Privacy Notice for Staff

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Introduction

This Privacy Notice applies to all current and former employees and workers and describes how The Leys School and St Faith's School (together part of The Leys and St Faith's Schools Foundation (the "Foundation") and referred to in this Privacy Notice as the "Schools") collect and use personal information about such employees and workers during and after their working relationship with us. It also explains the decisions you can make about your own personal data.

All staff are encouraged to read this Privacy Notice and the Schools' Data Protection Policy and understand how and why the Schools process your personal data, including special category data.

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 the Schools' policies. We are required under data protection legislation to notify you of the information contained in this privacy notice. This notice does not form part of any contract of employment or other contract to provide services and we may update this notice at any time.

Data Protection Principles
We will comply with the data protection principles when gathering and using personal information, as set out in our Data Protection Policy.

Definitions
In this Privacy Notice, 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.

Responsibility for Data Protection
Each School has appointed a Data Compliance Officer, who will deal with all your requests and enquiries concerning the Schools' use of your personal data and endeavour to ensure that all personal data is processed in compliance with this policy and current data protection legislation.

Under Data Protection legislation, the Schools are Data Controllers and are jointly registered with the ICO under ICO Registration Number: Z976867X. The Schools are responsible for deciding how we hold and use the personal information about the staff.

Details of the Data Compliance Officers for each School, and their contact details are as follows:

The Leys School, Trumpington Road, Cambridge, CB2 7AD
Data Compliance Officer: Fiona Oliver
Email: compliance@theleys.net
Telephone: 01223 791441

St Faith's School, Trumpington Road, Cambridge, CB2 8AG
Data Compliance Officer: Hannah Fox
Email: gdpr@stfaiths.co.uk
Telephone: 01223 352073

The Schools have appointed Judicium Consulting Limited as their Data Protection Officer (DPO). Judicium can be contacted directly as follows:

Data Protection Officer: Judicium Consulting Limited
Address: 5th Floor, 98 Theobalds Road, London, WC1X 8WB
Email: dataservices@judicium.com
Web: www.judiciumeducation.co.uk
Telephone: 0345 548 7000 (Option 1, then 1)

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 Collected and Processed by the Schools

The Schools may collect, store and use the following categories of personal information about you:

- Full name, date of birth, addresses, telephone numbers, email addresses and other contact details;
- Emergency contact details;
- Photographs;
- Car details (for those who use our car parking facilities);
- Terms and conditions of employment;
- Remuneration information, including entitlements to benefits such as pensions;
- Bank details, payroll records, tax status information and national insurance number;
- Marital status, next of kin and dependents;
- Nationality and immigration status and information from related documents, such as passports or other identification and immigration information;
- Information collected during the recruitment process that we retain during your employment including references, proof of entitlement to work in the UK, application form, CV, qualifications, skills, experience and employment history;
- Education and training details;
- Criminal records information as required by law to enable you to work with children;
- Your trade union membership;
- Details of staff periods of leave, including holiday, sickness absence and family leave and the reasons for the leave;
- Details about your hobbies and interests;
- On occasion, information from your social media profiles or obtained through online searches;
- Details of any staff disciplinary, capability 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 Schools may be required to make reasonable adjustments;
- Equal opportunities monitoring information including information about your ethnic origin, gender, sexual orientation and religion or belief;
- Biometric Data, for example use of fingerprints and facial recognition to unlock electronic devices; and

- Medical data, such as the medical questionnaire when you join the school, data as a result of absence due to illness (including sensitive personal information regarding physical and/or mental health).

How the Schools Collect and Store Your Personal Information

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

- Agencies;
- Application forms;
- Your CV;
- Personal identity documents such as your passport and driving license;
- 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;
- Verbal or written information from you or others, including in the ordinary course of interactions and communication.
- Forms of assessment including online tests;
- From third parties, such as references from your current or previous employer, information from employment background check providers and 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;
- Access control systems and any IT systems the Schools' have in place;
- Recordings from the School's video conferencing platforms, such as Zoom and Microsoft Teams;
- Information on social media profiles or which is otherwise publicly available;
- The Home Office;
- Our pension providers;
- Medical and occupational health professionals we engage with; and
- Your trade union.

The Schools will obtain personal data from third parties, such as previous employers, only once a job offer has been made to you and will inform you that it is doing so. This is with the exception of references, which may be obtained before an offer has been made, to fulfil the School's safeguarding obligations.

Whilst the majority of information you provide to the School is mandatory, some of it is provided on a voluntary basis. To comply with the UK GDPR, the Schools will inform you whether you are required to provide certain information or if you have a choice in this.

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.
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).

The Schools' Legal Grounds for Using your Personal Data

We will only use your personal information when the law allows us to. The Schools need to process your personal data in order to enter into an employment **contract** with you and to meet their obligations under your employment contract. For example, we need to pay you and administer benefit, pension and insurance entitlements.

In some cases, the Schools need to process personal data to ensure that they comply with their **legal obligations**. For example, they are 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.

We will also use your information in the following circumstances:

- Where it is needed in the **public interest** or for official purposes.
- Where it is necessary for our **legitimate interests** (or those of a third party) before, during and after the end of the employment relationship, and your interests, rights and freedoms do not override those interests.
- Where it is necessary to protect your or someone else's **vital interests**, for example in an extreme emergency.
- Where you have provided us with **consent** to process your personal data.

We need the categories of information in the list above primarily to allow us to perform our contract with you and to enable us to comply with legal obligations.

Processing your personal information will allow the Schools to:

- Determine recruitment and selection decisions on prospective employees;
- 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;
- Comply with regulatory requirements and good employment practice;
- Carry out vetting and screening of applicants and current staff in accordance with regulatory and legislative requirements;
- Enable management and planning of the workforce, including accounting and auditing;
- Manage personnel including retention, sickness, other absence and attendance;
- Operate and keep a record of disciplinary, capability and grievance processes, to ensure acceptable conduct and performance within the workplace;
- Managing performance reviews, performance and determining performance requirements;
- Manage internal policy and procedure;
- Determine qualifications for a particular role, including decision about promotions;
- Gather evidence for possible disciplinary or grievance processes;
- Manage education, training and development activities;
- Monitor compliance with equal opportunities legislation;
- Answer any questions from insurers in respect of any insurance policies which relate to you;
- Make determinations about continued employment or engagement;
- Operate and keep a record of staff performance and related processes to plan for career development, succession planning and workforce management purposes;
- Make arrangements for the termination of the working relationship and dealing with post-termination arrangements;
- 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 the Schools complies with duties in relation to individuals with disabilities, meet the Schools 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, including pensions, payroll and benefits;
- Safeguard and promote the welfare of our employees;
- Fulfil health and safety obligations;
- Provide educational and other services;
- Keep the school buildings safe;
- Protect the School's reputation;
- Provide references on request for current or former staff;
- Defend the Schools' in respect of any investigation or court proceedings and to comply with any court or tribunal order for disclosure;
- Ensure that all relevant legal obligations of the Schools' are complied with;
- Prevent and detect of fraud or other criminal offences;
- Respond to a Data Subject Access Request (staff details (such as name and school e-mail address) may be used incidentally as part of a response);
- Monitor and manage (as appropriate) staff access to our systems and facilities in order to protect our networks, the personal data of our employees and for the purpose of safeguarding;
- To monitor and protect the security of our network and information, including preventing unauthorised access to our computer network and communications systems and preventing malicious software distribution; and
- For security and safety purposes, including CCTV in accordance with the School's CCTV and Access Control Policy (legal basis: legitimate interests).

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

If you fail to provide certain when requested, we may not be able to perform the contract we have entered with you, or we may be prevented from complying with our legal obligations.

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose.

Special category data, which is sensitive personal information, requires higher levels of protection and further justification for collecting, storing and using this type of personal information. The Schools may process this data in the following circumstances:

- In limited circumstances, with your explicit written consent.
- Where we need to carry out our legal obligations in line with our data protection policy.
- Where it is needed in the public interest, such as for equal opportunities monitoring (or in relation to our pension scheme).

- Where is it needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards. Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent.

How the Schools Use your Personal Information

- Collecting information relating to leave of absence, which may include sickness absence or family related leave.
- To comply with employment and other laws.
- Collecting information about your physical or mental health, or disability status, to ensure your health and welfare in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to manage sickness absence and to administer benefits.
- Collecting information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.
- To record trade union membership information to pay trade union premiums and to comply with employment law obligations.

Consent

In some circumstances, the Schools may ask for your consent for an additional and specific use of your personal data.

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.

Criminal Convictions

The Schools may only use information relating to criminal convictions where the law allows us to do so. This will usually be where it is necessary to carry out our legal obligations. We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so.

The School will collect information about relevant criminal convictions as part of the recruitment process or we may be notified of such information directly by you or the police in the course of working for us.

Who Has Access to your Personal Data?

The majority of your personal data collected will remain within the specific School of 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. 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.

Sharing data

Where appropriate, we will collect information about criminal convictions as part of the recruitment process or we may be notified of such information directly by you or a statutory agency in the course of working for us.

We may need to share your data with third parties, including third party services providers where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so. These include the following:

- The Department for Education (DfE);
- Independent school bodies such as the Independent Schools Inspectorate (ISI) and the Independent Schools Council (ISC);
- Prospective Employers;
- Welfare services (such as social services);
- Law enforcement officials such as the police, HMRC;
- Training providers;
- Professional advisers such as lawyers and consultants;
- Support services (including HR , consultancy, insurance, IT support, information security, pensions and payroll);
- The Local Authority, including the Local Authority Designated Officer (LADO);
- Occupational Health;
- DBS;
- The Teaching Regulation Agency; and
- Recruitment and supply agencies.

Information will be provided to those agencies securely and wherever possible, anonymously.

The recipient of the information will be bound by confidentiality obligations, the Schools require them to respect the security of your data and to treat it in accordance with the law.

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).

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 the gov.uk website. To contact the department, please visit the following link: 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 Schools endeavour 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 Schools 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 measures to ensure the security of personal data.

Automated Decision Making

Automated decision making takes place when an electronic system uses personal information to make a decision without human intervention. The Schools are allowed to use automated decision making in limited circumstances. You will not be subject to automated decision-making, unless we have a lawful basis for doing so and we have notified you.

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

- **Rectification** – If the data we hold about you is incorrect; you can ask us to correct it. You also have the right to ask us to complete information you think is incomplete;
- **Erasure** – You can ask us to delete the personal data we hold about you in certain circumstances;
- **Access** – 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 data, where it came from and what types of people/organisations it has been sent to;
- **Object to processing** – You can object to the School processing your personal data in certain circumstances;
- **Restrict processing** – You can ask the School to restrict the use of your personal data in certain circumstances;
- **Data portability** – 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, in certain circumstances.

If you want to exercise any of the above rights, please contact the person responsible for data protection at the relevant School, in writing.

Where an individual has requested access to their data (Data Subject Access Request), the Schools 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 usually one month in the case of requests for access to information). For further information regarding Data Subject Access Requests, please refer to our Data Protection Policy.

Certain information is exempt from the right to access. This includes, but is not limited to, information which identifies other individuals, or information which is subject to legal professional privilege. The Schools are also not required to disclose confidential references given, or requested, by the School for purposes of education, training or employment of any individual.

How Long Do the Schools Keep Your Personal Data for?

The Schools will retain Personal Data securely and only in line with how long it is necessary to keep for a legitimate and lawful reason and 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 a 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 fulfil your wishes (called a "suppression record").

Right to Withdraw Consent

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the person responsible for data protection at the relevant School. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law. Any use the Schools have made of your information before you withdraw your consent will still be valid.

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 Schools, 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 Schools 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 Schools 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 Schools to enter a contract of employment with you.

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

Privacy Notice Review

This Privacy Notice will be reviewed annually and where appropriate, amended at any time in accordance with any changes in the law or guidance provided by the Information Commissioner's Office (the "ICO"), the UK supervisory authority for data protection issues. Where appropriate, the Schools will notify data subjects of those changes in writing (including electronically).

Queries and Complaints

Any comments or queries on this Privacy Notice, or, if you feel that either Schools has not acted properly when using your personal information, you may contact the person responsible for data protection at the relevant School. Alternatively, if you are not satisfied with the way the relevant School has handled your personal data, you may contact the Schools' externally appointed Data Protection Officer (DPO) who oversees the Schools' compliance with data protection and this Privacy Notice. The relevant contact details can be found within this Privacy Notice, above.

The ICO recommends that steps are taken to address any concerns relating to the use of your data with the School directly, before involving the regulator. However, you have the right to make a complaint at any time to the ICO, the UK supervisory for data protection issues by phone on 0303 123 1113. Further information can be found at https://ico.org.uk/concerns.