

# St Nicholas Owen Catholic Multi Academy Company (SNOMAC) Workforce Privacy Notice

## Policy Statement

We are St Nicholas Owen Catholic Multi Academy Company. During an individual's time with us, we will use information that we gather in relation to them for various purposes. Information that we hold in relation to individuals is known as their "personal data". This will include data that we obtain from the individual directly and data about the individual that we obtain from other people and organisations. We might also need to continue to hold an individual's personal data for a period of time after they have left the SNOMAC. Anything that we do with an individual's personal data is known as "processing".

This document sets out what personal data we will hold about our workforce, why we process that data, who we share this information with, and the rights of individuals in relation to their personal data processed by us.

## What information do we process in relation to our workforce?

We will collect, hold, share or otherwise use the following information about our workforce:

- personal information (such as name, address, home and mobile numbers, personal email address, employee or teacher number, national insurance number, vehicle registration and emergency contact details)
- contract information (such as start dates, hours worked, post, roles and salary information, bank/building society details)
- work absence information (such as number of absences and reasons (including information regarding physical and/or mental health, holiday records)
- qualifications / training courses attended and, where relevant, subjects taught (such as training record)
- performance information (such as appraisals and performance reviews, performance measures including performance management/improvement plans, disciplinary or grievance records)
- other information (such as pension arrangements (and all information included in these necessary to administer them), time and attendance records, information in applications made for other posts within SNOMAC, criminal records information (including the results of Disclosure and Barring Service (DBS) checks), details in references SNOMAC receives or provides to other organisations, CCTV footage and images)

We will also use special categories of data including such as gender, age, ethnic group, sex or sexual orientation, religious or similar beliefs, political opinions, trade union membership, information about health, genetic information and biometric data. These types of personal data are subject to additional requirements.

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### Where do we get information from about our workforce?

A lot of the information we have about our workforce comes from the individuals themselves. However, we may also obtain information from tax and regulatory authorities such as HMRC, previous employers, your trade union, the DBS, our insurance benefit administrators, consultants and other professionals we may engage, recruitment or vetting agencies, other members of staff, students or their parents, and publically available resources including online sources. In addition, we may obtain information from automated monitoring of our websites and other technical systems such as our computer networks and systems, CCTV and access control systems, communications systems, remote access systems, email and instant messaging systems, intranet and internet facilities, telephones, voicemail and mobile phone records.

### Why do we use this information?

We will process the personal data of our workforce for the following reasons:

1. Where we are required by law, including:
  - To comply with the law regarding data sharing (see further below)
  - To comply with specific employment law requirements, including our obligations as an employer under employment protection and health and safety legislation, and under statutory codes of practice such as those issued by ACAS
  - To comply with legal requirements in relation to equalities and nondiscrimination
2. Where we are required by any contract with our workforce, such as employment contracts, including:
  - To make payments to our workforce, such as salary payments
  - To deduct tax and National Insurance contributions
  - To make a decision about recruitment
  - To check individuals are legally entitled to work in the UK
  - Administering employment contracts
  - Conducting performance reviews
  - Making decisions about salary and compensation
  - Liaising with pension providers

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- Providing the following benefits:
    - Childcare Vouchers
    - Staff Car Parking Arrangements
    - Additional Voluntary Pension Providers
3. Where the law otherwise allows us to process the personal data, or we are carrying out a task in the public interest, including:
- To enable the development of a comprehensive picture of the workforce and how it is deployed
  - To inform the development of recruitment and retention policies
  - To safeguard our pupils and other individuals
  - To ensure safe working practices
  - In the interests of ensuring equal opportunities and treatment
4. Where we otherwise have the consent of the individual

Whilst the majority of processing of personal data of our workforce will not require consent, we will inform individuals if their consent is required and seek that consent before any processing takes place. Due to the imbalance of power in an employee to employer relationship, it is generally thought that although consent may be implied it cannot truly be freely given. So consent is not necessarily the most appropriate basis to rely upon as an employer.

### **The lawful basis on which we process this information**

We process this information under the following General Data Protection Articles:

6.1(b) Processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.

6.1(c) Processing is necessary for compliance with a legal obligation to which the controller is subject

For example: The Health and Safety at Work Act, Equality Act 2010, The Disability Discrimination Act.

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.

For example: The Education Act requires the collection of workforce data for the purpose of Departmental Census. Working together to Safeguard Children Guidelines (DfE).

9.1(b) Processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by

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Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject.

### **Why do we use special category personal data?**

We may process special category personal data of our workforce for the following reasons:

1. To carry out our legal obligations in relation to employment law, where this is in accordance with our Data Protection Policy.

Where the processing is necessary for reasons of substantial public interest, including for purposes of equality of opportunity and treatment, where this is in accordance with our Data Protection Policy.

2. For the purposes of preventative or occupational medicine in order to assess an individual's working capacity and/ or the need for reasonable adjustments.
3. Where we otherwise have an individual's explicit written consent - subject to the restriction set out above on the use of consent in an employment relationship.

There may also be circumstances where we need to use your information in relation to legal claims, or to protect your vital interests and where you are unable to provide your consent.

### **Failure to provide this information**

If our workforce fails to provide information to us then this may result in us being unable to perform the employment contract, or we may be prevented from complying with our legal obligations.

### **Storing this information**

We hold data securely for the set amount of time shown in our data retention schedule. For more information on our data retention schedule and how we keep your data safe, please visit [www.stnicholasowen-mac.org.uk](http://www.stnicholasowen-mac.org.uk) and browse to the Key Information/Data Protection section, which includes our Data Protection Policy.

### **How long will we hold information in relation to our workforce?**

We will hold information relating to our workforce only for as long as necessary. How long we need to hold on to any information will depend on the type of information. For further detail please see our Retention and Destruction Policy.

### **Who will we share information with about our workforce?**

Your information may be shared internally, including with those people responsible for HR and recruitment (including payroll), senior staff who you report to or who have supervisory/management responsibilities for you and business support and IT staff if access to the data is necessary for performance of their roles.

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St Nicholas Owen Catholic Multi Academy Company routinely shares this information with:

- our local authority
- the Department for Education (DfE)

We routinely share information about our workforce with:

- Local authorities, to assist them in the exercise of their responsibilities in relation to safeguarding purposes
- The Department for Education [and/or the ESFA], in compliance with legal obligations of SNOMAC to provide information about our workforce as part of statutory data collections
- Contractors, such as payroll providers, to enable them to provide an effective service to SNOMAC and government agencies such as HMRC and DWP regarding tax payments and benefits
- Our professional advisors including legal and HR consultants and external auditors
- Pension scheme bodies and their advisory actuaries
- Microsoft Teams will be used by staff to collaborate and meet, staff will also teach pupils in their home setting via this platform (video sessions may be recorded and kept for no longer than is necessary for the purposes of which the personal data are processed). For further information on Microsoft Teams and how the Trust is using these apps please see the Trust's Data Protection Impact Assessment.
- PIMS through MyHR provides access via a dedicated login for all employees to a personal dashboard interface. It also provides access to managers via a dedicated login for managers to manage their employees. It also assists with the management of payroll, pensions and other back end issues. For further information on PIMS and how the Trust is using this please see the Trust's Data Protection Impact Assessment.
- Talent Link is an applicant tracking system used by schools to support their end to end recruitment process needs. These include CRM, job approvals, job posting, social media integration, career site development, applying online, selection process management including shortlisting, assessment integration, interview scheduling, offers and contract generation and onboarding. For further information on Talent Link and how the Trust is using this please see the Trust's Data Protection Impact Assessment.

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### **Why we share school workforce information**

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

### **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 (DfE)**

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 children and young people with the Department for Education (DfE) for the purpose of those data collections, under:

The Department for Education may share information that we are required to provide to them with other organisations. For further information about the Department's data sharing process, please visit: <https://www.gov.uk/guidance/data-protection-howwecollect-and-share-research-data>.

Contact details for the Department can be found at <https://www.gov.uk/contact-dfe>

### **Rights of our workforce in relation to their personal data**

All of our workforce have the right to request access to personal data that we hold about them. To make a request for access to their personal data, individuals should contact:

Academy Designated Data Champion or Academy Principal

Please also refer to our Data Protection Policy for further details on making requests for access to workforce information.

Individuals also have the right, in certain circumstances, to:

- Object to the processing of their personal data
- Have inaccurate or incomplete personal data about them rectified
- Restrict processing of their personal data
- Object to the making of decisions about them taken by automated means
- Have your data transferred to another organisation
- Claim compensation for damage caused by a breach of their data protection rights

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If an individual wants to exercise any of these rights then they should contact their Academy's designated Data Champion. The law does not oblige SNOMAC to comply with all requests. If SNOMAC does not intend to comply with the request, then the individual will be notified of the reasons why in writing.

### Concerns

If an individual has any concerns about how we are using their personal data, then we ask that they contact our Data Protection Officer in the first instance;

**YourIG Data Protection Officer Service (Dudley MBC)**  
**3-5 St James's Road**  
**Dudley**  
**DY1 1HZ**  
**Email: [information.governance@dudley.gov.uk](mailto:information.governance@dudley.gov.uk)**  
**Tel: 01384 815607**

However an individual can contact the Information Commissioner's Office should they consider this to be necessary, at <https://ico.org.uk/concerns/>

### Contact

#### 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

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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>

If you would like to discuss anything in this privacy notice, please contact your Academy's Designated Data Champion.



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