



## **STATEMENT:**

# **STAFF PRIVACY NOTICE**

In the course of employment, engagement or other basis of work undertaken by an individual, the school will collect, use and hold (“process”) personal data relating to a member of staff, governor or wider school team, regardless of employment status. This makes the school a data controller of an individual’s personal information and this privacy notice sets out how the school will use the information and the rights of the individual. The school is committed to protecting the privacy and security of your personal information and to meeting the data protection obligations under the General Data Protection Regulation (GDPR).

This document should be read in conjunction with the school’s general privacy notice which is available on the school website: <https://www.claremontfancourt.co.uk/about-us/our-policies/>.

### **1. This document applies to**

Staff at the school, including current, former and prospective employees, governors, self-employed contractors, peripatetic workers, casual workers, temporary staff (direct or through an agency) and volunteers who may be employed or engaged by the school to work for it in any capacity, as well as prospective applicants for roles.

Please note that references to “employment”, “staff” etc. in this Privacy Notice are not intended to imply or confer any employment rights to contractors, non-employed workers, or job applicants.

This notice is not aimed at pupils or parents of pupils (whether current, past or prospective) or other members of the public, nor does it inform staff or governors how to handle the personal data of the same. This information may be found in the school’s general privacy notice which provides further details about how personal data will be used by the school.

### **2. About this document**

This privacy notice explains how the school collects, uses and shares (or “processes”) personal data of staff, and an individual’s rights in relation to the personal data held.

This privacy notice also applies in addition to the school’s other relevant terms and conditions and policies that may (depending on role and status) apply to an individual, including:

- any contract between the school and its staff, such as the terms and conditions of employment, including the staff code of conduct and any applicable staff handbook
- the school’s CCTV policy
- the school’s records retention policy

- the school’s disciplinary, safeguarding, pastoral, anti-bullying, or health and safety policies, including how concerns, low-level concerns or incidents are reported or recorded (both by and about staff/governors) and
- the school’s IT policies and procedures including the technology acceptable usage policy for staff and the social media policy and procedure.

Please note that any contract with the school, will be relevant to how the school processes data, in accordance with any relevant rights or obligations under that contract. However, this staff privacy notice is the primary document by which an individual is notified about the processing of their personal data by the school.

This staff privacy notice also applies alongside any other information the school may provide about particular uses of personal data, for example when collecting data via an online or paper form.

### **3. How the school collects information**

Before an individual is employed or engaged by the school, the school may collect personal data in a number of ways, for example:

- from the information provided to the school before an individual makes a job application; for example, when they make an initial enquiry or visit the school
- when an individual submits a formal application to work for the school and provides their personal data in application forms and covering letters, self-declarations etc.
- when an individual attends an interview and
- from third parties; for example, the Disclosure and Barring Service (DBS) and referees (including previous or current employers or school), or from third party websites (as part of online suitability checks for shortlisted candidates), or for contractors, substitutes, own employer or agent to verify details about the individual and their application to work for the school.

During the course of employment or engagement, the school will collect data from or about individuals, including:

- when they provide or update their contact details
- when they or another member of staff completes paperwork regarding performance reviews
- in the course of fulfilling employment (or equivalent) duties more generally, including by filing reports, note taking, sending emails on school systems or by collecting and storing data via media such as Google Forms, Google Drive and Microsoft Office 365
- in various other ways as they interact with the school during their time as a member of staff or governor and afterwards, where relevant, for the various purposes set out below.

#### 4. The types of information the school collects

The school may collect the following types of personal data about someone (and their family members and next of kin where relevant):

- contact and communications information including:
  - contact details (including email address(es), telephone numbers and postal address(es))
  - contact details (through various means, as above) for family members and next of kin, in which case they confirm that they have the right to pass this information to us for use by us in accordance with this Privacy Notice
  - records of communications and interactions with the individual.
- biographical, educational and social information, including:
  - name, title, gender, nationality and date of birth
  - marital status and details of any dependents they may have
  - image and likeness, including as captured in photographs taken for work purposes
  - details of education and references from institutions of study
  - lifestyle information and social circumstances
  - interests and extra-curricular activities
  - information in the public domain, including information individuals may have posted to social media, where relevant to their role (e.g. as part of pre-employment screening).
- financial information, including:
  - bank account number(s), name(s) and sort code(s) (used for paying salary and processing other payments)
  - tax status (including residence status)
  - Gift Aid declaration information, where relevant (for example, where the school helps an employee to administer donations to charity from their pre-taxed earnings)
  - information related to pensions, national insurance, or employee benefit schemes.
- work related information, including:
  - details of work history and references from previous employer(s)
  - records of an individual's work at the school (including start date, working hours, training records and performance, performance review records, and information about an individual's use of IT systems)
  - personal data captured in the work product(s), notes and correspondence the employee creates while employed by or otherwise engaged to work for the school
  - if applicable, recording of an individual's lessons and other meetings with staff and pupils, and their participation in school events
  - details of professional activities and interests
  - involvement with and membership of sector bodies and professional associations
  - information about employment and professional life after leaving the school, where relevant (for example, where an individual has asked the school to keep in touch)
  - details of right to enter, live and work in the UK, including an individual's nationality and other immigration status information (i.e. entitlement to work in the UK), including copies of passport information (if applicable)
  - details of any disciplinary matters or grievances which an individual raises or which relates to them

- and any other information relevant to employment or other engagement to work for the school.

Where this is necessary for employment or other engagement, the school may also collect special categories of data and information about criminal convictions and offences including:

- information revealing racial or ethnic origin
- trade union membership, where applicable
- information concerning health and medical conditions (for example, where required to monitor and record sickness absences, dietary needs, make reasonable adjustments to working conditions or environment or referral to occupational health)
- information concerning sexual life or orientation (for example, in the course of investigating complaints made by the individual or others, for example concerning discrimination) and
- information about certain criminal convictions (for example, where this is necessary for due diligence purposes, whether by self-declaration or otherwise, or compliance with the school's legal and regulatory obligations).

However, this will only be undertaken where and to the extent it is necessary for a lawful purpose in connection with employment or other engagement to work for the school.

## **5. The basis for processing personal data (how that data is used and who it is shared with)**

### **(i) Entering into, or fulfilling, the school's contract with an individual**

The school processes personal data because it is necessary for the performance of a contract to which an individual is a party or in order to take steps at the individual's request prior to entering into a contract, such as a contract of employment or other engagement with the school. In this respect, depending on an individual's role and status, the school is likely to use an individual's personal data for the following purposes:

- To administer job applications and, where relevant, offer a role within the school
- To carry out due diligence checks on an individual, whether during the application process for a role or during an engagement with the school, including by checking references in relation to education and employment history and obtaining any required self-declarations
- once someone is employed or engaged by the school in any capacity, for the performance of the contract of employment (or other agreement) between the individual and the school
- to remunerate and to administer benefits (including pensions) in connection with the employment or other engagement with the school
- to monitor attendance and performance in work, including in performance reviews
- to monitor the use of IT systems to ensure compliance with the school's policies (including the school's IT Acceptable Use Policy)
- to assess and make decisions about an individual's fitness to work, training and development requirements
- to promote the school to prospective parents and others, including by publishing the work product(s) created while employed by or otherwise engaged to work for the school

- for disciplinary purposes, including conducting investigations where required
- for other administrative purposes; for example, to update someone about changes to their terms and conditions of employment or engagement or changes to pension arrangements
- for internal record-keeping, including the management of any staff feedback or complaints and incident reporting and
- for any other reason or purpose set out in the employment or other contract with us.

(ii) **Legitimate interests**

Personal data is processed because it is necessary for the school's (or sometimes a third party's) legitimate interests. 'Legitimate interests' include the interests in running the school in a professional, sustainable manner in accordance with all relevant ethical, educational, charitable, legal and regulatory duties and requirements (whether or not connected directly to data protection law). In this respect, personal data is used for the following purposes:

- To provide an individual with information about the school and what it is like to work for the school (where someone has asked for this; most obviously before they have made a formal job application)
- for security purposes including by operating security cameras in various locations on the school's premises and the use of electronic sign-in or door access systems
- to monitor staff activity (such as entering and leaving school buildings) where necessary as part of staff disciplinary investigations
- to maintain records of working hours and presence on site, and tracking movements within the site for operational and security purposes (e.g. lone working safety)
- to generate real-time fire evacuation lists to ensure all individuals can be accounted for in the event of an emergency
- to enable relevant authorities to monitor the school's performance and to intervene or assist with incidents as appropriate
- to provide education services to pupils, including where such services are provided remotely (either temporarily or permanently)
- to safeguard staff and pupils' health and welfare and provide appropriate pastoral care
- to carry out or cooperate with any school or external complaints, disciplinary or investigatory process
- for the purposes of management planning and forecasting, research and statistical analysis
- in connection with organising events and social engagements for staff
- to make travel arrangements on an individual's behalf, where required
- to contact the individual or their family members and next of kin for business continuity purposes, to confirm an absence from work, etc

- to publish an image and likeness in connection with the employment or engagement with us
- to monitor (as appropriate) use of the school's IT and communications systems in accordance with the school's Technology Usage policy and government guidance such as KCSIE.

### (iii) **Legal obligations**

The school also processes personal data for compliance with legal obligations; notably those in connection with employment, tax law and accounting, charity law, company law and child welfare. In this respect, depending on an individual's role and status, the school is likely to use personal data for the following:

- child welfare (including following the requirements and recommendations of KCSIE), social protection, diversity, equality, and gender pay gap monitoring, employment, immigration/visa sponsorship compliance and health and safety)
- for tax and accounting purposes, including transferring personal data to HM Revenue and Customs to ensure that they have paid appropriate amounts of tax, and in respect of any Gift Aid claims, where relevant
- for the prevention and detection of crime and in order to assist with investigations (including criminal investigations) carried out by the police and other competent authorities.

### (iv) **Special categories of data**

Depending on an individual's role and status, special categories of personal data are also processed (such as data concerning health, religious beliefs, racial or ethnic origin, sexual orientation or union membership) or criminal convictions and allegations (treated for these purposes as special category data) for the reasons and purposes set out below.

In particular, the school processes the following types of special category personal data for the following reasons:

- physical or mental health or condition(s) in order to record sick leave and take decisions about an individual's fitness for work or (in emergencies) act on any medical needs they may have
- recording racial or ethnic origin and sexual orientation in order to monitor compliance with equal opportunities legislation
- recording trade union membership, in connection with employee, agent or contractor rights and the school's obligations as an employer or engager of an individual's services
- to investigate complaints made by an individual or others; for example, concerning discrimination, bullying or harassment, or as part of a complaint made against the school
- data about any criminal convictions or offences committed by someone; for example when conducting criminal background checks with the DBS, or via a self-declaration, or where a matter of public record (online or by any media), or where it is necessary to record or report an allegation (including to police or other authorities, with or without reference to the individual concerned).

The school will process special categories of personal data for lawful reasons only, including because:

- an individual has given the school their explicit consent to do so in circumstances where seeking consent is appropriate
- it is necessary to protect the individual's or another person's vital interests; for example, where they have a life-threatening accident or illness in the workplace and the school will have to process their personal data in order to ensure they receive appropriate medical attention
- it is necessary for the purpose of carrying out legal obligations and exercising legal rights (both the individual's and the school's) in relation to their employment or engagement by the school.
- it is necessary for some function in the substantial public interest, including:
  - the safeguarding of children or vulnerable people, or
  - to prevent or detect unlawful acts, or
  - as part of a function designed to protect the public, pupils, or parents from seriously improper conduct, malpractice, incompetence or unfitness in a role, or failures in services by the school (or to establish the truth of any such allegations) or
  - to cooperate with a relevant authority, professional or regulatory body (such as the ISI, DfE, LADO or TRA) in such matters
- to comply with public health requirements
- it is necessary for the establishment, exercise or defense of legal claims such as where any person has brought a claim or serious complaint against us or them.

## **6. Low-level concerns about adults**

The school will process personal data relating to individuals, whether or not it constitutes special category data, in accordance with its policy on recording and sharing low-level concerns about adults. This data will be processed for the same safeguarding and/or employment law purposes as outlined above.

Such records are subject to the rules on retention set out in the school's low-level concerns policy, and individuals have the same rights in respect of that information, as they do with any other personal information held by the school. However, any requests to access, erase, or amend such personal data held in accordance with this policy may be subject to necessary exemptions, for example, where compliance with the request might unreasonably impact the privacy rights of others or pose a risk of harm to children.

As a general rule, records of low-level concerns will be retained at least until the termination of the individual's employment or for up to seven years thereafter but may need to be retained longer: e.g. if they are relevant, individually or cumulatively, to any employment, disciplinary, or safeguarding matter. Low-level concerns will not be included in references unless they pertain to issues which would normally be included in references, for example, misconduct or poor performance. Where a low-level concern relates exclusively to safeguarding (and not to misconduct or poor performance), it will not be referred to in a reference.

## 7. Sharing an individual's information with others

For the purposes referred to in this privacy notice and relying on the basis for processing as set out above, the school may share someone's personal data with certain third parties. Limited personal data may be disclosed (including in limited cases special category or criminal data) to a variety of recipients including:

- other employees, agents and contractors (e.g. third parties processing data on the school's behalf for the provision of benefits including pensions, IT etc. – although this is not sharing data in a legal sense as these are considered data processors on behalf of the school)
- The Disclosure and Barring Service (DBS) and other government authorities (e.g. HMRC, the Department for Education (DfE), CAF/CASS, police, Home Office, a relevant public health/NHS body and or local authority) and/ or appropriate regulatory bodies (e.g. the Teaching Regulation Agency, the Independent Schools Inspectorate (ISI), ICO, Charity Commission etc.)
- third party background check agencies
- external auditors or inspectors
- advisers where it is necessary for the school to obtain their advice or assistance including insurers, lawyers, accountants, or other external consultants
- third parties and their advisers in the unlikely event that those third parties are acquiring or considering acquiring all or part of the school, or the school is reconstituting or setting up some form of joint working or partnership arrangement
- when the school is legally required to do so (by a court order, government body, law enforcement agency or other authority of competent jurisdiction), for example HM Revenue and Customs or the police.

The school may also share information about an individual with other employers in the form of a reference, where considered appropriate, or if required to do so in compliance with its legal obligations. References given or received in confidence may not be accessible under the individual's UK GDPR rights.

## 8. How long information is kept

Personal data relating to unsuccessful job applicants is deleted within 6 months of the end of the application process, except where the school has notified an individual that they intend to keep it for longer (and the individual has not objected).

For all employees, subject to any other notices that the school may provide, the school may retain their personal data for a period of 7 years after the contract of employment (or equivalent agreement) has expired or been terminated.

However, some information may be retained for longer than this, for example incident reports and safeguarding files, in accordance with specific legal requirements. A record of length of service is retained by the school until pensionable age is reached for pension purposes. For further information, please refer to the school's records retention policy.

## 9. An individual's rights

Please see the school's external privacy notice which has details of employee rights as a 'data subject', which are the same as if that person were any member of the public. More information about rights under applicable data protection legislation can be obtained from the Information Commissioner's Office website available at [www.ico.org.uk](http://www.ico.org.uk).

An individual has the following rights:

- to obtain access to, and copies of, the personal data that the school holds about them
- to require the school to correct the personal data it holds about an individual if it is incorrect
- to require the school (in certain circumstances) to erase an individual's personal data
- to request that the school restricts its data processing activities (and, where its processing is based on the individual's consent, the individual may withdraw that consent, without affecting the lawfulness of the school's processing based on consent before its withdrawal);
- to receive from the school the personal data it holds about an individual which they have provided to the school, in a reasonable format specified by them, including for the purpose of them transmitting that personal data to another data controller;
- to object, on grounds relating to an individual's particular situation, to any of the school's particular processing activities where they feel this has a disproportionate impact on their rights.

Please note that the above rights are not absolute, and the school may be entitled to refuse requests where exceptions apply. The school will endeavour to respond to any such requests as soon as is reasonably practicable and in any event within statutory time-limits (which is generally one month, but actually fulfilling more complex or multiple requests, e.g. those involving third party information, may take 1-2 months longer).

Individuals can find out more about their rights under applicable data protection legislation from the Information Commissioner's Office website available at [www.ico.org.uk](http://www.ico.org.uk).

## 10. This notice

The school will update this privacy notice from time to time. Any substantial changes that affect an individual's rights will be communicated directly to them, as far as is reasonably practicable.

## 11. Contact and complaints

If an individual has a question about this privacy notice or how the school processes personal data, or if they wish to exercise any of their rights under applicable law, they should contact the head of school or the director of operations in the first instance.

If an individual is not satisfied with how the school is processing their personal data, or how the head or director of operations deal with their complaint, they can make a complaint to the Information Commissioner: [www.ico.org.uk](http://www.ico.org.uk). The ICO does recommend an individual first seeks to resolve any issues with the data controller prior to any referral.