



PRIVACY NOTICE FOR STAFF

Introduction

The Leys School and St Faith's School (together part of The Leys and St Faith's Schools Foundation and referred to in this Privacy Notice as the "Schools" or the "Foundation") collect and process personal data relating to their staff (including volunteers recruited by the Schools) in order to manage the employment relationship. The Foundation is committed to being transparent about how it collects and uses that data and to meeting its obligations under Data Protection Legislation (as defined below).

This Privacy Notice is intended to provide information about how the Foundation will use (or "process") personal data about its staff. It also explains the decisions staff can make about their own personal data.

All staff are encouraged to read this Privacy Notice and the Foundation's Data Protection Policy and understand the Foundation's obligations to processing staff personal and special category data. This Privacy Notice applies in addition to any contract between the Foundation and staff.

This Privacy Notice applies alongside any other information the Schools may provide about a particular use of personal data, for example when collecting data via an online or paper form, employment contracts and School policies.

Definitions

In this Policy, the following definitions apply:

"Data Protection Legislation" means (i) the UK General Data Protection Regulation ("GDPR") and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the United Kingdom and (ii) any successor legislation to the GDPR.

"Data Controller", *"data subject"* and *"processing"* shall have the same meanings as in the Data Protection Legislation.

"Personal data" shall have the same meaning as in the Data Protection Legislation, namely information that we hold about you and which identifies you. This includes information such as your name, date of birth, nationality, address, next of kin, occupation, dietary and medical details, your photograph (including that processed by CCTV) and vehicle details for those authorised to use the Schools' car parks.

"Special categories of personal data" shall have the same meaning as in the Data Protection Legislation, namely personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, genetic data, biometric data, data concerning health or data concerning a person's sex life or sexual orientation.

Information about the Schools

The two Schools together make up The Leys and St Faith's Foundation. Under Data Protection Legislation, the Schools are both Data Controllers. The contact details for the respective Schools are as follows:

The Leys School, Trumpington Road, Cambridge, CB2 7AD
Compliance Officer: Gabriella Cox (compliance@theleys.net)

Telephone: 01223 791441

St Faith's School, Trumpington Road, Cambridge, CB2 8AG

Person responsible for data protection: Miss Amy Pearson (gdpr@stfaiths.co.uk)

Telephone: 01223 229417

If you have any comments, questions or concerns about the information in this Privacy Notice or your rights, please use the contact details listed above.

Types of Personal Data Processed by the Foundation

The Foundation processes a range of personal data about its staff and this will generally be stored and processed within the School to which the staff is a member. This information includes:

- Names, addresses, telephone numbers, email addresses and other contact details;
- Emergency contact details;
- Photographs;
- Car details (about those who use our car parking facilities);
- Terms and conditions of employment;
- Details of qualifications, skills, experience and employment history;
- Remuneration information, including entitlements to benefits such as pensions;
- Bank details and national insurance numbers;
- Marital status, next of kin and dependents;
- Nationality and entitlement to work in the UK;
- Criminal records information;
- Details of staff periods of leave, including holiday, sickness absence and family leave and the reasons for the leave;
- Details of any staff disciplinary or grievance procedures including any warnings issued to staff and related correspondence;
- Assessments of staff performance, including appraisals, performance reviews and ratings, performance improvement plans and related correspondence;
- Information about staff medical or health conditions, including disability information for which the organisation needs to make reasonable adjustments; and
- Equal opportunities monitoring information including information about your ethnic origin, gender, sexual orientation and religion or belief;
- Where there is a concern that you may have contracted the Covid-19 virus the School may ask you to undertake a diagnostic test to help protect you and the wider School community;
- Staff details (such as name and school e-mail address) may be used incidentally as part of a Data Subject Access Request response;
- Medical data, such as the medical questionnaire when you join the school, absence data due to illness, or medical data collected in relation to the Coronavirus pandemic.

How the Foundation collects and stores your personal data

The Schools may collect staff personal data in a variety of ways. Examples of how we collect your personal data are:

- Application forms
- Your CV
- Personal identity documents such as your passport and driving licence
- Forms completed by you at the start of employment or as part of your application to the School (such as benefit nomination forms)
- At interview or other correspondence with you

- From third parties, such as references from your current or previous employer, information from employment background check providers and information from criminal records checks. We will also obtain your information from the Teaching Regulation Authority
- Through the use of CCTV – please see the Schools’ respective CCTV policies for more information.
- Medical testing in regards to Coronavirus: please see the Privacy Notice for Covid Testing, available on the School Sharepoint site.

Personal data will be stored in a range of different places, including in your personnel file, in HR management systems and on other IT systems (including email).

Our legal grounds for processing your personal data

The Foundation needs to process your personal data in order to enter into an employment **contract** with you and to meet its obligations under your employment contract. For example, it needs to pay you and administer benefit, pension and insurance entitlements.

In some cases, the Foundation needs to process data to ensure that it is complying with its **legal obligations**. For example, it is required to check an employee's entitlement to work in the UK, to deduct tax, to comply with health and safety laws and to enable employees to take periods of leave to which they are entitled.

In other cases, processing personal data may be necessary for the purposes of the Foundation’s **legitimate interests**, arising before, during and after the end of the employment relationship.

Processing staff data allows the organisation to:

- Run recruitment and promotion processes;
- Maintain accurate and up-to-date employment records and contact details (including details of who to contact in the event of an emergency), and records of employee contractual and statutory rights;
- Operate and keep a record of disciplinary and grievance processes, to ensure acceptable conduct within the workplace;
- Operate and keep a record of staff performance and related processes, to plan for career development, and for succession planning and workforce management purposes;
- Operate and keep a record of absence and absence management procedures, to allow effective workforce management and ensure that employees are receiving the pay or other benefits to which they are entitled;
- Obtain occupational health advice, to ensure that it complies with duties in relation to individuals with disabilities, meet its obligations under health and safety law, and ensure that staff are receiving the pay or other benefits to which they are entitled;
- Operate and keep a record of other types of leave (including maternity, paternity, adoption, parental and shared parental leave), to allow effective workforce management, to ensure that the organisation complies with duties in relation to leave entitlement, and to ensure that staff are receiving the pay or other benefits to which they are entitled;
- Ensure effective general HR and business administration;
- Provide references on request for current or former staff; and
- Respond to and defend against legal claims.

In relation to special categories of personal data that are considered more sensitive, such as information about health or medical conditions, it is necessary to process this personal data for the purposes of carrying out the Foundation’s obligations and exercising its rights in respect of **employment law**.

Where the Foundation processes other special categories of personal data, such as information about ethnic origin, sexual orientation or religion or belief, this is done for the purposes of equal opportunities

monitoring. This is necessary for the purposes of carrying out the Foundation's obligations and exercising specific rights in relation to employment law.

Consent

In some circumstances, the Schools may ask for your consent for an additional and specific use of your personal data. You may take back this consent at any time. However, any use the Schools have made of your information before you withdraw your consent will still be valid.

Please be aware however that the Schools may not be relying on consent but have another lawful reason to process the personal data in question even without your consent.

Who has access to your personal data and who the Foundation shares it with

The majority of your personal data collected will remain within the School to which you are a staff member and will only be used by the people who need to know the information, such as the HR Department, your Line Manager and the Bursary. On occasion, your personal data may be shared with the Foundation's Governing Body. It may also be necessary for the Catering department or the Medical Centre to have access to some of your personal data if it is necessary for the performance of their roles.

Additionally, the Foundation shares some personal data with third parties. For example, in order to send or receive pre-employment references with other employers, obtain background checks from third party providers and obtain necessary criminal records checks from the Disclosure and Barring Service. In these circumstances the data will be subject to confidentiality arrangements.

The Foundation also shares your personal data with third parties that process data on its behalf, for example in connection with payroll, HR, consultancy services, the provision of benefits and the provision of occupational health services. These third parties may only process your personal data in accordance with our instructions. The Independent Schools Inspectorate may view your personal data when they inspect the School. Where necessary, the School may also share your personal data with the Local Authority, such as for safeguarding reasons.

If you voluntarily sign up to 'Leys Link', the School's online career networking and mentoring platform, your data will be accessible by 'Headhunter Systems Limited', a company which the School has a data processing agreement in place with to ensure your data is processed securely. Some of your data will also be available to other users of the system, who are members of the School community. The School Administrator approves each individual who registers. Users of the system may include alumni, governors, parents and former parents, staff and former staff and Sixth Form pupils. You will have control over the data you upload to the system. Registered users are able to hide their contact details through the privacy settings on their account. Other information that users provide, either during registration or subsequently in their profile, will be visible to other approved registered users and this will at a minimum be (where applicable) first name, last name, affiliation to The Leys, school dates, house(s), company, job title, industry, location (city).

Personal data is also shared specifically with the Department for Education (DfE) on a statutory basis. This data sharing underpins workforce policy monitoring and links to School funding/expenditure and the assessment of educational attainment.

The 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 DfE 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 DfE's data sharing process, please visit:

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

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

Transferring personal data outside the UK

We may send your personal data to countries which do not have the same level of protection for personal data as there is in the UK. For example, we may communicate with you by email when you are overseas on holiday/a School trip or share information in relation to your welfare (where necessary) should you become ill on an overseas trip and require urgent medical attention. We will only do this if necessary, for the performance of our contract with you, or if the transfer of personal data is necessary to protect your vital interests and you are incapable of giving consent.

Where the country does not have the same level of protection for personal data as there is in the UK, we will endeavour to put reasonable safeguards in place.

Data Accuracy and Security

The Foundation endeavours to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Individuals must please notify the respective School's HR department of any changes to personal data held about them.

An individual has the right to request that any out-of-date, irrelevant or inaccurate information held about them is erased or corrected (subject to certain exemptions under Data Protection Legislation). Please see the section below on data subject rights.

The Foundation takes the security of personal data very seriously. The Schools have internal policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed and is not accessed except by authorised individuals.

Where the Schools engage third parties to process personal data on their behalf, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of personal data.

How long do we keep your personal data for?

The Schools will process your personal data for at least the duration of your employment. In some circumstances, such as for safeguarding and archiving, we will keep the data indefinitely. If you have any

queries about the retention of your personal data, or wish to request that personal data is considered for erasure, please contact the applicable School. However, please bear in mind that the Schools will often have lawful and necessary reasons to hold on to some personal data even following such request. Where you have requested that we no longer keep in touch with you, we will need to keep a record of that fact in order to fulfill your wishes (called a “suppression record”).

Data Subject Rights

Individuals have a number of rights under Data Protection Legislation which can be exercised in certain circumstances. These include:

- You have the right to be informed about our collection and use of your personal data;
- If the personal data we hold about you is incorrect, you can ask us to correct it;
- You can ask us to delete the personal data we hold on you;
- You can ask what personal data we hold about you and be provided with a copy. We will also give you extra information, such as why we use the information, where it came from and what types of people/organisations it has been sent to;
- You can object to the School processing your personal data;
- You can ask the School to restrict the use of your personal data;
- You can ask the School to send you or another organisation certain types of personal data about you in a commonly-used machine-readable format.

Any individual wishing to exercise any of these rights should put their request in writing to the applicable School using the contact details given above.

Where an individual has requested access to their data (Data Subject Access Request), the School will endeavor to respond to any such written requests as soon as is reasonably practicable and in any event within statutory time-limits (which is one month in the case of requests for access to information).

The School will be better able to respond quickly to smaller, targeted requests for information. If the request for information is manifestly excessive or similar to previous requests, the School may ask you to reconsider, or require a proportionate fee (subject to Data Protection Legislation).

Requests that cannot be fulfilled

You should be aware that the right of access is limited to your own personal data, and certain data is exempt from the right of access. This may include information which identifies other individuals or information which is subject to legal privilege (for example legal advice given to or sought by the School, or documents prepared in connection with a legal action).

The ‘right to be forgotten’ also only exists in certain circumstances. The Schools will often have compelling reasons to refuse specific requests to delete or stop processing your personal data. For example, we may need to comply with a legal requirement or there may be overriding legitimate grounds. All such requests will be considered on their own merits.

What if I do not provide personal data?

You have some obligations under your employment contract to provide the School with data. In particular, you are required to report absences from work and may be required to provide information about disciplinary or other matters under the implied duty of good faith.

You may also have to provide the School with data in order to exercise your statutory rights, such as in relation to statutory leave entitlements. Failing to provide the data may mean that you are unable to exercise your statutory rights.

Certain information, such as contact details, your right to work in the UK and payment details, have to be provided to enable the School to enter a contract of employment with you.

If you do not provide this information, this will prevent the School being able to fulfil its statutory and legal compliance obligations. It will also hinder the School's ability to administer the rights and obligations arising as a result of the employment relationship efficiently.

Privacy Notice Review

The Foundation will update this Privacy Notice from time to time. Any substantial changes that affect your rights will be notified to you directly as far as is reasonably practicable.

Contact

If you feel that either School has not acted properly when using your personal information, you can contact the School using the contact details above. Alternatively, if you are still not satisfied with the way the School has handled your personal data, you can contact the Information Commissioner's Office on 0303 123 1113. For more information please see <https://ico.org.uk/concerns/>.