



# Learn-AT

Learning ~ Fellowship

## Privacy Notice for the School Workforce

LAT008b Version 2 Updated May 2021

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**Please note that this policy supersedes and replaces any equivalent policies or sections of policies. This policy is non contractual and can therefore be amended without consultation. Before you use this policy, please check you have the latest version using the footer reference and Learn-AT Policy Index.**

**This policy applies to all Learn Academies Trust schools and should be read in conjunction with the latest associated guidance issued by Learn-AT.**

## **1. Introduction**

- 1.1. Under data protection law, individuals have a right to be informed about how the Trust uses any personal data 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.
- 1.2. This privacy notice explains how we collect, store and use personal data about individuals working with the schools or the trust in a voluntary capacity, including governors and trustees.
- 1.3. We, Learn Academies Trust, School Lane, Lubenham, Market Harborough, LE16 9TW, are the 'data controller' for the purposes of data protection law.
- 1.4. Our data protection officer is Sophie Hill (see 'Contact us' below).

## **2. The personal data we hold**

- 2.1. Personal data that we may collect, use, store and share (when appropriate) about you includes, but is not restricted to:
  - Contact details
  - Date of birth, marital status and gender
  - Next of kin and emergency contact numbers
  - Salary, annual leave, pension and benefits information
  - Bank account details, payroll records, National Insurance number and tax status information
  - Recruitment information, including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process
  - Qualifications and employment records, including work history, job titles, working hours, training records and professional memberships
  - Performance information
  - Outcomes of any disciplinary and/or grievance procedures
  - Absence data
  - Copy of driving licence
  - Photographs

- CCTV footage
  - Data about your use of the school's information and communications system
  - Video images of employees captured during recorded online lessons, meetings and events and stored securely within the Microsoft Teams digital platform.
- 2.2. We may also collect, store and use information about you that falls into "special categories" of more sensitive personal data. This includes information about (where applicable):
- Race, ethnicity, religious beliefs, sexual orientation and political opinions
  - Trade union membership
  - Health, including any medical conditions, and sickness records

### 3. Why we use this data

3.1. We use the data listed above to:

- Enable you to be paid
- Facilitate safe recruitment, as part of our safeguarding obligations towards pupils
- Support effective performance management
- Inform our recruitment and retention policies
- Allow better financial modelling and planning
- Enable ethnicity and disability monitoring
- Improve the management of workforce data across the sector
- Support the work of the School Teachers' Review Body
- To facilitate the provision of remote education in accordance with our legal obligations under the Coronavirus Act 2020 - Provision of Remote Education Temporary Continuity Direction
- To facilitate the provision of online communication, collaboration and CPDL for all members of staff

#### 3.2. Use of your personal data for marketing purposes

3.2.1. Where you have given us consent to do so, we may send you marketing information by email or text promoting school events, campaigns, charitable causes or services that may be of interest to you.

3.2.2. You can withdraw consent or 'opt out' of receiving these emails and/or texts at any time by clicking on the 'Unsubscribe' link at the bottom of any such communication, or by contacting us (see 'Contact us' below).

#### 3.3. Use of your personal data in automated decision making and profiling

3.3.1. We do not currently process any personal data through automated decision making or profiling. If this changes in the future, we will amend

any relevant privacy notices in order to explain the processing to you, including your right to object to it.

## 4. Our lawful basis for using this data

4.1. Our lawful bases for processing your personal data for the purposes listed in section 3 above are as follows:

- The 'public task' basis – we need to process data to fulfil our statutory function as an education provider responsible for the care of children and the provision of education as set out below,

*and*

- The 'legal obligation' basis – we need to process data to meet our responsibilities under law as set out in legislation and legal documents listed here:
  - Childcare Act 2006 (Section 40 (2)(a))
  - The Education Reform Act 1988
  - Education (Independent School Standards) Regulations 2014
  - Further and Higher Education Act 1992,
  - Education Act 1994; 1998; 2002; 2005; 2011
  - Health and Safety at Work Act 2015
  - Safeguarding Vulnerable Groups Act 2006
  - Coronavirus Act 2020 – Provision of Remote Education Temporary Continuity Direction
  - Working together to Safeguard Children Guidelines (DfE)
  - Keeping Children Safe in Education 2020
  - Learn-AT Articles of Association
  - Learn-AT Funding Agreement

4.2. You may wish to refer to the ICO's guidance on the lawful basis for processing.

4.3. Where you have provided us with consent to use your data, you may withdraw this consent at any time. We will make this clear when requesting your consent, and explain how you would go about withdrawing consent if you wish to do so.

## 5. Our basis for using special category data

5.1. The Trust identifies the following conditions for processing special category data (Article 9 UK GDPR):

- Statutory and government purposes
- Equality of opportunity or treatment
- Regulatory requirements
- Support for individuals with a particular disability or medical condition

- 5.2. For 'special category' data, we only collect and use it when we have both a lawful basis, as set out above, and one of the following conditions for processing as set out in data protection law:
- We have obtained your explicit consent to use your personal data in a certain way
  - We need to perform or exercise an obligation or right in relation to employment, social security or social protection law
  - We need to process it for the establishment, exercise or defence of legal claims
  - We need to process it for reasons of substantial public interest as defined in legislation
  - We need to process it for health or social care purposes, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law
  - We need to process it for public health reasons, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law
  - We need to process it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the processing is in the public interest
- 5.3. **For criminal offence data**, we will only collect and use it when we have both a lawful basis, as set out above, and a condition for processing as set out in data protection law. Conditions include:
- We have obtained your consent to use it in a specific way
  - We need to process it for, or in connection with, legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of legal rights
  - We need to process it for reasons of substantial public interest as defined in legislation

## 6. Collecting this data

- 6.1. While the majority of the information we collect from you is mandatory, there is some information that can be provided voluntarily.
- 6.2. Whenever we seek to collect information from you, we make it clear whether you must provide this information (and if so, what the possible consequences are of not complying), or whether you have a choice.
- 6.3. Most of the data we hold about you will come from you, but we may also hold data about you from:
- Local authorities
  - Government departments or agencies

- Police forces, courts, tribunals

## 7. How we store this data

- 7.1. Personal data is stored in accordance with our Data Protection Policy and Records Management Policy.
- 7.2. We maintain a file to store personal information about all volunteers. The information contained in this file is kept secure and is only used for purposes directly relevant to your work with the school and trust.
- 7.3. When your relationship with the school or trust has ended, we will retain and dispose of your personal information in accordance with our Records Management Policy. Our Record Management Policy sets out how long we keep information and can be found on our website at <http://www.learnat.uk>

## 8. Who we share data with

- 8.1. We do not share information about you with any third party without your consent unless the law and our policies allow us to do so.
- 8.2. Where it is legally required, or necessary (and it complies with data protection law) we may share personal information about you with:
  - The Department for Education
  - Your family or representatives
  - Educators and examining bodies
  - Regulatory Bodies (Eg Ofsted)
  - Suppliers and service providers – to enable them to provide the service we have contracted them for, such as payroll, pensions providers
  - Financial organisations
  - Central and local government
  - Our auditors
  - Survey and research organisations
  - Trade unions and associations
  - Health authorities
  - Security organisations
  - Health and social welfare organisations
  - Professional advisers and consultants
  - Charities and voluntary organisations
  - Police forces, courts, tribunals
  - Professional bodies

- Employment and recruitment agencies

### 8.3. **Transferring data internationally**

8.3.1. Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

## 9. **Your rights**

### **How to access the personal information we hold about you**

9.1. Individuals have a right to make a 'subject access request' to gain access to personal information that the school or trust holds about them.

9.2. If you make a subject access request, and if we do hold information about you, we will:

- Give you a description of it
- Tell you why we are holding and processing it, and how long we will keep it for
- Explain where we got it from, if not from you
- Tell you who it has been, or will be, shared with
- Let you know whether any automated decision-making is being applied to the data, and any consequences of this
- Give you a copy of the information in an intelligible form

9.3. You may also have a right for your personal information to be transmitted electronically to another organisation in certain circumstances.

9.4. If you would like to make a request, please contact our data protection officer (contact details below) using the 'Subject Access Request' form on the Learn AT website at <http://www.learnat.uk>

### **Your other rights regarding your data**

9.5. Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe. You have the right to:

- Object to the use of your personal data if it would cause, or is causing, damage or distress
- Prevent your data being used to send direct marketing
- Object to the use of your personal data for decisions being taken by automated means (by a computer or machine, rather than a person)
- In certain circumstances, have inaccurate personal data corrected, deleted or destroyed, or restrict processing
- Claim compensation for damages caused by a breach of the data protection

regulations

- 9.6. To exercise any of these rights, please contact our data protection officer.

### **Responsibilities of staff**

- 9.7. We are provided with contact details by staff for the purposes of communication (email addresses, telephone numbers etc.). Staff should inform us in writing of any changes to these details as soon as possible so that our records can be updated and to minimize the risk of the incorrect distribution of personal data.

## **10. Complaints**

- 10.1. We take any complaints about our collection and use of personal information very seriously.
- 10.2. If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance.
- 10.3. To make a complaint, please contact our data protection officer (see details below). The form for submitting a complaint can be found on the Learn AT website at [www.learnat.uk](http://www.learnat.uk)
- 10.4. Alternatively, you can make a complaint to the Information Commissioner's Office:
- Report a concern online at <https://ico.org.uk/make-a-complaint/>
  - Call 0303 123 1113
  - Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

## **11. Contact us**

- 11.1. If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our data protection officer in writing;

Sophie Hill  
Legal Assistant – School DPO Service  
Warwickshire Legal Services  
Governance and Policy, Resources Directorate  
Warwickshire County Council  
Shire Hall  
Warwick,  
Warwickshire CV34 4RL  
Email: [schooldpo@warwickshire.gov.uk](mailto:schooldpo@warwickshire.gov.uk)  
Tel: 01926 412859

### **11.2. Subject Access Request**

- 11.2.1. The form for submitting a Subject Access Request can be found on the Learn AT website at <http://www.learnat.uk>