



## Privacy notice for the school workforce

Under data protection law, individuals have a right to be informed about how the school uses any personal data that we hold about them. We comply with this right by providing 'privacy 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 school.

We, St John's Bosco College, Parkham Street, SW11 3DQ, are the 'data controller' for the purposes of data protection law.

Our data protection officer is Mr Gary Hipple (see 'Contact us' below).

### The personal data we hold

We process data relating to those we employ, or otherwise engage, to work at our school. 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
- 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
- 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
- Photographs
- CCTV footage
- Data about your use of the school's information and communications system

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, sexual orientation and political opinions
- Trade union membership
- Health, including any medical conditions, and sickness records

## **Why we use this data**

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

- Enable you to be paid
- 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

## **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 school's use of your data.

## **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.

## **How we store this data**

Personal data is stored in line with our Data Protection Policy.

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 record retention schedule.

We will keep personnel records for 6years from the date of termination.

## **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 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 and [maintained schools only] information about headteacher performance and staff dismissals
- The Department for Education
- Your family or representatives
- Educators and examining bodies
- Our regulator Ofsted
- Suppliers and service providers – to enable them to provide the service we have contracted them for, such as payroll
- 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
- Hootsuite INC – for marketing purposes
- CEFM – for personnel purposes
- Prospects – for payroll purposes
- Medigold Health – for Occupational Health purposes

## **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.

## **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 school 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 our data protection officer.

### **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 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
- Object to 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, deleted or destroyed, or restrict processing
- Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact our data protection officer.

### **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 us**

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

- Mr Gary Hipple via email: [gary.hipple@richmondandwandsworth.gov.uk](mailto:gary.hipple@richmondandwandsworth.gov.uk)

*This notice is based on the [Department for Education's model privacy notice](#) for the school workforce, amended to reflect the way we use data in this school.*

## ADDENDUM FOR EMPLOYEES PRIVACY NOTICE/FAIR PROCESSING NOTICE RE COVID-19

We are committed to protecting your personal data and being transparent about what data we process about you. This privacy notice applies to all employees, agency and other workers and it explains how we collect, use, process and share your personal data in relation to COVID-19 and your rights regarding your personal data.

We've used a Q&A method to explain:

- What information we collect about you.
- How we may use that information.
- In what situations we may disclose your information to third parties.

### ***Can we ask employees if they have any symptoms or to notify us if they have been diagnosed?***

**Yes.** ICO states that it would be reasonable to ask people if they are experiencing symptoms.

Data about an employee's health, including whether or not they are experiencing COVID-19 symptoms, is 'special category' personal data as defined in the GDPR.

As well as requiring a lawful basis for processing under Article 6, we need an additional exemption to process this data under Article 9.

The relevant legal bases are:

- Compliance with health and safety obligations under employment law (GDPR art 9(2)(b); DPA 2018 sch1, para 1).
- For reasons of public health (GDPR art 9(2)(i); DPA 2018 sch1, para 3).

We will not be relying on your consent for the processing of your COVID-19 health data because consent from employees is generally not regarded as freely given (and is therefore invalid) due to the imbalance in power between the organisation and the individual. Therefore, relying on consent as the legal basis for processing is unlikely to be compliant with the GDPR.

We will:

- Not collect more data than we need and we will limit the collection of your health data to COVID-19 only.
- Ensure collection of this data is in the least intrusive way possible.

- Make sure that we keep the data safe and secure and limit circulation on a 'need to know' basis only.

### ***Can we take employees' temperature readings?***

**Yes, if strictly necessary.** ICO guidance does not prevent collecting and recording employees' temperatures.

Conducting health screening in an employment context needs to be carefully considered in the circumstances. It is only likely to be appropriate in a very small number of situations (eg where such testing is necessary to determine an employee's fitness to work, particularly when exposed to a risk group).

The available lawful bases are compliance with health and safety obligations under employment law (GDPR art 9(2)(b); DPA 2018 sch1, para 1) and for reasons of public health (GDPR art 9(2)(i); DPA 2018 sch1, para 3).

### ***Can we ask about symptoms in the employee's household?***

**Yes.** ICO states that, where necessary, the collection of additional data from employees may be proportionate. However, the data minimisation principle is key – do not collect more information than needed and ensure it is treated with appropriate safeguards. We will not collect information regarding specific symptoms about each household member.

### ***Can we keep a record of staff who are diagnosed as infected?***

**Yes.** Note that such collection of data would need to comply with data protection principles. In particular, data minimisation and purpose limitation will be important.

### ***Can we notify other members of staff about an infected employee?***

**Yes.** The ICO has advised that informing employees that a colleague may have contracted the virus is permitted by virtue of the employer's duty of care and to ensure the employees' health and safety.

Such information may, for example, facilitate contact tracing and thereby reduce virus exposure. However, this will be done on an anonymised and need-to-know basis, disclosing the minimum data required.

### ***Can we notify parents of an infected employee?***

**Yes.** We can notify parents if an infected employee has interacted with their child(ren).

It is unlikely that information about specific individuals will need to be disclosed. However, where identification is required, the processing of health-related personal data can be carried out under GDPR art 9(2)(i) and DPA 2018 sch1, para 3, where it is necessary for reasons of public interest in the area of public health.

### ***How long do we keep your COVID-19 health data?***

We will hold your personal data for the duration of the pandemic and then as directed by the government.

### ***Your rights in connection with your personal information***

You have rights in respect of our processing of your personal data which are:

- To request access to your personal data and information about our processing of it. You also have the right to request a copy of your personal data (but we will need to remove information about other people).
- To request we rectify incorrect personal data that we are processing.
- To request that we erase your personal data if:
  - We no longer need it.
  - We are processing your personal data by consent and you withdraw that consent.
  - We no longer have a legitimate ground to process your personal data.
  - We are processing your personal data unlawfully.
- To object to our processing if it is by legitimate interest.
- To restrict our processing if it was by legitimate interest.
- To request that your personal data be transferred from us to another company if we were processing your data under a contract or with your consent and the processing is carried out by automated means.

If you want to exercise any of these rights, please contact us.

If you have any questions or concerns, please contact us as most matters can be resolved informally in the first instance.

You also have the right to lodge a complaint about our processing via the UK's Information Commissioner's Office (ICO).