

Privacy Notice (How we use workforce information)

The Aspire Educational Trust and its academies are joint data controllers for the use of personal data in this privacy notice.

This privacy notice advises employees, self-employed staff and/or consultants and volunteers of the trust's data protection responsibilities on the collection and processing of their personal information.

We collect and process your personal data to assist in the running of the trust and its schools and to manage the employment relationship of, or otherwise manage, those who are engaged to work or perform services for us. We are committed to being transparent about how we collect and use that data and to meeting our data protection obligations.

We are required to explain how and why we collect such data and what we do with that information. This notice will also provide information about your personal information that is held and processed by us.

The categories of school information that we process

The personal data we hold regarding you can include, but is not limited to, information such as:

- Personal information (such as name, date of birth, address, e-mail, telephone number, teacher number, national insurance number, details of medical and health conditions, emergency contact details)
- Permitted details of employment checks (such as DBS number, right to work information, visa details, copy of identity and qualification check documents, information about a criminal record)
- Characteristics information (such as gender, age, marital status, sexual orientation, religious belief, ethnic group, nationality, country of birth, disability status)
- Contract information (such as start date, hours worked, employee number, post, roles, salary and benefits, bank details, pension details, work experience and employment history)
- Work absence information (such as details of periods of leave taken by you, such as holiday, sickness, maternity/paternity leave or other leave and the reasons)
- Personnel records (such as qualifications and skills, appraisal information, records of reasonable adjustments, disciplinary or grievance records)

This list is not exhaustive, to access the current list of categories of information we process please see the school's current data map and data asset register, available on request from the school office. Contact details are available on the school website or alternatively e-mail the trust's data protection officer dpo@aet.cheshire.sch.uk.

A - Aspiration

We aspire to lead the way and achieve success for all

B - Believe

We have faith and confidence in the Trust our schools our colleagues and ourselves

C - Community

We work as a team - getting stuck in getting the job done!

Why we collect and use workforce information

We process data relating to those we employ to work at, or otherwise engage to work or support the school. The purpose of processing this data is to assist in the running of the school, including to:

- a) Enable the development of a comprehensive picture of the workforce and how it is deployed
- b) Inform the development of recruitment and retention policies
- c) Enable individuals to be paid
- d) Facilitate safe recruitment
- e) Support the effective performance management of staff.
- f) Allow better financial modelling and planning
- g) Enable ethnicity and disability monitoring

There are several reasons why we hold, process and share individuals' personal data. Under data protection laws, the lawful reasons we rely on for processing personal data include:

- Consent.
- For the performance of a contract.
- To comply with a legal obligation.
- To protect the vital interests of the individual or another person.
- For a task carried out in the public interest.
- For a legitimate interest of the school or one of the organisations, it shares data with (e.g. legal adviser) except where those rights are overridden by the interests or fundamental rights and freedoms of the data subject which require protection.

Sometimes the handling of your personal data falls within several of the above lawful grounds.

Consent

We may ask for your consent to use your information in certain ways. For example, we may ask to use your image on our website or in school publications. If we ask for your consent to use your personal data, you can take back this consent at any time. Any use of your information before you withdraw your consent remains valid.

Performance of a contract

We need to process data to enter into an employment contract or other contract of engagement with you and to meet our obligations under such contract. For example, we need to process your data to provide you with a contract, to pay you in accordance with your contract and to administer benefit, pension and insurance entitlements.

Your personal data, where it is reasonable to do so, may also be shared with other professionals contracted by the school, such as legal and professional advisers.

Other examples include:

- We operate and keep a record of absence and absence management procedures, to allow effective workforce management and to ensure that employees are receiving the pay or other benefits to which they are entitled.
- Maintaining accurate and up-to-date employment records and contact details (including details of who to contact in the event of an emergency) and records of employee contractual and statutory rights.

- Ensuring effective general HR and business administration.

Legal obligation

In some cases, we need to process data to ensure that we are complying with our legal obligations. For example, we must check an employee or worker's entitlement to work in the UK, deduct tax, comply with health and safety laws and enable staff to take periods of leave to which they are entitled. Safer recruitment procedures in schools also require appropriate checks to be made on people who work with children.

Statutory reporting requirements are included within this section. As is disclosing information to third parties such as the courts or the police where we are legally obliged to do so.

Other examples include:

- We obtain occupational health advice, to ensure that we comply with duties in relation to individuals with disabilities, meet our obligations under health and safety law, and to ensure that employees are receiving the pay or other benefits to which they are entitled.
- We operate and keep a record of other types of leave (including maternity, paternity, adoption, parental and shared parental leave), to allow effective workforce management, to ensure that the organisation complies with legal duties in relation to leave entitlement, and to ensure that employees are receiving the pay or other benefits to which they are entitled.

Vital interests

This legal basis can be used where, for example, we need to disclose information about you to prevent you or someone else from being seriously harmed or killed. An example can include providing information to a medical professional about you in circumstances where you are unable to provide the information yourself. It may cover an emergency.

Public interest

We consider that we are acting in the public interest when providing education. Specifically, we have a public interest in:

- Providing an education.
- Fulfilling our safeguarding obligations and investigating complaints that may be directly connected with you or may require access to your personal data when investigating complaints by others.
- Promoting the interests of the school.
- Managing the school efficiently.

Legitimate interests

We have a legitimate interest in processing personal data before, during and after the end of the employment or contractual relationship/engagement. Processing employee data allows us to:

- Run recruitment and promotion processes.
- Operate and keep a record of disciplinary and grievance processes, to ensure acceptable conduct within the workplace.
- Operate and keep a record of employee performance and related processes, to plan for career development, and for succession planning and workforce management purposes.

Special categories of personal data

We must also comply with an additional condition where we process special categories of your personal data. These special categories include personal information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, genetic information, biometric information, health information, and information about sex life or orientation. Data relating to criminal offences is also given similar protection.

Some special categories of personal data, such as information about health or medical conditions, are processed to comply with employment law and health and safety obligations (such as those in relation to employees with disabilities).

We also process other special categories of personal data, such as information about ethnic origin, sexual orientation or religion or belief. This is done for the purposes of equal opportunities monitoring and in accordance with its Public Sector Equality Duty in accordance with the Equality Act.

Some of the reasons we process such data on employees include:

- Legal claims. The processing is necessary for the establishment, exercise or defence of legal claims. This allows us to share information with our legal advisers and insurers.
- Medical purposes. This includes medical treatment and the management of healthcare services.
- For compiling census data as required by law.
- Where processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health such as Covid-19.

Special category personal data and sensitive information are processed in accordance with [GDPR - Article 9](#) and documented on our data asset register.

Collecting workforce information

We may collect your personal data in a variety of ways. For example, data might be collected through:

- Application forms
- Your passport or other identity documents, such as your driving licence.
- From third parties such as the Disclosure and Barring Service (DBS) in carrying out safeguarding checks.
- Forms completed by you at the start of or during your employment or engagement with us.
- Correspondence with you.
- Interviews, meetings or other assessments.

We will not share information about those engaged at the school with third parties unless the law or our policies allows us to. In circumstances where consent is the basis for processing, such use of your image, we will not share your data with third parties unless we have your consent.

We are required, by law, to pass certain information about staff or those engaged by us to specific external bodies, such as the local authority (LA) and the Department for Education (DFE), so that they are able to meet their statutory obligations.

In some cases, the trust may collect personal data about you from third parties, such as references supplied by former employers, information from employment background check providers, and information from criminal records checks permitted by law.

On some occasions, the school will process your personal data for the performance of a contract that it may hold with a third party. For example, a contract with a third-party provider or as part of cloud-based storage.

Workforce data is essential for the school's / trust's operational use. Whilst the majority of personal information you provide to us is mandatory, some of it is requested on a voluntary basis. In order to comply with GDPR, we will inform you at the point of collection, whether you are required to provide certain information to us or if you have a choice in this and we will tell you what you need to do if you do not want to share this information with us.

Storing workforce information

We hold data securely for the set amount of time shown on our data retention schedule in the records management policy. We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected. We will keep certain information after you have left the school.

For more information on our data retention schedule and how we keep your data safe, please visit our data protection policies available [HERE](#) on The Aspire Educational Trust's website .

We take the security of your personal data very seriously. We have internal policies and controls in place to try to ensure that data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by our employees in the performance of their duties.

Where we engage third parties to process personal data on our behalf, they do so based on written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

Who we share workforce information with

We routinely share this information with:

- The Department for Education (DfE)
- Aspire Educational Trust and schools within the trust
- The trust's external auditors
- The local authority

In addition to the above, we regularly share information with a number of contracted third parties in order to fulfil the contract we have with you and to carry out our public task of running the trust and its schools safely and effectively. A list of these third-party processors can be found on our current data map and data asset register. These documents are available on request from the school office or alternatively e-mail the trust's data protection officer dpo@aet.cheshire.sch.uk.

Why we share school workforce information

We do not share information about our workforce members with anyone without consent unless the law and our policies allow us to do so. Personal data is transferred using secure methods such as encryption.

We share workforce data with the DfE on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring.

In addition, we have contracts with third parties for services such as payroll and occupational health or as part of cloud-based storage applications for the purpose of securely holding and protecting your data. Before entering into a contract, we ensure that adequate policies and security measures are in place.

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 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](#).

For more information, please see 'How Government uses your data' section.

Requesting access to your personal data

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 the school's principal (contact details can be found on the website) or the trust's data protection officer at dpo@aet.cheshire.sch.uk

Depending on the lawful basis above, you may also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- a right to seek redress, either through the ICO, or through the courts

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/>

For further information on how to request access to personal information held centrally by DfE, please see the 'How Government uses your data' section of this notice.

Withdrawal of consent and the right to lodge a complaint

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 the school's principal (contact details can be found on the website) or the trust's Data Protection Officer at dpo@aet.cheshire.sch.uk.

Last updated

We may need to update this privacy notice periodically, so we recommend that you revisit this information from time to time. This version was last updated on 11th March 2021.

Contact

If you would like to discuss anything in this privacy notice, please contact:

Trust's administrator A. Broadhurst or **the Trust's Data Protection Officer L. Treadway**

The Aspire Educational Trust
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Belgrave Road
Macclesfield
SK11 7TF

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ltreadway@aet.cheshire.sch.uk

Tel. 01625 919610

How Government uses your data

The workforce data that we lawfully share with the DfE through data collections:

- informs departmental policy on pay and the monitoring of the effectiveness and diversity of the school workforce
- links to school funding and expenditure
- supports 'longer term' research and monitoring of educational policy

Data collection requirements

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>.

Sharing by the Department

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.

How to find out what personal information DfE hold about you

Under the terms of the Data Protection Act 2018, you're entitled to ask the Department:

- if they are processing your personal data
- for a description of the data they hold about you
- the reasons they're holding it and any recipient it may be disclosed to
- for a copy of your personal data and any details of its source

If you want to see the personal data held about you by the Department, you should make a 'subject access request'. Further information on how to do this can be found within the Department's personal information charter that is published at the address below:

<https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter>

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