Staff Privacy Notice (where the school collects biometric data)

Policy Statement

The Circle Trust is a multi-academy trust comprising a number of schools including the school where you work. 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 school. 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 staff, 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 staff?

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

- personal information (such as name, address, home and mobile numbers, personal email address, employee or teacher number, national insurance number, 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 the school, criminal records information (including the results of Disclosure and Barring Service (DBS) checks), details in references the school 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.

Where do we get information from about our staff?

A lot of the information we have about our staff 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 staff 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 non-discrimination
2. Where we are required by any contract with our staff, such as employment contracts, including:
    - To make payments to our staff, 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
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 staff 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 staff 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.

Why do we use special category personal data?

We may process special category personal data of our staff 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

2. 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.

3. For the purposes of preventative or occupational medicine in order to assess an individual's working capacity and/ or the need for reasonable adjustments.

4. 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 staff fail to provide information to us then this may result in us being unable to fulfil the employment contract, or we may be prevented from complying with our legal obligations.

How long will we hold information in relation to our staff?

We will hold information relating to our staff 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.

Storing your information

It is very important that only people who need to use your information can see it. The school keeps your information safe by:

- Storing paper documents in locked filing cabinets in a locked office

- Electronic records are stored in the Schools Information Management Software which is located on a secure server

- Any other electronic data is secured with encryption and passwords

Who will we share information with about our staff?

We routinely share information about our staff with:

- Local authorities, to assist them in the exercise of their responsibilities in relation to education and training, youth support and safeguarding purposes.
- The Department for Education and/or the ESFA, in compliance with legal obligations of the school to provide information about our staff as part of statutory data collections
- Contractors, such as payroll providers, to enable them to provide an effective service to the school and government agencies such as HMRC and DWP regarding tax payments and benefits
- Our professional advisors including legal and HR consultants

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-how-we-collect-and-share-research-data.

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

Rights of our staff in relation to their personal data

All of our staff 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 the Data Protection Lead at the school. Their contact details are published on the school website.

Please also refer to our Data Protection Policy for further details on making requests for access to staff 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

If an individual wants to exercise any of these rights then they should contact the Data Protection Lead at the school. Their contact details are published on the school website.

The law does not oblige the school to comply with all requests. If the school does not intend to comply with the request then the individual will be notified of the reasons why in writing.

Concerns

If you are concerned about how we are using your personal data then you can speak with the Data Protection Lead at the school.