet legal obligation
- The Department for Education, to meet legal obligation
- Your family or representatives with written consent, to protect your vital interests
- Educators and examining bodies, to fulfil a contract
- Our regulator, ESFA, to meet legal obligation
- Suppliers and service providers – to enable them to provide the service we have contracted them for, this includes
  - SAAF Education Ltd
  - CPOMS
  - Arbor
  - PageOne
  - Wonde
  - Derventio Education School IP
  - Microsoft Office 365
  - Google G-Suite
  - Soflink Oliver V5 Hosted
  - School Cloud Systems Room Booking System
  - Aerohive
  - Groupcall Xporter
  - School Photographer – Wrates
  - Evolve
  - Fisher Family Trust Aspire
  - PIXL Schools



- 📱 4Matrix
- 📱 Asset for Schools
- 📱 Pearson ActiveLearn
- 📱 Oxford University Press
- 📱 MyMaths
- 📱 Kerboodle
- 📱 Memrise
- 📱 Quizlet
- 📱 Plickers
- 📱 Eedi/Diagnostic Questions
- 📱 Seneca Learning Ltd.
- 📱 Senso (Renato Software Ltd)
- 📱 U-Explore Ltd - Start
- 📱 Sign In App
- 📱 TA Timetabler
- 📱 Unifrog
- 📱 Single Central Record Ltd
- 📱 Sparx Maths
- 📱 Every HR
- 📱 OPA (for occupational health referrals)
- 📱 OnlineSCR
- 📱 National College

- 📱 Our auditors, to meet legal obligation
- 📱 Health authorities, to fulfil a contract
- 📱 Health and social welfare organisations, to meet legal obligation such as Riddor reporting
- 📱 Professional advisers and consultants, to fulfil a contract
- 📱 Police forces, courts, tribunals, to meet legal obligation
- 📱 Ofsted, to meet legal obligation

## 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 the GDPR.

## Your Rights

How to access personal information we hold about you

Individuals have a right to make a 'subject access request' to gain access to personal information that the Trust holds about them.

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 the Head Teacher's PA.

## Your Other Rights Regarding Your Data

Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe. 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
- ✎ 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 a Data Lead or the Head Teacher's PA.

## 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



## Contact

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact one of our Data Leads in the first instance.

You may also contact our appointed Data Protection Officer (DPO):

Invicta Law Ltd

[DPO@invicta.law](mailto:DPO@invicta.law)

Invicta Law Ltd – 1 Abbey Wood Road – Kings Hill – West Malling - ME19 4YT