



# Privacy Notice

For Staff, Members, Trustees and Local Governors

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| <b>Data Controller</b>                      | Elston Hall Multi-Academy Trust   |
| <b>Data Protection Registration Number</b>  | ZA142925  |
| <b>Data Protection Officer</b>              | Wolverhampton City Council  |
| <b>To access information held about you</b> | Email: <a href="mailto:dataprotection@elstonhallmat.co.uk">dataprotection@elstonhallmat.co.uk</a> |

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## 1. Overview

Elston Hall Multi Academy Trust collects, holds and processes personal information about employees, Members, Trustees and Local Governors, to allow it to meet legal requirements and legitimate interests set out in UK law.

Elston Hall Multi-Academy Trust is the Data Controller of the personal information that the Trust's schools process about you. This means that the school determines the purposes for which, and the manner in which, any personal data relating to employees of the school is to be processed.

You have the right to be informed about what information the Trust / school collects about you and how it is used.

## 2. Why we process data

Your privacy is important to us and we are therefore committed to handling your personal data in accordance with the provisions of the Data Protection Act 2018 (the Act), General Data Protection Regulation 2016/679 (GDPR), and any subsequent changes to data protection legislation UK Data Protection Law.

Elston Hall MAT has the legal right and a legitimate interest to collect and process personal data relating to those we employ to work at any one of our the schools, or those otherwise contracted to work within the Trust or its Members, Trustees and Governors. Under the GDPR, the legal basis / bases we rely on for processing personal information for general purposes are:

- Article 6, 1, (a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
- Article 6, 1, (b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- Article 6, 1, (c) processing is necessary for compliance with a legal obligation to which the controller is subject;

The basis/bases we rely on for processing special category information for general purposes are:

- Article 9, 1, (a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject;
- Article 9, 1, (b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;

We process personal data in order to meet the safeguarding requirements set out in UK employment and childcare law, including those in relation to the following:

- Safeguarding Vulnerable Groups Act 2006
- The Childcare (Disqualification) Regulations 2009
- Section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

Employee's personal data is used for:

- Contractual arrangements
- Payment and salary arrangements
- Training and development
- Pre-Employment checks
- the development of a comprehensive picture of the workforce and how it is deployed
- inform the development of recruitment and retention policies

If staff members fail to provide their personal data, there may be significant consequences. This includes the following:

Employment checks:

- Failure to provide the school with ample proof of a right to work in the UK will prevent employment.
- Employees found to be working illegally could face prosecution by law enforcement officers.

Salary requirements:

- Failure to provide accurate tax codes and/or national insurance numbers could lead to issues of delayed payments or an employee paying too much tax.

Covid-19. Outbreaks of infectious diseases which present a risk to the health of the public and require urgent investigation and management are included in the following legal framework:

- The Department of Health and Social Care has served notice under Regulation 3(4) of the Health Service (Control of Patient Information) Regulations 2002 (COPI) to require schools to provide staff, pupil and visitor details to NHS Test and Trace, upon request. This will be limited to a name and contact telephone number, and only when this falls within the previous 28 days, in line with government guidelines.

### 3. Categories of Data the organisation collects

Workforce data is essential for the Trust's / school's operational use. Whilst the majority of personal information you provide to us is mandatory, some of it is requested on a voluntary basis. 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.

We will need to collect your personal or special category data of a more sensitive nature, to deliver some of the statutory (required by law) and non-statutory services (where you have consented to) that the school provides. No more information will be collected than is required to deliver that service.

Types of personal information we collect about you may include:

- personal details (name, date of birth, address,)
- Identification numbers (e.g. National Insurance Number, employee or teacher number)
- Characteristics information (such as gender, age, ethnic group)
- Contract information (start dates, hours worked, post, roles, salary information etc.)
- Work absence information (number of absences and reasons)
- Qualifications (and where relevant – subjects taught)
- Equalities information (Ethnicity, gender, age, first language etc.)
- For Members, Trustees and Local Governors, details such as role, start and end dates.

#### 4. Who your data is shared with

The Trust / school is required to share employee data with other organisations where it is necessary to do so to comply with the law or where permitted under the Act or GDPR.

Examples of third parties who we may share your information with include (but are not limited to):

- Department for Education (DfE) - We share personal data with the (DfE) on a statutory basis. This data sharing underpins workforce policy monitoring, evaluation, and links to school funding / expenditure and the assessment educational attainment. We are required to share information about our pupils with the (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.
- Agencies that are prescribed by law – for example – social services, early help, NHS bodies
- Third parties such as Services 4 Schools who are contracted to support the school and its employees
- The Trust's external Auditors (Dains Accountants)
- The Trust's internal Auditor
- The ESFA

#### Sharing with the DfE

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>

The Governance data we share with the DfE is entered manually on the GIAS system and held by the DfE under a combination of software and hardware controls which meet the current [government security policy framework](#).

The governor data that we lawfully share with the DfE via GIAS:

- will increase the transparency of governance arrangements;
- will enable schools and the department to identify more quickly and accurately individuals who are involved in governance and who govern in more than one context;
- allows the department to be able to uniquely identify an individual and in a small number of cases conduct checks to confirm their suitability for this important and influential role.

### Sharing with other agencies

Your personal information may be shared with external partners and agencies involved in delivering services on our behalf that you have consented to using.

They will only have access to your information on a need to know basis, and your privacy and the security of the information is assessed when a new sharing partner is identified.

We may also share information with third party organisations such as insurers, solicitors who are acting on your behalf. This is usually done with your consent, unless there is a legal reason to share without your consent.

## 5. How we collect your data and from where

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| Face to face:    | We may keep a record of your contact in order to assist on the delivery and improvement of the services we provide to you and others. Any such records that include any personal information will be kept securely.  |
| Telephone calls: | Ordinarily we will inform you if we record or monitor any telephone calls you make to us. This is to increase your security, for our record keeping of the phone call and for training and quality purposes.   |
| Emails:          | If you email us we may keep a record of your contact and your email address for our record keeping. We will not include any confidential information about you in any email we send to you unless sent securely or you have agreed to us contacting you with this information. We would also suggest that you keep the amount of confidential information you send to us via email to a minimum. |
| On paper         | You may complete assessment forms or request forms on paper that you send to us. You may write us letters and send these in on paper.  |
| Online:          | You may complete online forms, make requests, or make online payments to us.   |

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| On systems         | We may log any information you provide to us on a computer system to help us keep track of your request, or any actions we need to complete. We may add your information to systems where we are required to by laws.  |
| From other sources | <p>We may receive information about you from other organisations or agencies such as:</p> <ul style="list-style-type: none"> <li>• Previous employers</li> <li>• Educators, examining bodies</li> <li>• Ofsted, Ombudsman and regulatory authorities</li> <li>• Providers of goods and services</li> <li>• Local and central government (e.g. Department of Work and Pensions, HMRC)</li> <li>• Health bodies (NHS Trusts, GPs)</li> </ul> <p>We will receive information about you either for a legal reason or because you have asked for your information to be shared with the school. Information can be provided to us by any of the other formats described in this section. We may add this information to our systems to record and hold it as part of your record within our Trust / school.</p> |

## 6. How your data is used

Information which you have provided the school will be stored securely. It will be used for the purposes stated when the information was collected, and not reused for different purposes or sold on to others.

Your data will be placed on an appropriate system, such as the Access HR portal and SIMs and used to provide or administrate that service. We may cross reference this data between systems to keep your information as accurate and up to date as possible in line with Data Protection best practice.

We will keep your information in line with legislation and guidance on records retention periods. We will not keep your information longer than it is needed. We will dispose of paper records or delete any electronic personal information in a secure way.

Sometimes we may ask you to complete assessments that result in an automated decision being made about you, which could be seen as profiling. You can ask the school to explain the outcomes of any automated decisions made about you.

## 7. The Organisations responsibilities

Everyone working for the Trust has a legal duty to keep information about you confidential and secure, for specific purposes and only for as long as necessary. Legislation and best practice guidance that we abide by is;

- Data Protection Act 2018
- General Data Protection Regulation 2016/679
- Human Rights Act 1998
- British Standard and International Standard (BS/ISO) 15489-Records Management
- Lord Chancellors Code of Practice on Records Management

Where we share information with other bodies or agencies, we will ensure the confidentiality and security of your data. This will normally be done by having a contract and confidentiality clauses in place. We also carry out data privacy impact assessment each time we start a new project or initiative that involves the processing of personal data, to help us build in security and privacy to protect your information.

## 8. Your Data Rights

You have rights of how your personal and special category information is used. Please see the Information Commissioners Office guidance on your rights here: <https://ico.org.uk/for-the-public/>

Your rights are to;

- Be informed about how the Trust / School uses your personal data.
- Request access to the personal data the Trust / School holds.
- Request that your personal data is amended if it is inaccurate or incomplete.
- Request that your personal data is erased where there is no compelling or legal reason for its continued processing.
- Request that the processing of your data is restricted, in some circumstances.
- Object to your personal data being processed, in some circumstances.
- Where the processing of your data is based on your consent, you have the right to withdraw this consent at any time.

All requests can be made to the Trust.

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| Post:  | Elston Hall Multi-Academy Trust, Stafford Road, Fordhouses, Wolverhampton, WV10 6NN |
| Email: | dataprotection@elstonhallmat.co.uk  |

If you have any further queries/complaints about your data, please contact the school in the first instance.

If you are still unhappy with the outcome of your query, you can contact the Schools Data Protection Officer (DPO), or the Information Commissioners Office (ICO).

## 9. How to raise a complaint about information

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| NAME OF DPO – Data Protection Complaints |  |
| Post                                     | Wolverhampton City Council   |
| Telephone                                | 01902 555546   |
| Email                                    | <a href="mailto:schoolsig@wolverhampton.gov.uk">schoolsig@wolverhampton.gov.uk</a> |

Alternatively, you can contact the UK's information regulator, the Information Commissioner's Office (ICO), their website has more details [www.ico.org.uk](http://www.ico.org.uk).