Merton Park Primary School

## How We Use Your Information

# Privacy Notice for staff

Under data protection law, individuals have a right to be informed about how we use any personal data that we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing 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, Merton Park Primary, are the 'data controller' for the purposes of data protection law.

London Borough of Merton are our Data Protection Officer.

# The categories of information that we process include

We process data relating to those we employ, or otherwise engage, to work within 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 a CV 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 collect and use workforce information

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
- For marketing purposes including websites, prospectus and social media
- Improve the management of workforce data across the sector
- Support the work of the School Teachers' Review Body
- inform the development of recruitment and retention policies

We only collect and use personal information about you when the law allows us to. Under the General Data Protection Regulation (GDPR)Articles 6 and 9, the legal basis / bases we rely on for processing personal information for general purposes are:

- 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)
- We have legitimate interests in processing the data – for example, where we need to investigate a matter of serious misconduct.

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 workforce information

Workforce data is essential for the school's / local authority'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 data protection regulations, 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 workforce information

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 data protection policy and retention schedule. Our retention guidelines are informed by the Information and Records Management Society's toolkit for schools.

# Who we share workforce information with and why

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.
- The Department for Education to comply with a legal obligation
- Your family or representatives to carry out a task in the public interest
- Educators and examining bodies to carry out a task in the public interest
- Ofsted to carry out a task in the public interest
- Suppliers and service providers – to enable them to provide the service we have contracted them for, such as payroll, HR and budgeting
- Financial organisations to comply with a legal obligation
- Our auditors to comply with a legal obligation
- Survey and research organisations to carry out a task in the public interest

- Trade unions and associations to comply with a legal obligation
- Health authorities to carry out a task in the public interest
- Security organisations to comply with a legal obligation
- Health and social welfare organisations to carry out a task in the public interest
- Professional advisers and consultants to comply with a legal obligation
- Charities and voluntary organisations to carry out a task in the public interest
- Police forces, courts, tribunals to comply with a legal obligation
- Professional bodies to comply with a legal obligation
- Employment and recruitment agencies to comply with a legal obligation

## 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 Department for Education (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

We are required to pass information about our child and family social work workforce employees to the Department for Education (DfE) through regulations under Section 83 of the Children Act 1989.

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.

For privacy information on the data the Department for Education (DfE) collects and uses, please see: https://www.gov.uk/government/publications/privacy-information-education-providers-workforce-including-teachers.

# 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 **Laurie Miller (SBM)**

You also have the following rights:

- the right to be informed about the collection and use of your personal data – this is called ’right to be informed’.
- the right to ask us for copies of personal information we have about you – this is called ’right of access’, this is also known as a subject access request, data subject access request or right of access request.
- the right to ask us to change any information you think is not accurate or complete – this is called ‘right to rectification’.
- the right to ask us to delete your personal information – this is called ‘right to erasure’
- the right to ask us to stop using your information – this is called ‘right to restriction of processing’.
- the ‘right to object to processing’ of your information, in certain circumstances
- rights in relation to automated decision making and profiling.
- the right to withdraw consent at any time (where relevant).
- the right to complain to the Information Commissioner if you feel we have not used your information in the right way.

There are legitimate reasons why we may refuse your information rights request, which depends on why we are processing it. For example, some rights will not apply:

- right to erasure does not apply when the lawful basis for processing is legal obligation or public task.
- right to portability does not apply when the lawful basis for processing is legal obligation, vital interests, public task or legitimate interests.
- right to object does not apply when the lawful basis for processing is contract, legal obligation or vital interests. And if the lawful basis is consent, you don’t haven’t the right to object, but you have the right to withdraw consent.

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 the Department for Education (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.

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 Laurie Miller (SBM)

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

## 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 15.11.24

## Contact

If you would like to discuss anything in this privacy notice, please contact: Laurie Miller (SBM)

# How Government uses your data

The workforce data that we lawfully share with the Department for Education (DfE) through data collections:

- informs the Department for Education (DfE) 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 (DfE) 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 for Education (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 (DfE) will only share your personal data where it is lawful, secure and ethical to do so and 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 Department for Education (DfE) releases personal data to third parties are subject to a strict approval process and based on a detailed assessment of public benefit, proportionality, legal underpinning and strict information security standards.

For more information about the Department for Education's (DfE) data sharing process, please visit: https://www.gov.uk/data-protection-how-we-collect-and-share-research-data

For information about which organisations the Department for Education (DfE) has provided information, (and for which project) please visit the following website: https://www.gov.uk/government/publications/dfe-external-data-shares

# How to find out what personal information the Department for Education (DfE) hold about you

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

or

https://www.gov.uk/government/publications/requesting-your-personal-information/requesting-your-personal-information#your-rights

To contact the Department for Education (DfE): https://www.gov.uk/contact-dfe