

## Employee Privacy Notice (How we use workforce information)

**Data Protection Officer: Peter Coates, Data Officer, The Good Shepherd Trust, Larch Avenue, Guildford, Surrey, GU1 1JY**

**School Data controller: [Name and contact details]**

The Good Shepherd Trust (the Trust) collects and processes personal data relating its employees to manage the employment relationship. The Trust is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

### 1. What information does the Trust collect?

Workforce data is essential for the Trust's / School's operational use. Whilst most of the personal information you provide to us is mandatory, some of it is requested on a voluntary basis. To comply with 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.

The organisation collects and processes a range of information about you. This includes:

- your name, address, and contact details, including email address and telephone number, date of birth and gender.
- the terms and conditions of your employment.
- details of your qualifications, skills, experience, and employment history, including start and end dates, with previous employers and with the organisation.
- information about your remuneration, including entitlement to benefits such as pensions or insurance cover.
- details of your bank account and national insurance number.
- information about your marital status, next of kin, dependants, and emergency contacts.
- information about your nationality and entitlement to work in the UK.
- information about your criminal record.
- details of your schedule (days of work and working hours) and attendance at work.
- details of periods of leave taken by you, including holiday, sickness absence, family leave and sabbaticals, and the reasons for the leave.
- details of any disciplinary or grievance procedures in which you have been involved, including any warnings issued to you and related correspondence.
- assessments of your performance, including appraisals, performance reviews and ratings, training you have participated in, performance improvement plans and related correspondence.
- information about medical or health conditions, including whether you have a disability for which the organisation needs to make reasonable adjustments.
- risk assessments
- details of trade union membership; and

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- equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief.

The Trust collects this information in a variety of ways. For example, data is collected through application forms, CVs or resumes; obtained from your passport or other identity documents such as your driving licence; from forms completed by you at the start of or during employment (such as benefit nomination forms); from correspondence with you; or through interviews, meetings or other assessments.

In some cases, the Trust collects personal data about you from third parties, such as references supplied by former employers, information from employment background check providers, information from credit reference agencies and information from criminal records checks permitted by law.

Data is stored in a range of different places, including in your personnel file, in the Trust's HR management systems and in other IT systems (including the Trust's email system).

### 2. Why does the Trust process personal data?

The Trust needs to process data to enter into an employment contract with you and to meet its obligations under your employment contract. For example, it needs to process your data to provide you with an employment contract, to pay you in accordance with your employment contract and to administer where relevant benefit, pension and insurance entitlements.

In some cases, the Trust 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. For certain positions, it is necessary to carry out criminal records checks to ensure that individuals are permitted to undertake the role in question.

In other cases, the Trust has a legitimate interest in processing personal data before, during and after the end of the employment relationship. Under the Data Protection Regulation (GDPR), the legal basis / bases we rely on for processing personal information for general purposes are 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 employee 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 employees are receiving the pay or other benefits to which they are entitled.

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- 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 employees 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 employees.
- respond to and defend against legal claims; and
- maintain and promote equality in the workplace.

Where the Trust relies on legitimate interests as a reason for processing data, it has considered whether those interests are overridden by the rights and freedoms of employees or workers and has concluded that they are not.

Some special categories of personal data, such as information about health or medical conditions, is processed to carry out employment law obligations (such as those in relation to employees with disabilities and for health and safety purposes). Information about trade union membership is processed to allow the Trust to operate check-off for union subscriptions.

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

(Ref: Article 6, and Article 9 where data processed is special category data from the GDPR)

### 3. Who has access to data?

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

Your information will be shared internally, including with members of the HR and recruitment service provider (including payroll), your line manager, managers in the business area in which you work and IT staff if access to the data is necessary for performance of their roles.

The Trust shares your data with third parties to obtain pre-employment references from other employers, obtain employment background checks from third-party providers and obtain necessary criminal records checks from the Disclosure and Barring Service. The organisation may also share your data with third parties in the context of a sale of some or all its business. In those circumstances the data will be subject to confidentiality arrangements.

The Trust also shares your data with third parties that process data on its behalf, in connection with payroll, HR, the provision of benefits and the provision of occupational health services, School Insurance providers, the relevant Local Authorities (Surrey or Hampshire) and the Department for Education.

The Department for Education (DfE) collects personal data from educational settings and local authorities via various statutory data collections. We are required to share information about our children and young people with the Department for Education (DfE) for the purpose of those data collections, under:

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

The organisation will not transfer your data to countries outside the European Economic Area.

### 4. How the Government uses your data

The workforce data that we lawfully share with the DfE through data collections:

- informs departmental 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 including the data that we share with them, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

Sharing by the DfE

The Department 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.

To contact the DfE: <https://www.gov.uk/contact-dfe>

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### 5. How does the Trust protect data?

The Trust takes the security of your data seriously. The Trust has 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 its employees in the performance of their duties.

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

### 6. For how long does the Trust keep data?

The organisation will hold your personal data for the duration of your employment. The periods for which your data is held after the end of employment are set out in the Trust's Data Retention Schedule.

### 7. Your rights

As a data subject, you have several rights. You can:

- access and obtain a copy of your data on request.
- require the Trust to change incorrect or incomplete data.
- require the Trust to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing.
- object to the processing of your data where the Trust is relying on its legitimate interests as the legal ground for processing; and
- ask the Trust to stop processing data for a period if data is inaccurate or there is a dispute about whether your interests override the Trust's legitimate grounds for processing data.

If you would like to exercise any of these rights, please contact the DPO Peter Coates at the Good Shepherd Trust. You can make a subject access request by post/ emailing us at [admin@goodshepherdtrust.org.uk](mailto:admin@goodshepherdtrust.org.uk) or completing the Trust's subject access request form.

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 <https://ico.org.uk/concerns/>

### 8. What if you do not provide personal data?

You have some obligations under your employment contract to provide the Trust with data. 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 Trust with data 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, must be provided to enable the Trust to enter a contract of employment with you. If you do not

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provide other information, this will hinder the Trust's ability to administer the rights and obligations arising because of the employment relationship efficiently.

### 9. Automated decision-making

Employment decisions are not based solely on automated decision-making.

10. **Contact:** Please contact [HR@goodshepherdtrust.org.uk](mailto:HR@goodshepherdtrust.org.uk) if you would like to discuss anything in this privacy notice.

## COVID19 Addendum - Collecting Medical Data during the pandemic

1.1 The law on protecting personally identifiable information, known as the General Data Protection Regulation (GDPR), allows the Trust to use the personal information collected from staff/parents/carers and pupils. This includes special category data such as medical data.

1.2 Due to this pandemic, we may need to ask for data that you have not previously supplied. This data will be collected for, and on behalf of the Trust to allow appropriate decisions to be made regarding assessing ability to return to school and ensure that appropriate measures are put in place to allow for this safe return.

1.3 the Trust, additionally may need to collect data about individuals that they reside with to factor in appropriate considerations for their wellbeing.

1.4 All data collected by the Trust will be processed in accordance with our retention, destruction, data protection and data security policies. For further information these can be found on the School's /Trust's website or by requesting this information from reception].

1.5 The legal bases for using your data in these circumstances will be either (a) with your consent, (b) where it is necessary to process this data for the 'vital interests' of yourself or another person, (c) for the reasons of substantial public interest, (d) where it is necessary to assess the working capacity of an employee or (e) where it is in the interests of public health.

1.6 In the current pandemic, we may need to share select data with others. This can be with the NHS and emergency services, public authorities as well as other stakeholders. This will only be done where it is necessary and proportionate for us to do so.