



LEARNING OPPORTUNITIES

Staff Privacy Notice

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

Date Approved	September 2023
Date of next review	September 2024
Review Period	1 Year

Introduction

Under UK data protection law, individuals have a right to be informed about how our school uses 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 who otherwise engage to work at our school.

We, Learning Opportunities, Ringwould Road, Ringwould, Deal, Kent CT14 8DW – Tel: 01304 381906, are the 'data controller' for the purposes of UK data protection law.

Our data protection officer is Lesley Buss – lesleyb@learningopps.org

The personal data we hold

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

We may also collect, use, store and share (when appropriate) information about you that falls into 'special categories' of more sensitive personal data. This includes, but is not restricted to:

- Information about any health conditions you have that we need to be aware of
- Sickness records
- Photographs and images captured in school
- Information about trade union membership

We may also collect, use, store and share (when appropriate) information about criminal convictions and offences.

We may also hold data about you that we have received from other organisations, including other schools and social services, and the Disclosure and Barring Service in respect of criminal offence data.

Why we use this data

We use the data listed above to:

- Enable you to be paid
- Facilitate safe recruitment, as part of our safeguarding obligations towards students
- Support effective performance management
- Inform our recruitment and retention policies
- Allow better financial modelling and planning
- Enable equalities monitoring
- Enable the development of a comprehensive picture of the workforce and how it is deployed
- Improve the management of workforce data

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.

Use of your personal data in automated decision making and profiling

We do not currently process any staff members' personal data through automated decision making or profiling. If this changes in the future, we will amend any relevant privacy notices in order to explain the processing to you, including your right to object to it.

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.

Our basis for using special category data

For 'special category' data, we only collect and use it when we have both a lawful basis, and 1 of the following conditions for processing as set out in UK data protection law:

- We have obtained your explicit consent to use your personal data in a certain way
- We need to perform or exercise an obligation or right in relation to employment, social security or social protection law
- We need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent

- The data concerned has already been made manifestly public by you
- We need to process it for the establishment, exercise or defence of legal claims
- We need to process it for reasons of substantial public interest as defined in legislation
- We need to process it for health or social care purposes, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law
- We need to process it for public health reasons, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law
- We need to process it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the processing is in the public interest

For criminal offence data, we will only collect and use it when we have both a lawful basis, as set out above, and a condition for processing as set out in UK data protection law. Conditions include:

- We have obtained your consent to use it in a specific way
- We need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent
- The data concerned has already been made manifestly public by you
- We need to process it for, or in connection with, legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of legal rights
- We need to process it for reasons of substantial public interest as defined in legislation

Collecting this data

While the majority of information we collect about you is mandatory, there is some information that can be provided voluntarily.

Whenever we seek to collect information from you, we make it clear whether you must provide this information (and if so, what the possible consequences are of not complying), or whether you have a choice.

Most of the data we hold about you will come from you, but we may also hold data about you from:

- Local authorities
- Government departments or agencies
- Police forces, courts or tribunals

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 within a locked filing cabinet 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
- Government departments or agencies - 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.
- Professional advisers and consultants

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

You may also have the right for your personal information to be transmitted electronically to another organisation in certain circumstances.

Your other rights regarding your data

Under UK data protection law, you have certain rights regarding how your personal data is used and kept safe. For example, you have the right to:

- Object to our use of your personal data
- Prevent your data being used to send direct marketing
- Object to and challenge the use of your personal data for decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, have inaccurate personal data corrected
- In certain circumstances, have the personal data we hold about you deleted or destroyed, or restrict its processing
- Withdraw your consent, where you previously provided it for the collection, processing and transfer of your personal data for a specific purpose
- In certain circumstances, be notified of a data breach
- Make a complaint to the Information Commissioner's Office
- Claim compensation for damages caused by a breach of the data protection regulations

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/make-a-complaint/>
- 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 September 2023.

Contact

If you have any questions or concerns, or would like more information about anything mentioned 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.

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