



## PRIVACY NOTICE - EMPLOYEE

June 2018

As you may already be aware, the 25<sup>th</sup> May 2018 marks the enforcement of the General Data Protection Regulation (GDPR). The GDPR will replace the Data Protection Act 1998 and is designed to strengthen the safety and security of all data held within an organisation, and make sure processing and storage procedures are consistent.

The purpose of this Privacy Notice is to inform you of the work that Waverley Education Foundation Trust is conducting to ensure that we meet this new regulation.

First and foremost, it is important that you understand your rights under the GDPR; you have the right to:

- Be informed about how we use your personal data.
- Request access to the personal data that the 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 reason for its continued processing.
- Request that the processing of your data is restricted.
- Object to your personal data being processed.

The GDPR will result in some significant changes for the Trust and we will have to prove our compliance with the GDPR by having effective policies in place. There have also been some changes to the rights that individuals have – such as the right to have your information erased.

Privacy Notices must also include new information, such as an individual's right to complain to the Information Commissioner's Officer (ICO).

A data breach notification duty is applied to all schools, and those that are likely to cause damage, e.g. identity theft, have to be reported to the ICO within 72 hours – failure to do so can result in a fine.

One of the biggest changes has been in terms of consent. Consent must be a 'positive indication', which means that it has to be opted into, clear and unambiguous. Any consent given under the Data Protection Act 1998 will be reviewed and reobtained if necessary. This means the school may have to ask for you to consent to things again.

Finally, schools are required to appoint a Data Protection Officer (DPO) – the DPO for Waverley Education Foundation Trust is Rita Sohal and they can be contacted on [rsohal@waverley.bham.sch.uk](mailto:rsohal@waverley.bham.sch.uk).

The GDPR will require changes to be made to some school policies and procedures. While some policies will need small updates, others will require re-writes. It is vital that you have read and understood the Privacy Notice, as the Trust wants to ensure that you understand what we are doing with your data and that you know we are acting legally.

When policies have been checked and ratified, they will be published on the school's VLE for staff to access.

If you have any questions about GDPR, you can contact the ICO on 0303 123 1113 or by using their [live chat](#), or you can visit their [Guide to the General Data Protection Regulation](#) webpage. You are also welcome to direct any questions you have to the DPO, Rita Sohal.

We wish to obtain your informed consent about the data that we may hold about you and provide you with a better understanding of how we will use your data. Your data will not be transferred outside the EU.

## **The school workforce**

### **Who processes your information?**

The Trust is the data controller of the personal information you provide to us. This means they determine the purposes for which, and the manner in which, any personal data relating to staff is to be processed. A representative of the Trust, Rita Sohal, can be contacted on 0121 566 6600 or [rsohal@waverley.bham.sch.uk](mailto:rsohal@waverley.bham.sch.uk).

Where necessary, third parties may be responsible for processing staff members' personal information. Where this is required, the school places data protection requirements on third party processors to ensure data is processed in line with staff members' privacy rights.

### **Why do we need your information?**

Waverley Education Foundation Trust has the legal right and a legitimate interest to collect and process personal data relating to those we employ to work within the Trust, or those otherwise contracted to work within the school. 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:

- Academy Funding Agreement
- Academy's legal framework
- Safeguarding Vulnerable Groups Act 2006
- The Childcare (Disqualification) Regulations 2009

Staff members' personal data is also processed to assist in the running of the school, and to enable individuals to be paid.

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 and job specific qualifications will prevent employment with Waverley Education Foundation Trust.
- Failure to provide the school with names and contact details of current/previous employer(s) in order that we may obtain an employment reference will prevent employment with Waverley Education Foundation Trust.
- 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.
- Failure to provide previous/last payslip or proof of salary could result in an employee being paid the incorrect salary amount.

## **Medical**

- Failure to provide correct medical data on pre-employment questionnaires could lead to a delay in commencing employment with the Trust and any recommended specialist equipment/adaptations required to accommodate personal health needs being delayed or not put in place.

## **For which purposes is your personal data processed?**

In accordance with the above, staff members' personal data is used for the following reasons:

- Contractual requirements
- Employment checks, e.g. Right to work in the UK / identity checks (please note: original identification documents verifying your right to work in the UK will be requested, checked and a photocopy will be taken and the copy of your identification documents will be retained on file under regulations governed by the Immigration, Asylum and Nationality Act.)
- Qualification checks
- NCTL Prohibition checks
- Salary requirements
- Pension details

## Which data is collected?

The personal data the school will collect from the school workforce includes the following:

- Names
- National Insurance numbers
- Characteristics such as ethnic group
- Employment contracts
- Remuneration details
- Qualifications
- Absence information
- Ethnicity
- Gender
- Date of Birth
- Disability
- QT Status
- HLTA Status
- Start Date
- End Date
- Vacancy Post
- Destination if leaving
- Previous Employer
- Actual Hours Worked
- Full Time Equivalent Hours
- Weeks Worked (AYR / TTO)
- Second Role
- Pay Range
- Pay Range Used (London/England & Wales)
- Salary
- Salary Spine Point
- Pay Review Date
- Pay Framework
- Pay Range Minimum
- Pay Range Maximum
- Absence
- Overtime Payments
- TLR Payments
- Qualifications
- Salary Outcome (Appraisal)

The Trust is required to share workforce data with the Department of Education on a statutory basis. The collection of personal information will benefit both the Department of Education and Local Authority by:

- Improving the management of workforce data across the sector.
- Enabling the development of a comprehensive picture of the workforce and how it is deployed.
- Informing the development of recruitment and retention policies.
- Allowing better financial modelling and planning.
- Enabling ethnicity and disability monitoring.
- Supporting the work of the school teachers' review body.

## **Will your personal data be sought from third parties?**

Staff members' personal data is only sought from the data subject. No third parties will be contacted to obtain staff members' personal data without the data subject's consent.

Staff members' personal data may be obtained and processed from third parties where the law requires the school to do so, e.g. medical records from a GP.

Where data is obtained from third parties, the personal data originates from the following sources:

- Previous/current employer(s)
- National Police Records for DBS purposes
- Medigold Health Care

## **How is your information shared?**

Waverley Education Foundation Trust will not share your personal information with any third parties without your consent, unless the law allows us to do so.

We are required, by law, to pass on some personal information to our Local Authority and the Department of Education. This includes the following:

- Payroll Number
- Teacher Reference Number
- Surname
- First name
- Name at Birth
- NI Number
- Gender
- Date of Birth
- Ethnic Origin
- Disability
- QT Statue
- HLTA Status
- Start Date
- End Date
- Contract Type
- Vacancy Post
- Destination if leaving
- Origin when joining
- Actual Hours Worked
- Full Time Equivalent Hours
- Weeks Worked (AYR / TTO)
- Second Role
- Pay Range
- Pay Range Used (L or EW)
- Salary
- Salary Spine Point
- Pay Review Date
- Pay Framework
- Pay Range Minimum
- Pay Range Maximum

- Absence
- Overtime Payments
- TLR Payments
- Qualifications
- Address
- DBS Certificate Number, Issue Date and Employing Organisation at time of issue
- Maternity Details
- Paternity Details
- Parental Leave
- Leave of any other description

We may also need to share medical data held on file with the emergency services if required.

We will also share employees forename and surname with our Building Management, Catering and ICT Teams.

We will share the following data with our pension providers, Teachers Pension Fund or West Midlands Pension Fund, should you wish to contribute to their schemes:

- Name
- Address
- Payroll Number
- Start Date
- Leave Date (if applicable)
- Job Title
- Salary
- TRN (if applicable)

We will need to share the following data with our Occupational Health Provider if a referral is recommended:

- Name
- Address
- Contact Telephone Number
- Email Address
- Absence History
- Medical Condition/Injury

In the event of a safeguarding concern, we may need to provide the LADO (local Authority Designated Officer) and or NCTL (National College for Teaching and Leadership) Team(s) with the following personal data:

- Name
- Previous Name(s)
- DOB
- Address
- Contact Telephone Numbers
- Email Address
- Job Title
- Duties Involved
- Gender
- Nationality
- QTS Date & TRN
- Start Date

- Leave Date (if applicable)
- Reason for Leaving (if applicable)
- Details of any previous misconduct, disciplinary action or complaints made including any previous referrals to the NCTL, Teaching Agency or the General Teaching Council for England. Any related Information for investigations such as Emails and communications.

## **CCTV**

CCTV is in operation across the Trust in a number of areas at both sites. Throughout the day, staff, pupils and visitors can be recorded at different times/locations going about their daily business. CCTV footage is stored for 30 days and then deleted. CCTV is only accessed in the event of any incidents relating to health, safety and security by trained staff members. CCTV footage is for Trust use only and will not be shared with a third party unless required to do so by law.

### **How long is your data retained for?**

Staff members' personal data is retained in line with Waverley Education Foundation Trust's Records Management Policy which is available on the VLE.

Personal information may be retained for the following periods depending on the nature of the information. Data will only be retained for as long as is necessary to fulfil the purposes for which it was processed, and will not be retained indefinitely.

If you require further information regarding retention of data, and the periods for which your personal data is held for, please download our [Records Management Policy](#).

### **What are your rights?**

As the data subject, you have specific rights to the processing of your data.

You have a legal right to:

- Request access to the personal data that Waverley Education Foundation Trust holds.
- Request that your personal data is amended.
- Request that your personal data is erased.
- Request that the processing of your data is restricted.

Where the processing of your data is based on your explicit consent, you have the right to withdraw this consent at any time. This will not affect any personal data that has been processed prior to withdrawing consent.

Staff members also have the right to lodge a complaint with the Information Commissioner's Office (ICO) in relation to how Waverley Education Foundation Trust processes their personal data.

### **How can you find out more information?**

If you require further information about how we and/or the DfE store and use your personal data, please visit our websites, [www.waverley.bham.sch.uk](http://www.waverley.bham.sch.uk) and [www.waverleystudiocollege.co.uk](http://www.waverleystudiocollege.co.uk), the the DfE website at <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>, or download our [GDPR Data Protection Policy](#) and [Records Management Policy](#) from the VLE.

**Declaration**

The Trust wishes to ensure that all staff have received and understand the contents of this Privacy Notice. Staff are requested to complete the attached documentation and return to the Finance Office based at the Waverley School site.

I, (.....), declare that I understand:

- Waverley Education Foundation Trust has a legal and legitimate interest to collect and process my personal data in order to meet statutory and contractual requirements.
- There may be significant consequences if I fail to provide the personal data Waverley Education Foundation Trust requires.
- Waverley Education Foundation Trust may share my data with the Department of Education, and the Local Authority.
- Waverley Education Foundation Trust will not share my data to any other third parties without my consent, unless the law requires the school to do so.
- The nature and personal categories of this data, where the personal data originates from, where my data is obtained from third parties.
- My data is retained in line with Waverley Education Foundation Trust’s Records Management Policy.
- My rights to the processing of my personal data.

**Name of staff member:**

\_\_\_\_\_

**Role:**

\_\_\_\_\_

**Signature of staff member:**

\_\_\_\_\_

**Date:**

\_\_\_\_\_