

Oak Partnership Trust

Privacy Notice for Workforce

This notice explains what personal data (information) we hold about you, how we collect, how we use and may share information about you. We are required to give you this information under data protection law.

The Oak Partnership Trust is the 'data controller' for the purposes of data protection law. Our Data Protection Officer (DPO) is Amy Brittan (see 'Contact us' below).

The personal data we hold on you

This includes:

- Personal information (such as name, employee or teacher number, national insurance number, emergency contact details)
- Characteristics information (such as gender, age, ethnic group)
- Contract information (such as start date, hours worked, post, roles and salary information)
- Work absence information (such as number of absences and reasons)
- Qualifications (and, where relevant, subjects taught)
- Relevant medical information
- Photographs
- CCTV images

This list is not exhaustive. To access the current list of categories of information we process please request to see our data asset audit by contacting the Trust.

Why we collect and use workforce information

We use workforce data to:

- maintain accurate and up-to-date employment records and contact details (including details of emergency contacts);
 - enable individuals to be paid;
 - support pension payments and calculations;
 - run recruitment processes;
 - operate and keep a record of disciplinary and grievance processes to ensure acceptable conduct in the workplace;
 - operate and keep a record of employee performance and related processes, to plan for career development, and for succession planning and workforce management purposes;
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Oak Partnership Trust

Privacy Notice for Workforce

- obtain occupational health advice, to ensure that we meet obligations under health and safety law, and ensure that employees are fit to work;
- operate and keep a record of other types of leave (including maternity, paternity, adoption, parental and shared parental leave), to allow effective workforce management, to ensure that the organisation complies with duties in relation to leave entitlement, and to ensure that employees are receiving the pay or other benefits to which they are entitled;
- ensure effective general HR and business administration;
- provide references on request for current or former employees;
- respond to and defend against legal claims;
- inform financial audits of the Trust
- inform national workforce policy monitoring and development
- provide information to local government as required by law in the event of a public health emergency

Our legal basis for using this data

Under the UK General Data Protection Regulation (UK GDPR), the lawful bases we rely on for processing workforce information are:

- Article 6 (1) (b) Contract: the processing is necessary because we have a contract with you and we need to process your personal information to comply with your contract.
 - Article 6 (1) (c) Legal obligation: the processing is necessary for us to comply with the law; we are required to share information about our workforce members under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.
 - Article 6 (1) (e) Public Task: we may collect information from you where it is necessary to perform a task in the public interest e.g. taking temperature data on site and / or sharing staff data with the local authority in the event of a public health emergency.
 - Article 6 (1) (f) Legitimate interests: we rely on having a legitimate reason as your employer to collect and use your personal information, and to comply with our statutory obligations,
 - For some data processing where there is no legal obligation, contract or legitimate interest for the Trust to collect and use the data, we will ask for your consent under Article 6 (1) (a) Consent: the individual has given clear consent for us to process their personal data for a specific purpose
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Oak Partnership Trust

Privacy Notice for Workforce

- We may also share your information if we need to protect your vital interests (or someone else's interest) e.g. in a life or death situation we may share information with healthcare professionals

We may also collect and use information about your health. This is a special category of personal information, and we will only collect and use it when it is necessary for public health, e.g. protecting against serious threats to health. The legal basis here is Article 9(2)(i) of UK GDPR.

Public Health England also has special permission from the Secretary of State for Health and Social Care to use personally identifiable information without your permission where this is in the public interest. This is known as 'Section 251' approval and includes the use of the information collected by NHS Test and Trace to help protect the public from coronavirus. The part of the law that applies here is Section 251 of the National Health Service Act 2006 and the associated Health Service (Control of Patient Information) Regulations 2002.

Where we have got your consent to use your data, you may withdraw this at any time. We will make this clear when we ask for your consent and explain how to go about withdrawing consent.

Collecting workforce information

We collect personal information via staff contract forms and annual data collection sheets.

Workforce data is essential for the Trust'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 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 workforce information

We hold workforce data for as long as reasonably necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements.

We are aware of the legal hold placed on the destruction of staff personnel files by the Independent Inquiry Into Child Sexual Abuse (IICSA) and we are retaining staff personnel files until the publication of their final report and recommendations about file retention.

We have appropriate security measures in place to prevent personal information from being accidentally lost or used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine business need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality. We

Oak Partnership Trust

Privacy Notice for Workforce

also have procedures in place to deal with any suspected data security breach. We will notify you and the Information Commissioner's Office of a suspected data security breach where we are legally required to do so.

Who we share workforce information with

For the most part, personal data collected will remain within the Trust and will be processed by appropriate individuals only in accordance with access protocols (i.e. on a 'need to know' basis).

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

We may routinely share information with:

- professional advisers (e.g. lawyers, insurers, PR advisers and accountants);
- other employees, agents and contractors (e.g. third parties processing data on our behalf as part of administering payroll services, the provision of benefits including pensions, IT etc. – although this is not sharing your data in a legal sense, as these are considered data processors on our behalf);
- when the Trust is legally required to do so (by court order, government body, law enforcement agency or other authority of competent jurisdiction), for example, Somerset Local Authority, the DfE, HMRC, DBS, the police);
- we may share personal data with future employers as part of a reference
- we may share images of staff on promotional material, on our website, on social media and with other media outlets if we have your prior consent.
- All employees are reminded that the Trust is under duties imposed by law and statutory guidance (including Keeping Children Safe in Education) to record or report incidents and concerns related to child safeguarding that arise or are reported to it, in some cases regardless of whether they are proven, if they meet a certain threshold of seriousness in their nature or regularity. This may include file notes within the employee and safeguarding files, and in some cases referrals to relevant authorities such as the LADO or police. For further information about this, please view the Trust's Safeguarding Policy.

All data shared with the DfE is transferred securely and held by the 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.

Oak Partnership Trust

Privacy Notice for Workforce

Your rights

Requesting access to your personal data

Under data protection legislation, our staff have the right to request access to information about themselves that we hold. To make a request for your personal information, contact the Trust.

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 or complaint 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 the 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 by contacting our Data Protection Officer (see 'Contact').

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 in September 2021.

Oak Partnership Trust

Privacy Notice for Workforce

Contact

If you would like to discuss anything in this privacy notice, please contact our Data Protection Officer at dposchools@somerset.gov.uk

Appendix:

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 Trust workforce
- links to 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 Trust 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
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Oak Partnership Trust

Privacy Notice for Workforce

- the level and sensitivity of data requested; and
- the arrangements in place to securely store and handle the data

To be granted access to Trust 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 the 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>
