



## Privacy Notice for Employees (25/04/22)

Under data protection legislation, individuals have a right to be informed about how the School uses any personal data that we hold about them. We comply with this right by providing privacy notices (sometimes called fair processing notices) to individuals where we are processing their personal data.

This privacy notice explains how and why we collect, store and use personal data about Employees.

We, Lea Nursery School, are the 'Data Controller' for the purposes of data protection law. The School is registered as a Data Controller with the Information Commissioners Office (ICO). Our registration number is **Z8647020**.

Our data protection officer is The Schools People (see 'Contact us' below).

### 1. How the School will use Employee Information

The categories of employee information that we collect, process, hold, and share includes, but is not limited to:

- personal information (such as name, address, telephone numbers, email address, employee or teacher number, national insurance number, bank account number)
- pre-employment and safeguarding checks such as "Right to Work in the UK" information, DBS and Children's Barred List outcome information, pre-placement medical questionnaire outcome information, employment references, overseas check outcome information, and Teacher Status Check outcome information
- contract information such as start dates, hours worked, post, roles, salary information, and continuous service dates
- work absence information such as number and type of absences and reasons, and occupational health medical referrals and reports
- performance management, grievance, and conduct or disciplinary information [where applicable]
- settlement agreements, COT3 agreements, and claims to an Employment Tribunal or Employment Appeal Tribunal [where applicable]
- qualifications and, where relevant, subjects taught
- employee benefit information
- payroll information
- pension information
- any other personal data we will inform you of from time to time

We may also collect, store and use the following “special categories” of more sensitive personal information:

- Information about your race or ethnicity, and religious affiliation
- Trade union membership
- Information about your health, including any medical condition, health and sickness records
- Information about your criminal record (see section 5 below)
- any other special category data we will inform you of from time to time

## **2. Why we Collect and use this Information**

We use employee data as part of our day to day business management and to manage our relationship with you in various situations during your recruitment, employment (or engagement) and even following termination of your employment (or engagement). For example:

- to enable the development of a comprehensive picture of the employee and how they are deployed
- to inform the development of recruitment and retention policies
- to manage recruitment processes and safer recruitment requirements
- to enable individuals to be paid
- to manage work absence and other performance management, conduct or disciplinary related procedures in accordance with the Lea Nursery School's policies and procedures

## **3. The Lawful Bases on which we Process Personal Data**

We process general personal data under:

- Article 6 (1)(a) of the GDPR. Where we have the consent of the data subject or a person with the lawful authority to exercise consent on the data subject's behalf;
- Article 6 (1)(b) of the General Data Protection Regulation (GDPR) as processing is necessary for a contract we have with you, or because we have asked you to take specific steps before entering into a contract;
- Article 6(1)(c) of the GDPR as processing is necessary for us to comply with the law;
- Article 6(1)(e) of the GDPR as processing is necessary for us to perform a task in the public interest or for our official functions, and this task or function is lawful;

We process special category data under:

- Article 9(2)(a) of the GDPR. The data subject has given explicit consent;
- Article 9(2)(b) of the GDPR. Processing is necessary for the purposes of carrying out our obligations in relation to employment law;
- Article 9(2)(c) of the GDPR. Processing is necessary to protect your vital interests or those of another person where you/they are physically or legally incapable of giving consent;

- Article 9(2)(e) of the GDPR. Processing relates to personal data which are manifestly made public by the data subject;
- Article 9(2)(f) of the GDPR. Processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;
- Article 9(2)(g) of the GDPR. Processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;
- Article 9(2)(h) of the GDPR. Processing is necessary, where applicable, for the purposes of preventative or occupational medicine to assess the working capacity of the employee or to obtain a medical diagnosis;
- Article 9(2)(j) of the GDPR. Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes.

#### **4. Collecting Personal Data**

We collect employee personal data:

- From CVs and job application forms, and the recruitment process, either directly from individuals or indirectly via employment agencies;
- From third-parties including references from previous employers; the Local Authority or other agencies (e.g. DBS Checks)
- From health providers such as Occupational Health and fitness to work notifications;
- During the course of your employment including attendance records, sickness records, performance reviews and complaint/disciplinary/grievance investigations;
- In addition, the School also uses CCTV cameras in and around the school site for security purposes and for the protection of staff, pupils and other stakeholders.

#### **5. Information about Criminal Convictions**

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with data protection legislation.

We envisage that we will hold information about criminal convictions, for example, if information about criminal convictions comes to light as a result of our appointment and Disclosure and Barring Service checks, or if information about criminal convictions comes to light during your time as an employee.

#### **6. Storage and Retention of Personal Data**

A significant amount of personal data is stored electronically. Some information may also be stored as hard copy.

Data stored and accessed electronically is done so in accordance with the School's **Data Security Policy**

Hard copy data is stored and accessed in accordance with the School's **Data Security Policy**

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, insurance or reporting requirements in accordance with the **Data Retention Policy and Schedule**.

## **7. Who we Share this information with.**

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

We routinely share employee personal data with:

- The Local Authority to fulfil our regulatory requirements
- The Department for Education (DfE) to fulfil our statutory reporting requirements

We may occasionally share personal data with:

- Disclosure & Barring service
- Teaching Regulation Agency
- Teachers' Pension Service
- Local Government Pension Scheme
- The Police or other law enforcement agencies
- The Courts, if ordered to do so
- Prevent teams in accordance with the Prevent Duty on Schools.

We also share limited personal data with third-party service providers who require access to data in order to perform contracted services. These service providers include:

- HR Co-Operative- our HR Provider
- OH/Wellbeing Provider for management of work absences and wellbeing support
- Slough Payroll to ensure you receive your contractual benefits
- Capita SIMS to facilitate database administration and technical support
- Teachers2Parents! – Texting service
- Our legal advisors and other consultants
- Our insurance providers
- Any other third-party provider we will notify you of from time to time.

These third-party service providers act as data processors on the Schools behalf and are required to take appropriate security measures to protect your personal information in line with our policies and data protection legislation. We authorise these service providers to use personal data only as necessary to perform services on our behalf, or to comply with legal obligations if necessary.

## 8. Transferring Data Outside The EEA

We do not routinely share data with organisations outside the EEA. Where this may be necessary, e.g. where a former employee has emigrated and/or applied to work outside the EEA, data may be transferred to the new employee with explicit consent from the former employee and with appropriate safeguards.

We will not transfer personal data outside the European Economic Area (EEA) unless such transfer complies with the GDPR. This means that we cannot transfer any personal data outside the EEA unless:

- The EU Commission has decided that another country or international organisation ensures an adequate level of protection for personal data
- One of the derogations in the GDPR applies (including if an individual explicitly consents to the proposed transfer).

## 9. Your Data Subject Rights

You have the right to:

- Make a Subject Access Request (SAR) (see below)
- Withdraw your consent to processing at any time
- Ask us to rectify, erase or restrict processing of your personal data, or object to the processing of it (in certain circumstances)
- Prevent use of your personal data for direct marketing
- Challenge processing which has been justified on the basis of public interest
- Request a copy of agreements under which your personal data is transferred outside of the European Economic Area
- Object to decisions based solely on automated decision making or profiling. The School **does not use** automated decision making and/or profiling in any of its processes and procedures
- Prevent processing that is likely to cause damage or distress
- Be notified of a data breach in certain circumstances
- Make a complaint to the ICO
- Ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances).

## 10. Subject Access Requests

Under data protection legislation, individuals have the right to request access to their personal data held by the School.

Subject Access Requests **may be** made to the School in written form or verbally.

If you would like to make a SAR in relation to your own personal data it would be helpful if this could be made in writing to the Headteacher, including:

- name and contact address
- email address and telephone number
- details of the information required.

A Subject Access Request (SAR) form is available from the School office. It **is not** mandatory to make a Subject Access Request using the form. It will, however, assist you in structuring your SAR to provide the information necessary to ensure we can action your request without delay.

We must respond within one month of receiving a valid Subject Access Request. A SAR is only considered “valid” if we are fully satisfied regarding the identity of the requester and their entitlement to the data requested. If in any doubt we will request confirmation of identity to ensure your personal data is not inadvertently released to a third-party who is not entitled to it.

If the SAR is complex or numerous the period in which we must respond can be extended by a further two months. You will be notified of any delays in actioning the SAR and provided with a timeframe in which you can expect to receive the requested data.

## 11. How to Contact Us

If you have any questions or concerns about how we process information or wish to exercise any data protection rights, please contact the School in the first instance.

If you have concerns that we are not able to resolve to your satisfaction you can contact our Data Protection Officer at the email address below.

Alternatively, you can register a concern with the UK’s data protection regulator - the Information Commissioner’s Office, by following this link <https://ico.org.uk/make-a-complaint/>

### Contact Details

**Data Controller:** Lea Nursery School, Wexham Road, Slough, SL2 5JW

**Data Controller’s Representative:** Linda Stay, Headteacher. Email: [post@lea-nursery.slough.sch.uk](mailto:post@lea-nursery.slough.sch.uk)

**Data Protection Officer:** Dee Whitmore. Email: [DPOService@Schoolspeople.co.uk](mailto:DPOService@Schoolspeople.co.uk)

## 12. Changes to this Privacy Notice

This Notice will be reviewed on a yearly basis or as necessary in relation to changes in Data Protection legislation.

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates.

We may also notify you in other ways from time to time about the processing of your personal information.

Effective Date: May 2018  
Last update: April 2022  
Review Date: April 2023