



## **Tudhoe Learning Trust Privacy Notice for Trust Workforce**

**Last updated: November 2024**

Tudhoe Learning Trust as an organisation seeks to ensure that personal data is collected, processed and retained in line with the Data Protection Act and General Data Protection Regulations 2018.

This notice explains what personal data our Trust collects relating to our workforce, how and why it is collected, how it is stored and used and with whom this data may be shared.

We may need to update this privacy notice periodically, so we recommend that you revisit this information from time to time.

The Trust office will seek consent for the collection of personal data where this is required.

### **The type of personal information we collect**

We currently collect and process the following information:

- 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 an application form 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 or other evidence of identity
- Photographs and CCTV images captured in school/on site
- Data about your use of the school's information and communications system
- Results from online searches during the recruitment process 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 including information about disability and access requirements
- Absence & Sickness records, occupational health referrals and reports or statements of fitness for work from you GP or hospital
- Ethnicity
- Information about trade union membership We may also collect, use, store and share

(when appropriate) information about criminal convictions and offences.

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 (DBS) in respect of criminal offence data.

## How we get the personal information and why we have it

Most of the personal information we process is provided to us directly by the workforce for one of the following reasons:

- Enable you to be paid
- Facilitate safe recruitment, as part of our safeguarding obligations towards pupils
- Support effective performance management
- Inform our recruitment and retention policies
- Allow better financial modelling and planning
- Enable equalities monitoring
- Improve the management of workforce data across the sector
- Ensure that appropriate access arrangements can be provided for people that require them
- Meet statutory obligations for publishing and sharing details about employees, and governors

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

- **Consent.** Consent has been given in order to process personal information for a specific purpose. Employees are able to remove consent where this is required at any time. You can do this by contacting the Trust Office.
- **Contract.** The processing of data is necessary to comply with a contractual obligation.
- **Legal Obligation.** We have a legal obligation to retain information relating to our workforce
- **Vital Interests.** The processing is necessary to protect someone's life.
- **Public Task.** The processing is necessary to perform a task in the public interest and to complete a function that is required by law.
- **Legitimate Interests.** The processing is necessary for the legitimate interest of the Trust and school or the legitimate interests of a third party unless there is a good reason to protect an individuals' personal data which overrides those legitimate interests.

## Collecting information

We collect personal information via

- Application forms
- Staff contract forms
- Employee information forms
- Timesheets
- Workforce census
- Police forces, courts or tribunals
- Online searches carried out by the Trust in line with DfE KCSIE guidance
- Health Authorities, GP's or Occupational Health

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.

## **How we store your personal information**

We hold workforce data securely for the set amount of time shown in our records retention schedule. For more information on our data retention schedule and how we keep your data safe, please visit the Trust Website at [www.tudhoelearningtrust.co.uk](http://www.tudhoelearningtrust.co.uk)

## **Who we share workforce information with**

We routinely share workforce information as appropriate with:

- Our local authority (where applicable)
- The Department for Education (DfE)
- Employers that the workforce join after leaving us

We do not share information about you with any third party without consent unless the law and our policies allow us to do so. Where it is legally required, or necessary (and it complies with UK data protection law), we may also share personal information about you with:

- Your family and representatives - next of kin in an emergency
- Ofsted, our regulator
- Suppliers and service providers such as Parent Mail/Arbor, IT Provider - One IT, Employment checking services e.g. DBS
- Financial organisations such as Gateshead Payroll, Teachers Pensions or Durham Pensions (LGPS)
- Future employers for references
- Our auditors
- Employee benefit providers such as cycle schemes, health scheme provider etc..
- Survey and research organisations e.g. School Teachers' Review Body
- NHS teams and professionals
- Health and social welfare organisations
- Police forces, courts or tribunals - only when required by law
- Professional advisers and consultants
- Charities and voluntary organisations
- Employment and recruitment agencies - e.g. references

## **Why we share workforce information**

We are required to share information about our school employees with the Department for Education (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

All data is transferred securely and held by the Department for Education (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.

For privacy information on the data the Department for Education (DfE) collects and uses, please see: <https://www.gov.uk/government/publications/privacy-information-education-providers-workforce-including-teachers>

## Your data protection rights

### Requesting access to your personal data

Under data protection legislation, employees have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your personnel record, in the first instance you should contact the Head Teacher of the school.

You also have the following rights:

- The right to be informed about the collection and use of your personal data - this is called 'right to be informed'.
- The right to ask us for copies of personal information we have about you - this is called 'right of access', this is also known as a subject access request, data subject access request or right of access request.
- The right to ask us to change any information you think is not accurate or complete - this is called 'right to rectification'.
- The right to ask us to delete your personal information - this is called 'right to erasure'
- The right to ask us to stop using your information - this is called 'right to restriction of processing'.
- The 'right to object to processing' of your information, in certain circumstances
- Rights in relation to automated decision making and profiling.
- The right to withdraw consent at any time (where relevant).
- The right to complain to the Information Commissioner if you feel we have not used your information in the right way.

There are legitimate reasons why we may refuse your information rights request, which depends on why we are processing it. For example, some rights will not apply:

- Right to erasure does not apply when the lawful basis for processing is legal obligation or public task.
- Right to portability does not apply when the lawful basis for processing is legal obligation, vital interests, public task or legitimate interests.
- Right to object does not apply when the lawful basis for processing is contract, legal obligation or vital interests. And if the lawful basis is consent, you don't haven't the right to object, but you have the right to withdraw consent.

If you have a concern 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 raise a concern with ICO.

For further information on how to request access to personal information held centrally by the Department for Education (DfE), please see the 'How Government uses your data' section of this notice.

You are not required to pay any charge for exercising your rights. If you make a request, we have one month to respond to you.

Please contact the Head Teacher of the school in the first instance if you wish to make a request.

## **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 the Head Teacher of the school.

## **How to raise a concern**

If you would like to discuss any information contained within this Privacy Notice or have any concerns about our use of your personal information, you may contact the Trust Data Protection Officer directly via [dpo@tudhoelearningtrust.co.uk](mailto:dpo@tudhoelearningtrust.co.uk)

Alternative, you may raise a concern directly to the ICO if you are unhappy with how we have used your data.

Helpline number: 0303 123 1113

ICO website: <https://www.ico.org.uk>

## **How Government uses your data**

The workforce data that we lawfully share with the Department for Education (DfE) through data collections:

- Informs the Department for Education (DfE) 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 (DfE) 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 for Education (DfE)**

The Department for Education (DfE) 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 for Education (DfE) will only share your personal data where it is lawful, secure and ethical to do so and 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 the Department for Education

(DfE) releases personal data to third parties are subject to a strict approval process and based on a detailed assessment of public benefit, proportionality, legal underpinning and strict information security standards.

For more information about the Department for Education's (DfE) data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

For information about which organisations the Department for Education (DfE) has provided information, (and for which project) please visit the following website: <https://www.gov.uk/government/publications/dfe-external-data-shares>

## **How to find out what personal information the Department for Education (DfE) hold about you**

Under the terms of UK GDPR, you're entitled to ask the Department for Education (DfE):

- 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 for Education (DfE), you should make a 'subject access request'. Further information on how to do this can be found within the Department for Education's (DfE) personal information charter that is published at the address below:

<https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter>

or <https://www.gov.uk/government/publications/requesting-your-personal-information/requesting-your-personal-information#your-rights>

To contact the Department for Education (DfE): <https://www.gov.uk/contact-dfe>