

Privacy Notice

(How we use employee information)



Policy Review Schedule

Policy	OLT Privacy Notice (Employees)
Review schedule	Every 2 years (or when legislative change takes place)
Statutory Policy	Yes
Policy owner	COO
Lead Reviewer	COO (external review needed if change in legislation)
Approver and date of last approval	CEO, 27 th June 2024
Key review dates	Changes made
Written April 2018	Written
Reviewed April 2021	Added reference to UK GDPR legislation
Reviewed September 2022	New model document issued by DfE
Reviewed November 2022	Section on social media searches for shortlisted candidates added
Reviewed April 2024	Reference to Access Group added (payroll)
Reviewed June 2024	Reference to KCSIE web filtering and monitoring added
Next review due: June 2026	

Why do we collect and use employee information? (Lawful basis for processing)

Under the UK General Data Protection Regulation (UK GDPR), the legal basis /bases we rely on for processing personal information for general purposes are:

Under section 6(1)(b) of the UK GDPR Regulations 2020¹ which states 'Processing is necessary for the performance of a contract with the data subject or to take steps to enter into a contract' and article 9(2)(b) 'The processing is necessary in the context of employment law, or laws relating to social security and social protection'.

In addition to this, under Article 6(1)(e) UK GDPR Regulations 2020: "processing is necessary for the performance of a task carried out in the public interest", 6(1)(c) Processing is necessary for compliance with a legal obligation, 6(1)(e) Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller and Article 9 (2) - processing special category data where the data subject has given explicit consent to the processing of those personal data for one or more specified purposes. The lawful basis for processing is a public task duty for the safeguarding of children.

¹ UK General Data Protection Regulation (UK GDPR) – the EU GDPR was incorporated into UK legislation, with some amendments, by the Data Protection, Privacy and Electronic Communications (Amendments etc.) (EU Exit) Regulations 2020.

We also carry out a Google “name” search for all short-listed interview candidates prior to interview to reveal any information that is publicly available online. The processing of this data will be conducted under the legal basis of Article 6(e) public task in line with the guidance laid out in para 221 of Keeping Children Safe in Education (KCSIE 2022). Any data collected during this search will be retained in line with our retention schedule which is available on request.

We use employee data:

- To carry out required legal background checks (DBS).
- To ensure employees receive their salary and pension contributions.
- To monitor and review performance.
- To ensure employees have a right to work in the UK.
- To monitor sickness and absence levels.
- To monitor all internet activity (on and off site) undertaken on Trust issued IT equipment (including phones, laptops and iPads). This is to ensure compliance with DfE requirements with regards to filtering and monitoring guidance from the DfE (KCSIE).
- Improving the management of school workforce data across the sector.
- Enabling a comprehensive picture of the workforce and how it is deployed to be built up.
- Informing the development of recruitment and retention policies.
- Allowing better financial modelling and planning.
- Enabling ethnicity and disability monitoring.
- Supporting the work of the Pay Review Panel.

The categories of employee information that we collect, hold and share include:

- Personal information (such as name and address, employee or teacher number).
- Financial information (such as bank account data, National Insurance number, tax code).
- Characteristics (such as ethnicity, language, nationality, country of birth).
- Contract information (such as start date, hours worked, post, roles and salary information).
- Sickness and absence information (such as number of absences and reasons).
- Relevant medical information.
- Qualifications.
- Web usage (on Trust IT devices).

Collecting employee information

Workforce data is essential for the School/Trust's operational use. Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with UK 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.

Storing data

We hold data securely for the period of time as set out by the IRMS data retention guidance. A copy of which can be found on the Trust website www.omnialearningtrust.org . It is also available in Parago.

Who do we share employee information with?

We routinely share employee information with:

- Pensions authorities – TPS, LGPS, People's Pension.
- Payroll company – Dataplan, Strictly Education and Access Education .
- The Department for Education (DfE).

- Governors and trustees of the Omnia Learning Trust.
- ICT providers – RM, SIMs.
- Accountants – Edufin.
- Auditors – UHY and Kreston Reeves.
- School safeguarding teams (including the Designated Safeguarding Lead).

Why we share employee information

We do not share information about our employees with anyone without consent unless the law and our policies allow us to do so.

We are required to share information about our school employees with the Department for Education (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments. This data sharing underpins school workforce monitoring and is used for the following purposes:

- To inform the Department for Education (DfE) policy on pay and the monitoring of the effectiveness and diversity of the school workplace.
- Link to school funding and expenditure.
- Support “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 go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>

All data is transferred securely and held by the Department for Education (DfE) under a combination of software and hardware controls which meet current government security policy framework.

Sharing by the DfE

The Department for Education (DfE) 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 for Education 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 the 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 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.

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

Requesting access to your personal data – held by the school

Under data protection legislation, employees have the right to request access to information about them that we hold. To make a request for your personal information contact Bethan Gorsuch, Data Protection Officer. We respectfully request that you request information during term time to give the academy the best opportunity to comply with your request within one calendar month although you are under no legal obligation to do so.

You also have the right to:

- To ask us for access to information about you that we hold.
- To have your personal data rectified, if it is inaccurate or incomplete.
- To request the deletion or removal of personal data where there is no compelling reason for its continued processing.
- To restrict our processing of your personal data (i.e. permitting its storage but no further processing).
- To object to direct marketing (including profiling) and processing for the purposes of scientific/historical research and statistics.
- Not to be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect on you.

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

Requesting access to your personal data – held by the DfE

Under the terms of the Data Protection Act 2018, you're entitled to ask the Department for Education (DfE):

- 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 for Education (DfE), you should make a 'subject access request'. Further information on how to do this can be found within the Department for Education's (DfE) 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 for Education (DfE): <https://www.gov.uk/contact-dfe>

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 are unhappy with our use of your personal data, please let us know by contacting Bethan Gorsuch (Data Protection Officer).

Contact:

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

- Beth Gorsuch, Data Protection Officer, admin@omnialearningtrust.org