

GDPR Privacy Notice for the Workforce – September 2024

Who processes your information?

Exceed Learning Partnership Trust is the data controller of personal information you provide to us. This means they determine the purposes for which, and the manner in which, any personal data relating to staff is to be processed. Wayne Kilner is the Data Protection Officer for the Trust and will oversee all data protection data processing practices and can be contacted on 01709 805175 or email dpo@elp.org.uk

Each academy within Exceed Learning partnership will have their own Chief Privacy Officer whose role is to monitor data processing practices within their Academy.

Where necessary, third parties may be responsible for processing staff members' personal information. Where this is required, the Trust or its Academies place data protection requirements on third party processors to ensure data is processed in line with staff members' privacy rights.

Why do we need your information?

Exceed Learning Partnership has the legal right and a legitimate interest to collect and process personal data relating to those we employ to work within the Trust or its Academies, or those otherwise engaged to work at the academies such as supply staff, volunteers and governors. We process personal data in order to meet the safeguarding requirements set out in UK employment and childcare law, including those in relation to the following:

- Academy Funding Agreement
- Academy's Legal Framework
- Safeguarding Vulnerable Groups Act 2006
- The Childcare (Disqualification) Regulations 2009

Staff members' personal data is also processed to assist in the running of the academies within the trust, and to enable individuals to be paid, as below.

Employment checks:

Failure to provide the academy with ample proof of a right to work in the UK will prevent employment at Exceed Learning Partnership.

Employees found to be working illegally could face prosecution by law enforcement officers.

Salary requirements:

Failure to provide accurate tax codes and/or national insurance numbers could lead to issues of delayed payments or an employee paying too much tax.

The lawful basis on which we process this information?

We process this information under the Data Protection Act 1998, and according to guidance published by the Information Commissioner's Office and the Department for Education.

Under article 6 of GDPR, which comes into effect from 25th May 2018, the lawful basis for processing school workforce information is to fulfil contractual obligations and other legitimate interests.

Which data is collected?

The categories of school workforce information including sensitive personal data that we collect, process, hold and share include: -

- Personal information such as name, employee or teacher number, national insurance number, address history, bank details and proof of identity
- Special categories of data including characteristics; information such as gender, age, ethnic group
- Contract information such as start dates, hours worked, post, roles and salary information
- Work absences information such as number of absences and reasons and relevant medical information
- Qualifications (and where relevant, subjects taught)
- Photographic records

Why we collect and use staff information: -

We process personal data relating to those we employ to work at, or otherwise engage to work within, the Trust/Academies for:

- Employment purposes
- 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 assist in the running of the Trust and its academies
- To enable individuals to be paid

Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with data protection legislation, we will inform you whether you are required to provide certain school workforce information to us or if you have a choice in this.

Will your personal data be sought from third parties?

Staff members' personal data is only sought from the data subject. No third parties will be contacted to obtain staff members' personal data without the data subject's consent.

Staff members' personal data may be obtained and processed from third parties where the law requires the Trust to do so. The categories of data obtained and processed from third parties include:

- Medical records
- DBS checks
- Previous employer
- References

Who we share this information with?

Exceed Learning Partnership or its academies will not share your personal information with anyone outside of the Trust/Academies without your consent, unless the law and our policies allow us to do so.

We share personal data with the DfE on a statutory basis. This data-sharing underpins workforce policy monitoring and evaluation, and links to school funding/expenditure and the assessment of educational attainment.

Data Collection requirements

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 section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

The DfE collects and processes personal data relating to those employed by schools (including Multi Academy Trusts) and local authorities that work in state-funded schools (including all maintained schools, all academies and free schools and all special schools including Pupil Referral Units and Alternative Provision). All state-funded schools are required to make a census submission because it is a statutory return under sections 113 and 114 of the Education Act 2005.

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](#).

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>

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.

For more information about the department's data-sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

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

How long is your data retained for?

Personal data will only be retained for as long as is necessary to fulfil the purposes for which it was processed, and will not be retained indefinitely.

Staff members' personal data is retained in line with Exceed Learning Partnership's Data Retention Policy.

If you require further information regarding retention of data, and the periods for which your personal data is held, please refer to the Data Retention Policy.

What are your rights?

As the data subject, you have specific rights to the processing of your data.

You have a legal right to:

- Request access to the personal data that Exceed Learning Partnership and its academies hold
- Be informed of data processing (which is covered by this Privacy Notice)
- Request that your personal data is amended where inaccuracies occur
- Request that your personal data is erased
- Request that the processing of your data is restricted

Where the processing of your data is based on your explicit consent, you have the right to withdraw this consent at any time. This will not affect any personal data that has been processed prior to withdrawing consent.

Staff members also have the right to lodge a complaint with the Information Commissioner's Office (ICO) in relation to how Exceed Learning Partnership processes their personal data.

To exercise any of the above rights please contact your Chief Privacy Officer or the Data Protection Officer – details below.

Withdrawal of Consent

The lawful basis upon which the Trust/Academies process personal data is that it is necessary in order to comply with the legal obligations and to enable them to perform tasks carried out in the public interest.

Where the Trust/Academies process personal data solely on the basis that you have consented to the processing, you will have the right to withdraw that consent.

Complaints to ICO

If you are unhappy with the way your request has been handled, you may wish to ask for a review of our decision by contacting the DPO.

If you are not content with the outcome of the internal review, you may apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted our internal review procedure. The Information Commissioner can be contacted at:

The Information Commissioner's Office,
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Declaration

I, _____ declare that I understand:

- Exceed Learning Partnership has a legal and legitimate interest to collect and process my personal data in order to meet statutory and contractual requirements
- There may be significant consequences if I fail to provide the personal data Exceed Learning Partnership requires
- Exceed Learning Partnership may share my data with the DfE, and subsequently the LA for Payroll purposes
- Exceed Learning Partnership will not share my data to any other third parties without my consent, unless the law requires them to do so
- The nature and personal categories of this data, and where the personal data originates from, where my data is obtained from third parties
- My data is retained in line with Exceed Learning Partnership's Data Retention Policy
- My rights to the processing of my personal data

Name of staff member: _____

Signature of staff member: _____

Date: _____