

How We Use Your Information Staff, Trustee & Volunteer Privacy Notice

Independent School for Boys and Girls

**Medway Education Trust
Focus School – Linton Park Campus**

April 2018



Introduction

- 1 This Privacy Notice (**Notice**) is to help you understand **how** and **why** we collect personal information about you and **what** we do with that information. It also explains the decisions that you can make about your own information.
- 2 This notice is aimed at all School staff (including employees, Trustees, work experience students, volunteers and certain contractors and agency staff) and applicants for employment vacancies. This Notice does not form part of your contract of employment and we may amend this notice at any time.
- 3 The School is affiliated to Focus Learning Trust (the Trust). The School is Focus School – Linton Park Campus of Heath Road, Maidstone, Kent, ME17 4HT (the School). The School and the Trust work closely together which means that the School and the Trust share a lot of personal information about staff, pupils and parents. References below to "we", "us" and "our" are references to both the School and the Trust. To use data protection terminology, the School and the Trust are each a "controller" of the personal information held about you. Further information on the Trust can be found on its website here: www.focus-school.com
- 4 For more information on how personal information is shared between the School and the Trust, please see paragraphs 45 - 52 below.

What is "personal information"?

- 5 Personal information is information which is about you and from which you can be identified.
- 6 This includes your contact details, next of kin and financial information. CCTV, photos and video recordings of you are also personal information.

What personal information do we hold about you and how is this obtained?

- 7 We set out below examples of the personal information we hold about you and where this personal information comes from.
- 8 Information about you is gathered during the recruitment process for example:
 - 8.1 information about your education, qualifications and professional achievements;
 - 8.2 when you provide certain information to us, for example, on your application form and during any interviews;
 - 8.3 when we obtain information from publicly available sources such as your social media profiles; and
 - 8.4 when we receive your personal information (from you and third parties) in carrying out pre-employment checks, for example, when we receive references, confirmation of your fitness to work, your right to work in the UK and criminal records checks.
- 9 We will hold information about your job performance. This includes information about skills, achievements, CPD, career progression, performance and disciplinary related matters.
- 10 We hold and use your financial information, such as, your national insurance number, bank details, your salary and pension details.

- 11 We will hold information about dietary requirements, any physical or mental health condition you may have which is disclosed to us during the recruitment process or at any stage during your employment.
- 12 We will hold information about any protected characteristics you may have (e.g. a disability) which you provide, for example on the Equal Opportunities Monitoring Form.
- 13 Your personal information will be created internally by the School and the Trust during the course of your employment. An email from the Head to a member of staff complimenting them on class management would be an example of this.
- 14 Your personal information may be acquired from outside of the school community such as from occupational health practitioners or from public authorities such as the Police or the Local Authority Designated Officer.
- 15 Students will often provide us with your personal information, for example, if a student emails their form teacher to say how much they are helping them with their work.
- 16 Your personal information will be held on the School's Single Central Register

Our legal bases for using your information

- 17 This section contains information about the legal bases that we are relying on when handling your information.
- 18 The two tables below contain a general description of the different legal bases but we have also used a colour code system so that you can see which bases we are relying on for each of the purposes described at paragraphs 19 to 40 below.

Legitimate interests ("L")

This means that we are using your information when this is necessary for our legitimate interests except when your interests and fundamental rights override our legitimate interests.

Specifically, we have a legitimate interest in:

- looking after your welfare and development and the welfare and development of others;
- safeguarding and promoting the welfare of students;
- providing an education to students;
- using photographs of you for promotional purposes (e.g. on our website);
- ensuring the security of the school site which may involve issuing you with a photocard;
- promoting the objects and interests of the School or the Trust. This includes fundraising and using information about you in our publicity material e.g. photographs.
- making sure that you are complying with your employment obligations and that the School is complying with its employment obligations;
- using your information in connection with legal disputes. For example, if a parent or former student brings a claim against the School;
- facilitating the efficient operation of the School and the Trust; and

- ensuring that all relevant legal obligations of the School and the Trust are complied with (for example in relation to inspections).

In addition your personal information may be processed for the legitimate interests of others. For example with external activity providers if they need to contact you directly or for their own emergency or insurance purposes.

Necessary for contract ("CT")

We will need to use your information in order to comply with our contractual obligations and for you to perform your obligations as well. For example:

- we need your name and bank details so that we can pay you your salary;
- we may need to provide your personal information to a pension provider so that you can benefit from your pension entitlement; and
- we also need to use your personal information to provide contractual benefits, where applicable

Legal obligation ("LO")

We have to comply with various laws and this entitles us to use your information where necessary. For example:

- to make sure that you have the right to work in the UK;
- to fulfil our duty of care to you and your colleagues;
- to fulfil our safeguarding duties towards students; and
- sometimes we will be legally obliged to disclose your information to third parties such as the DBS, local authorities or the police. More detail of when we will do so is set out at paragraph 23 below.

Vital interests

We may use your information where this is necessary to protect your vital interests or someone else's. For example, to prevent someone from being seriously harmed or killed.

Performance of a task carried out in the public interest (or carrying out public tasks) ("PI")

The following are examples of when we use your information to perform tasks in the public interest:

- looking after your welfare and development and the welfare and development of others. This includes equal opportunities monitoring;
- safeguarding and promoting the welfare of our students;
- providing students with an education;
- ensuring the security of the school site which may involve issuing you with a photocard;
- making sure that you are complying with your employment obligations;
- facilitating the efficient operation of the School and the Trust; and
- ensuring that we comply with all of our legal obligations.

We must also comply with an additional condition where it processes special categories of personal information. These special categories are as follows: personal information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic information, biometric information, health information, and information about sex life or orientation. The bases that we are relying on to process special categories of personal information are set out below:

Employment, social security and social protection ("ESP")

The processing is necessary for the purposes of carrying out the obligations and exercising specific rights we have and you have in the field of employment, social security or social protection. Social security and protection is concerned with preventing, managing, and overcoming situations that adversely affect people's wellbeing. For example, sometimes this would allow us to disclose your information to third parties such as the DBS or occupational health services. More detail of when we will do so is set out at paragraphs 23 and 24 below.

Vital interests

To protect the vital interests of any person where that person cannot give consent, for example, if they are seriously hurt and are unconscious.

Legal claims ("LC")

The processing is necessary for the establishment, exercise or defence of legal claims. This allows us to share information with our legal advisors and insurers.

Medical purposes ("MP")

This includes medical treatment and the management of healthcare services.

Substantial public interest ("SPI")

We are also allowed to use special categories of personal information where doing so is necessary in the substantial public interest. This is similar to "Public interest" in the table above.

Why do we use your personal information?

- 19 The letters highlighted in different colours below refer to the legal bases we are relying on, please see the section above for an explanation.
- 20 We commonly use personal information for:
- 20.1 providing education and support to our students - LI, PI, SPI;
 - 20.2 ensuring that we provide a safe and secure work environment - LI, PI, ESP, SPI;
 - 20.3 providing employment services (such as payroll) - LI, CT;
 - 20.4 providing training and support - LI, PI, SPI;
 - 20.5 protecting and promoting the School's and the Trust's interests and objectives (including fundraising) - LI;
 - 20.6 personnel, administrative and management purposes and to enable us to meet our legal obligations as an employer. For example, to pay staff and to monitor their performance - LI, CT, LO, PI, ESP, SPI;

- 20.7 safeguarding and promoting the welfare of all staff and students - LI, PI, ESP, SPI;
and
- 20.8 fulfilling our contractual and other legal obligations - CT, LO, ESP.
- 21 Some specific examples of when we use your personal information are set out below:
- 21.1 We use your personal information to consider your suitability to work in your role at the School - LI, LO, PI, SPI.
- 21.2 We will check that you have the right to work in the UK by reviewing your identification documents and keeping copies on your personnel file - LI, LO.
- 21.3 We will use your personal information in addressing any performance or disciplinary concerns which arise - LI.
- 21.4 We will use information relating to any medical condition you may have in order to verify fitness to work, monitor sickness absence and comply with our duty of care towards you - LI.
- 21.5 We will keep information about you relevant to your attendance at the School or at other events such as open days and graduation ceremonies. This includes information about dietary needs, special requirements, disability as well as your contact details. LI, ESP.
- 21.6 We will use your information when dealing with complaints and grievances with which you are involved (e.g. from other staff, students and parents) - LI.
- 21.7 We sometimes use photographs and video recordings of staff, for marketing and promotion purposes. This will include in School publications, in social media and on our website- LI.
- 21.8 We will also allow external publication of certain media where appropriate (for example, a photograph or article in a local newspaper) - LI.
- 21.9 We may also make recordings for teaching purposes, for example, recording a science lesson to provide feedback to you or students. We may also record lessons for students who were not able to attend in person - LI, PI, SPI.
- 21.10 We use CCTV recordings for the purposes of crime prevention and investigation and also in connection with our obligation to safeguard the welfare of students, staff and visitors to the School site. Further information about the use of CCTV can be found in the School's CCTV policy - LI, PI, SPI, ESP.
- 21.11 We regularly monitor and accesses our IT systems for purposes connected with the operation of the School and the Trust. Our IT system includes any hardware, software, email account, computer, device or telephone provided by the School or the Trust or used for School or Trust business. Staff should be aware that the School and the Trust may monitor the contents of a communication (such as the contents of an email) - LI, PI, SPI.
- 21.12 The purposes of such monitoring and accessing include:

- 21.12.1 to help us with our day to day operations. For example, if a member of staff is on holiday or is off sick, their email account will be monitored in case any urgent emails are received - **LI**; and
- 21.12.2 to check staff compliance with our policies and procedures and to help us fulfil our legal obligations. For example, to investigate allegations that a member of staff has been using their email account to send abusive or inappropriate messages - **LI**.
- 21.13 Monitoring may be carried out on a random basis and it may be carried out in response to a specific incident or concern - **LI**.
- 21.14 We also use software which automatically monitors our IT system (for example, it would raise an alert if a member of Staff visited a blocked website or sent an email containing an inappropriate word or phrase). - **LI**
- 21.15 The monitoring is carried out by the Trust's IT Team. If anything of concern is revealed as a result of such monitoring then this information may be shared with the HR manager and this may result in disciplinary action. In exceptional circumstances concerns will need to be referred to external agencies such as the Police - **LI**.
- 21.16 We may use your information when ensuring network and information security, for example, our anti-virus software might scan files containing information about you - **LI**.
- 21.17 We will send you information about how to support the School and the Trust, for example fundraising opportunities - **LI**.
- 21.18 We can keep information about you for a very long time or even indefinitely if we need this for historical, research or statistical purposes. For example, if we consider the information might be useful if someone wanted to write a book about the School - **LI**.
- 22 If you fail to provide certain information when requested, we may not be able to perform our obligations under the contract of employment or agreement we have entered into with you (such as paying you or providing a benefit). Alternatively, we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers).

How do we share staff personal information with third parties?

- 23 We will need to share your information with:
- 23.1 the Disclosure and Barring Service (**DBS**), and/or the Teaching Regulation Agency (previously known as the National College for Teaching and Leadership (if applicable) when complying with our legal duty to carry out pre-appointment suitability checks - **LI, LO, PI, ESP, SPI**; and
- 23.2 the DBS and/or Teaching Regulation Agency (if applicable) if circumstances arise in which we are required to make a referral to either or both of these bodies - **LI, LO, PI, ESP, SPI**.

- 24 To fulfil our obligations to you as an employer we will need to share your information with medical professionals, such as occupational health services, where we are making a referral - **LI, CT, MP**.
- 25 Occasionally we may use consultants, experts and other advisors (including legal advisors and accountants) to assist us in fulfilling our obligations and to help run the School and the Trust properly. We will share your information with them if this is relevant to the work they carry out - **LI, PI, ESP, LC, SPI**.
- 26 In accordance with our legal obligations, we will share information with the School Inspection Service / Estyn / Education & Training Inspectorate / Her Majesty's Inspectorate of Education, for example, during the course of an inspection, and may need to share your information with the relevant Department for Education - **LI, LO, PI, ESP, SPI**.
- 27 As an employer we must check if you can work in the UK before we employ you. **LI, LO, SPI**.
- 28 We may share some of your information with our insurance company, for example, where there is a serious incident - **LI, LC**.
- 29 We may share your information with benefits providers, for example, to ensure that you are able to take advantage of the benefit - **LI, CT, PI, ESP, SPI**.
- 30 We may need to share information about you with the Health and Safety Executive (a government organisation) if there is a health and safety issue - **LI, LO, PI, ESP, SPI**.
- 31 The School owner and the Trust are charities which means that in exceptional circumstances we may need to share your information with the Charity Commission e.g. in the event of a serious incident. - **LI, LO, PI, ESP, SPI**.
- 32 If the School or the Trust is dealing with a complaint or grievance (e.g. from a colleague or a parent), we will need to share your information with other parties if it is relevant, for example, the appropriate staff at the School or the Trust, the colleague or parents making the complaint and trustees- **LI, PI, SPI**.
- 33 If appropriate, we will share your information with individuals connected to the School or the Trust who are exercising their data protection rights, for example, when responding to a subject access request - **LI, LO**.
- 34 We will share personal information about staff with the relevant statutory agencies if it is appropriate to share this information to investigate allegations of misconduct - **LI, LO, PI, ESP, SPI**.
- 35 We may need to share your information with the Local Authority Designated Officer in accordance with our safeguarding obligations - **LI, LO, PI, ESP, SPI**.
- 36 On occasion, we may need to share your information with the Police for the prevention and investigation of crime and the prosecution of offenders. We will only do this in specific circumstances to assist the police with their investigations. In exceptional circumstances CCTV recordings may be disclosed to third parties such as the police - **LI, LO, PI, ESP, SPI**.
- 37 We may share some of your information with examination boards and the Joint council for Qualifications (JCQ) where this is appropriate to your role - **LI, LO, PI, ESP, SPI**.

- 38 If appropriate, we will share your information with parents and students where this is related to your professional duties, such as information about the subjects you teach - **LI**, **PI**, **ESP**, **SPI**.
- 39 We may need to share your information if there is an emergency, for example, if you are hurt in an accident - **LI**, **PI**, **ESP**, **SPI**.
- 40 We sometimes use contractors to handle personal information on our behalf. The following are examples:
- 40.1 IT consultants who might access information about you when checking the security of our IT network;
 - 40.2 Training and course providers;
 - 40.3 Online services, software and apps which we use to assess pupil progress and to help make teaching better (for example which help us set homework and make it easier to provide learning resources to pupils);
 - 40.4 Services that help us with our administration;
 - 40.5 Online video platforms so that we can live stream lessons, and allow pupils at different Focus schools to communicate and interact; and

We use third party "cloud computing" services to store some information rather than the information being stored on hard drives located on the School site.

Transfers of your personal information overseas

- 41 We may send your information to countries which do not have the same level of protection for personal information as there is in the UK. For example, we store your information on cloud computer storage based overseas.
- 42 The European Commission has produced a list of countries which have adequate data protection rules. The list can be found here: http://ec.europa.eu/justice/data-protection/international-transfers/adequacy/index_en.htm
- 43 If the country that we are sending your information to is not on the list, or is not a country within the EEA (which means the European Union, Liechtenstein, Norway and Iceland), then it might not have the same level of protection for personal information as there is in the UK.
- 44 We will provide you with details about the safeguards which we have in place outside of this privacy notice. If you have any questions about the safeguards that are in place please contact the Data Protection Lead.

Sharing between the School and the Trust: Further information

- 45 As set out at paragraph 3 of the Introduction, this Notice covers how both the School and the Trust handle your personal information. This section contains more information about how and why personal information is shared between the School and the Trust:
- 45.1 The Trust helps the School with all aspects of the School's operations, this includes to help the School to maintain its highest standards and to improve. This means that the School and the Trust may share your personal information in connection with any of the purposes described in this Notice. For example:

45.1.1 The School and the Trust work together to analyse each student's exam and assessment results so that the best possible education can be provided to the student concerned and also to improve the School more generally.

45.1.2 To enable the Trust to provide advice and support should there be an area where the School needed to improve.

- 46 Recruitment: The initial stage of any recruitment is managed by the Trust before being transferred to the School. This means that the Trust and the School will both be involved in assessing your application for employment at the School.
- 47 Ongoing HR support and staff issues: The Trust also provides ongoing support to the School and its staff. For example, the Trust would get involved if there was a complaint made about a member of staff at the School. The Trust also assists the School assess and monitor staff performance and capability on an ongoing basis.
- 48 Finance and payroll: The Trust manages payroll for all staff.
- 49 The Trust provides general administration and back-office support for itself and the School. This means that staff information is held in a database managed by the Trust. It also means that you may deal direct with the Trust if you had to report an IT problem, for example.
- 50 The Trust uses Regional Principals to help the School improve. Regional Principals will have access to all information held at School level where they need that information for this purpose. Regional Principals are acting on behalf of the Trust, so the Trust is ultimately responsible for making sure that a Regional Principal complies with data protection law.
- 51 The Trust helps to organise events and functions. For example, a parent and student open day or a staff recruitment seminar.
- 52 The Trust runs a training programme called Teacher Academy. The Trust and the School will share information about you in connection with your participation in the Academy, for example, where the School requests you are given additional training through the Academy. Further information can be found here <http://www.focus-school.com/teacher-academy>

For how long do we keep staff personal information?

- 53 We keep your information for as long as we need to in relation to your employment. We will keep some information after you have left in case this is needed, for example, in relation to our legal obligations.
- 54 In exceptional circumstances we may keep your information for a longer time than usual but we would only do so if we had a good reason and only if we are allowed to do so under data protection law.
- 55 The table below shows for how long we keep different types of your information.

Type of information	Retention period or the criteria used to determine the retention period
Employment records	6 years after date of termination of employment

Payroll, wage and PAYE records	6 years from financial year end in which payments were made
Maternity/paternity records	3 years after end of tax year in which maternity period ends
Sickness records	3 years after employment has ended
Processing consent	Up to 6 years after processing has finished
DBS checks	Disposed of once recruitment completed unless relevant to relationship, only number retained
Immigration checks	2 years after termination of employment
Recruitment records of unsuccessful candidates	6 months after notifying unsuccessful candidates
Teacher Pension Scheme Records	Indefinitely
Consents for the processing of special category personal data	6 years after the processing has ceased
Bank Details	Until last payment made
Annual leave records	6 years

Processing in line with your rights

- 56 From 25th May 2018 data protection legislation gives you a number of rights regarding your information. Some of these are new rights whilst others build on your existing rights. Your rights are as follows:
- 56.1 **Rectification:** if information we hold about you is incorrect you can ask us to correct it.
 - 56.2 **Access:** you can also ask what information we hold about you and be provided with a copy of it. This is commonly known as making a subject access request. We will also give you extra information, such as why we use this information about you, where it came from and what types of people we have sent it to.
 - 56.3 **Deletion:** you can ask us to delete the information that we hold about you in certain circumstances. For example, where we no longer need the information.
 - 56.4 **Portability:** you can request the transfer of your information to you or to a third party in a format that can be read by computer. This applies where (a) the information has been provided by you; (b) the basis that we are relying on to process your information is consent or contract (please see "Our legal bases for using your information" below); and (c) the information is being processed by us on computer.
 - 56.5 **Object:** you may object to us using your information where:

- 56.5.1 we are using it for direct marketing purposes (e.g. to send you the School magazine);
 - 56.5.2 we are relying on either the legitimate interests or performance of a task carried out in the public interest legal basis to use it - please see the section "Our legal bases for using your information" above;
 - 56.5.3 we are using it for historical or scientific research purposes or archiving purposes. For example, we may keep photographs of staff for historical reasons.
- 56.6 **Restriction:** our use of information about you may be restricted in some cases. For example, if you tell us that the information is inaccurate we can only use it for limited purposes while we check its accuracy.

The Data Protection Lead can give you more information about your data protection rights. To exercise any of your rights you can submit your request in writing to the Data Protection Lead.

Criminal offence information

We may only use information relating to criminal convictions and offences where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations or to exercise our rights.

Less commonly, we may use information relating to criminal convictions and offences where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

Consent

We may ask for your consent to use your information in certain ways as an alternative to relying on any of the bases in this Notice. For example, we may ask for your consent before taking or using some photographs and videos if the photograph or video is more intrusive and we cannot rely on legitimate interests. If we ask for your consent to use your personal information you can take back this consent at any time. Any use of your information before you withdraw your consent remains valid. You can speak to the Data Protection Lead if you would like to withdraw any consent given.

More than one basis

As you will see from this Notice, in some cases we will rely on more than one basis above for a particular use of your information. For example we will rely on legitimate interests and public interest bases when using your information in connection with educating our students.

The basis that we will rely on for a particular purpose may vary depending on the circumstances. For example, if we decide to tell the local authority something about a safeguarding concern, sometimes this will be because we have a legal obligation to do so but on other occasions we may tell the local authority because we are worried even if we don't have a legal obligation to report something (in which case we would be relying on legitimate interests and public interests).

Further information

- 57 This privacy notice does not, and is not intended to, give you any rights which you did not already have. For example, it does not give you any additional employment or contractual rights.

- 58 **Contact:** If you would like any further information about anything within this notice please contact your HR Trustee.
- 59 Please speak to the Data Protection Lead if:
- 59.1 you would like us to update the information we hold about you; or
 - 59.2 you would prefer that certain information is kept confidential.
- 60 **ICO:** If you consider that we have not acted properly when using your personal information you can contact the Information Commissioner's Office: ico.org.uk.