



LEARNING OPPORTUNITIES

Staff Privacy Notice

*This document should be read in conjunction with our
GDPR policy*

Date Approved	January 2021
Date of next review	January 2022
Review Period	1 Year

Privacy Notice (How we use staff information)

Learning Opportunities is the Data Controller for the use of personal data in this privacy notice.

The categories of school information that we process

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:

- personal information (such as name, contact details, date of birth, and employee or teacher reference number)
- characteristics information (such as gender, age, ethnic group)
- next of kin and emergency contact numbers
- 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
- Disclosure and Barring Information (DBS)
- contract information (such as start date, hours worked, post, roles, salary and pension information)
- bank account details, payroll records, National Insurance number and tax status information
- work absence information (such as number of absences and reasons)
- outcomes of any disciplinary and/or grievance procedures
- qualifications (and, where relevant, subjects taught)
- performance information
- relevant medical information
- copy of driving licence
- photographs
- 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 staff information

We collect and use staff information under the Data Protection Act 1998 (DPA) and the General Data Protection Regulation (GDPR). The personal data collected is essential for Learning Opportunities to fulfil their official functions and to meet legal requirements.

We use staff data to:

- enable the development of a comprehensive picture of the workforce and how it is deployed
- inform the development of recruitment and retention policies
- enable individuals to be paid
- facilitate safe recruitment, as part of our safeguarding obligations towards students
- support effective performance management
- allow better financial modelling and planning
- enable ethnicity and disability monitoring

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)
- we have legitimate interests in processing the data – for example, where:
you have applied for another position and references are required as part of safer recruitment

Your marital status has changed and we are obliged to inform government office about this

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 staff information

We collect personal information via the recruitment process and staff contracts.

Staff data is essential for the 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. In order 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.

Storing staff data

Learning Opportunities hold staff data securely for the set amount of time shown in our data retention schedule.

There are strict controls on who can see your information. We will not share your data if you have advised us that you do not want it shared, unless it is the only way we can make sure you stay safe and healthy or we are legally required to do so.

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. The staff files are kept within a locked cupboard and only the Headteacher and Proprietor have access. You are able to have access to your file at any time to ensure that all information about you is up to date.

Once your employment with us has ended, we will retain this file and delete the information in it in accordance with our retention policy.

Who we share staff information with

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 information about Headteacher performance and staff dismissals

- The Department for Education - to meet our legal obligations to share information linked to performance data.
- Your family or representatives - to carry out our public task in the event of an emergency
- Other staff members - to carry out our public tasks, for example having access to your school email address so that information can be shared effectively
- Our regulator Ofsted, in order to comply with our public task
- Suppliers and service providers - to enable them to provide the service we have contracted them for, such as payroll
- Central and local government to complete the legal obligation for things such as the workforce census
- Survey and research organisations - to meet our legal obligation in relation to 'freedom of information' requests
- Trade unions and associations - to carry out our public task in light of any key discussions within school linked to disciplinary/capability procedures or for events such as redundancy.
- Health and social welfare organisations to carry out our public task in line with our attendance management policy with organisations such as occupational health
- Police forces, courts, tribunals - to meet our legal obligations to share certain information with it, such as safeguarding concerns or to carry out our public task in relation to a tribunal.
- Employment and recruitment agencies - to meet the public task of supplying requested references.

Department for Education

The Department for Education (DfE) collects personal data from educational settings and local authorities via various statutory data collections.

As an Independent school we must collect and submit data for the school level annual school census (SLASC). This information includes the number and details of staff members who have joined or left since the last census.

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.

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 lesleyb@learningopps.org (DPO)

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

Your other rights regarding your data

Depending on the lawful basis above, you may also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- a right to seek redress, either through the ICO, or through the courts

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/>

For further information on how to request access to personal information held centrally by DfE, please see the 'How Government uses your data' section of this notice.

Withdrawal of consent

Where Learning Opportunities is 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 by contacting lesleyb@learningopps.org

Complaints

Learning Opportunities 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 (DPO) lesleyb@learningopps.org

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

Updates

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 January 2021.

Contact

If you would like to discuss anything in this privacy notice, please contact: lesleyb@learningopps.org (Proprietor/DPO) or simong@learningopps.org (Headteacher)

How Government uses your data

The workforce data that we lawfully share with the DfE through data collections:

- informs departmental 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 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

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.

How to find out what personal information DfE hold about you

Under the terms of the Data Protection Act 2018, you're entitled to ask the Department:

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