

# The Active Learning Trust

## Workforce Privacy Notice

### **The categories of school information that we process include:**

- personal information (such as name, address, gender, date of birth, employee or teacher number, national insurance number, gender)
- former employment details – current salary, reasons for wanting to leave, employment history
- 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)
- training & development and performance records
- payroll information (including bank account details)
- sensitive information (special category personal data) - home language, religion or belief, sexual orientation, personal relationship, health and medical information, ethnic group and trade union membership if you supply it.

### **How we use your information**

We process personal data relating to those we employ to work at, or otherwise engage to work at within our Trust. This is for employment purposes to assist in the running of the Trust and / or to enable individuals to be paid.

### **Collecting and using your information in this way is lawful because:**

- The processing is necessary for the performance of your employment contract and, in the case of special category personal data (i.e. sensitive information) processing that personal data is necessary for performing or exercising obligations or rights which are conferred on us or on you by law in connection with your employment. If the Trust is unable to collect your personal data then it will have no data to pass on.

The processing is necessary for the performance of a legal obligation to which the Trust is subject, for example our legal duty to safeguard pupils.

- In the case of special category personal data, the processing is necessary for a safeguarding purpose i.e. to protect pupils from harm. This is in the substantial public interest
- The processing is necessary for the performance of our education function which is a task carried out in the public interest.

## **How we collect workforce information**

When we collect personal information on our forms, we will make it clear whether there is a legal requirement for you to provide it, and whether there is a legal requirement on the school / academy trust to collect it. If there is no legal requirement then we will explain why we need it and what the consequences are if it is not provided.

We also collect information from a previous employer or educational establishment. You will know about this because you will have supplied us with the relevant contact details.

## **How we share your information with third parties**

We will not share information about you with third parties without your consent unless the law allows us to.

We are required, by law, to pass on some of the personal data which we collect to:

- the Department for Education (DfE)
- with HMRC and Pension Organisations
- with other schools within our Multi-Academy Trust
- with the Local Authority (in relation to their statutory or Child Protection duties and services)
- with our payroll provider service (in relation to their duties to ensure accurate pay and pay deduction arrangements)
- in response to requests for employment references

We may also share your personal data which we collect to:

- Educators and Examining Bodies
- Your family or representatives
- Our regulator - Ofsted
- Employment and recruitment agencies
- Professional bodies
- School trips organisations
- Internal and external Auditors (e.g. Financial accountants/HMI Inspectors)
- Information Commissioner's Office (ICO) (complaints/breaches investigations)
  
- In connection with Data Subject Access Requests e.g. information which may be contained within emails, documents, systems, paper and electronic records/filing systems and other forms of media, this may include work email address(es), work contact details and also the disclosure of information of which you were the author or to which you have contributed. This includes deleted and archived personal information which is still accessible.

- Health and Safety Executive – to report accident information/investigation purposes
- Police and Enforcement Agencies – to assist in the detection, investigation and prevention of crime this includes the Courts and Coroner Service
- Emergency services in the event of an emergency
- Where necessary or mandatory, personal information in connection with investigations, disputes, complaints and grievances internally and with third parties for example local authority safeguarding boards, trade unions, government departments and agencies, insurers and legal representatives and professional bodies to which a member of staff is affiliated e.g. CIMA, CIPD.
- Personal information relating to any person(s) involved in administering, teaching or completing examinations/assessments where malpractice is suspected or alleged may be shared with other awarding/validating bodies, the qualifications regulator or other professional bodies and where relevant in accordance with the JCQ publication Suspected Malpractice in Examinations and Assessments – Policies and Procedures.

### **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)(No 2) (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:

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 which meet the current government security policy framework.

We disclose personal data about you to the Disclosure and Barring Service for the purposes of carrying out checks on your suitability for work with children.

We disclose details about you including national insurance number and absence information to our payroll provider to enable you to be paid.

We disclose details including your name, address, salary about you to our HR provider for the purposes of HR management.

We share your identity and pay information with HMRC in conjunction with your legal obligation to pay income tax and make national insurance contributions.

Where you have decided to become part of a salary sacrifice scheme such as that for child care vouchers, we share your details with the provider to the extent necessary for them to provide the vouchers to you.

We share your details with your pension provider in order to make sure that you pay the correct amount and maintain your entitlement to a pension upon your retirement. For teachers the scheme is the TPS, for support staff the scheme is LGPS.

Our disclosures to third parties are lawful because one of the following reasons applies:

For ordinary personal data uses:

- The disclosure is necessary for the performance of your employment contract
- The disclosure is necessary for the performance of a legal obligation to which the Trust is subject
- The disclosure is necessary for the performance of our education function which is a function in the public interest.
- We collect your consent

For Special Category Personal Data (ie. Sensitive personal information) uses:

- The disclosure is necessary for safeguarding purposes, i.e. to protect pupils from harm and is therefore in the substantial public interest.
- The disclosure is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on us as the Data Controller or on you in connection with your employment
- Where we collect ethnic origin or disability information for equality monitoring purposes, this falls within substantial public interest and is therefore lawful (but you are not required to provide information for that purpose if you do not want to)
- We collect your explicit consent

Our HR and Payroll Provider's Privacy Notice (EPM) records that it may transfer your personal data outside the EEA:

- We may need to transfer personal information to countries other than the ones in which the information was originally collected. When we export your personal information to a different country, we will take steps to ensure that such data exports comply with applicable laws. For example, if we transfer personal information from the European Economic Area to a country outside it, such as the United States, we will implement an appropriate data export solution such as entering into EU standard contractual clauses with the data importer or

taking other measures to provide an adequate level of data protection under EU law.

Whenever we transfer your personal data out of the EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission.
- Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe.
- Where we use providers based in the US, we may transfer data to them if they are part of the EU-U.S. Privacy Shield which requires them to provide similar protection to personal data shared between Europe and the US (for more information, and to review organisations which have been certified (such as Class Twist, Inc.) you can visit the Privacy Shield Website here - <https://www.privacyshield.gov/welcome>).

## **How long we keep your personal information**

We only keep your information for as long as we need it or for as long as we are required by law to keep it. Full details are given in our Records Retention Policy which can be found on our website.

## **Withdrawal of Consent**

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 your school's Head Teacher/Principal.

## **Your rights**

You have the right to:

- Ask for access to your personal information
- Ask for rectification of the information we hold about you
- Ask for the erasure of information about you
- Ask for our processing of your personal information to be restricted
- Data portability
- Object to us processing your information.

If you want to use your rights, for example, by requesting a copy of the information which we hold about you, please contact your school's Headteacher/Principal or contact the Active Learning Trust's Data Protection Officer.

Contact details for the Data Protection Officer are as follows; -

Data Protection Officer, The Active Learning Trust c/o Isle of Ely Primary School  
School Road Ely Cambridgeshire CB6 2FG

Email: [dataprotection@activelearningtrust.org](mailto:dataprotection@activelearningtrust.org)

More information about your rights is available in our Data Protection Policy which is on our website - <https://www.activelearningtrust.org/about/information-governance>

If at any time you are not happy with how we are processing your personal information then you may raise the issue with the Data Protection Officer and if you are not happy with the outcome you may raise a complaint with the Information Commissioner's Office:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number.