

## **Workforce Privacy Notice**

### **Policy Statement**



We are Newchurch Community Primary School. During an individual's time with us, we will use information that we gather in relation to them for various purposes. Information that we hold in relation to individuals is known as their "personal data". This will include data that we obtain from the individual directly and data about the individual that we obtain from other people and organisations. We might also need to continue to hold an individual's personal data for a period of time after they have left the school. Anything that we do with an individual's personal data is known as "processing".

This document sets out what personal data we will hold about our workforce, why we process that data, who we share this information with, and the rights of individuals in relation to their personal data processed by us.

### **What information do we process in relation to our workforce?**

We will collect, hold, share or otherwise use the following information about our workforce:

- personal information (such as name, address, home and mobile numbers, personal email address, employee or teacher number, national insurance number, and emergency contact details)
- contract information (such as start dates, hours worked, post, roles and salary information, bank/building society details)
- work absence information (such as number of absences and reasons (including information regarding physical and/or mental health), holiday records)
- qualifications / training courses attended and, where relevant, subjects taught (such as training record)
- performance information and monitoring (such as appraisals and performance reviews, performance measures including performance management/improvement plans, disciplinary or grievance records)
- other information (such as pension arrangements (and all information included in these necessary to administer them), time and attendance records, information in applications made for other posts within the school, criminal records information (including the results of Disclosure and Barring Service (DBS) checks), details in references the school receives or provides to other organisations, CCTV footage and images)

We will also use special categories of data including such as gender, age, ethnic group, sex or sexual orientation, religious or similar beliefs, political opinions, trade union membership, information about health, genetic information and biometric data. These types of personal data are subject to additional requirements.

## **Where do we get information from about our workforce?**

A lot of the information we have about our workforce comes from the individuals themselves. However we may also obtain information from tax and regulatory authorities such as HMRC, previous employers, your trade union, the DBS, our insurance benefit administrators, consultants and other professionals we may engage, recruitment or vetting agencies, other members of staff, students or their parents, and publically available resources including online sources. In addition we may obtain information from automated monitoring of our websites and other technical systems such as our computer networks and systems, CCTV and access control systems, communications systems, remote access systems, email and instant messaging systems, intranet and internet facilities, telephones, voicemail and mobile phone records.

## **Why do we use this information?**

We will process the personal data of our workforce for the following reasons:

1. Where we are required by law, including:
  - To comply with the law regarding data sharing (see further below)
  - To comply with specific employment law requirements, including our obligations as an employer under employment protection and health and safety legislation, and under statutory codes of practice such as those issued by ACAS
  - To comply with legal requirements in relation to equalities and non-discrimination
2. Where we are required by any contract with our workforce, such as employment contracts, including:
  - To make payments to our workforce, such as salary payments
  - To deduct tax and National Insurance contributions
  - To make a decision about recruitment
  - To check individuals are legally entitled to work in the UK
  - Administering employment contracts
  - Conducting performance reviews
  - Making decisions about salary and compensation
  - Liaising with pension providers
3. Where the law otherwise allows us to process the personal data, or we are carrying out a task in the public interest, including:
  - To enable the development of a comprehensive picture of the workforce and how it is deployed

- To inform the development of recruitment and retention policies
- To safeguard our pupils and other individuals
- To ensure safe working practices
- In the interests of ensuring equal opportunities and treatment

4. Where we otherwise have the consent of the individual

Whilst the majority of processing of personal data of our workforce will not require consent, we will inform individuals if their consent is required and seek that consent before any processing takes place. Due to the imbalance of power in an employee to employer relationship, it is generally thought that although consent may be implied it cannot truly be freely given. So consent is not necessarily the most appropriate basis to rely upon as an employer.

### **Why do we use special category personal data?**

We may process special category personal data of our workforce for the following reasons:

1. To carry out our legal obligations in relation to employment law, where this is in accordance with our Data Protection Policy
2. Where the processing is necessary for reasons of substantial public interest, including for purposes of equality of opportunity and treatment, where this is in accordance with our Data Protection Policy.
3. For the purposes of preventative or occupational medicine in order to assess an individual's working capacity and/ or the need for reasonable adjustments.
4. Where we otherwise have an individual's explicit written consent – subject to the restriction set out above on the use of consent in an employment relationship.

There may also be circumstances where we need to use your information in relation to legal claims, or to protect your vital interests and where you are unable to provide your consent.

### **Failure to provide this information**

If our workforce fail to provide information to us then this may result in us being unable to perform the employment contract, or we may be prevented from complying with our legal obligations.

### **How long will we hold information in relation to our workforce?**

We will hold information relating to our workforce only for as long as necessary. How long we need to hold on to any information will depend on the type of information. For further detail please see our Retention and Destruction Policy.

### **Who will we share information with about our workforce?**

We routinely share information about our workforce with:

- Local authorities, to assist them in the exercise of their responsibilities in relation to education and training, youth support and safeguarding purposes
- The Department for Education, in compliance with legal obligations of the school to provide information about our workforce as part of statutory data collections
- Contractors, such as payroll providers, to enable them to provide an effective service to the school and government agencies such as HMRC and DWP regarding tax payments and benefits
- Our professional advisors including legal and HR consultants

The Department for Education may share information that we are required to provide to them with other organisations. For further information about the Department's data sharing process, please visit: <https://www.gov.uk/guidance/data-protection-how-we-collect-and-share-research-data>.

Contact details for the Department can be found at <https://www.gov.uk/contact-dfe>.

### **Rights of our workforce in relation to their personal data**

All of our workforce have the right to request access to personal data that we hold about them. To make a request for access to their personal data, individuals should contact:

FAO: Jayne Narraway, Newchurch Primary School, Glebeland, Culcheth, Warrington, WA3 4DX

Please also refer to our Data Protection Policy for further details on making requests for access to workforce information.

Individuals also have the right, in certain circumstances, to:

- Object to the processing of their personal data
- Have inaccurate or incomplete personal data about them rectified
- Restrict processing of their personal data
- Object to the making of decisions about them taken by automated means
- Have your data transferred to another organisation
- Claim compensation for damage caused by a breach of their data protection rights

If an individual wants to exercise any of these rights then they should contact FAO: Jayne Narraway, Newchurch Primary School, Glebeland, Culcheth, Warrington, WA3 4DX

The law does not oblige the school to comply with all requests. If the school does not intend to comply with the request then the individual will be notified of the reasons why in writing.

### **Concerns**

If an individual has any concerns about how we are using their personal data then we ask that they contact our Data Protection Officer in the first instance. However an individual can

contact the Information Commissioner's Office should they consider this to be necessary, at <https://ico.org.uk/concerns/>.

## **Contact**

If you would like to discuss anything in this privacy notice, please contact:

Jayne Narraway, Newchurch Primary School, Glebeland, Culcheth, Warrington, WA3 4DX

## **Newchurch Primary – COVID-19 Testing of Staff in Primary Schools Privacy Statement**

### **Ownership of the Personal Data**

To enable the Covid-19 testing to be completed at Newchurch Primary School, we need to process personal data, including the sharing of personal data where this is allowed under data protection legislation. Newchurch Primary School is the Data Controller for the data required for the management of tests and implementing local arrangements in the event of a positive test.

We will process personal data relating to staff under article 6.1(f) of the UK GDPR – it is necessary in the legitimate interest of the data controller. We will process special category personal data under the provisions of article 9.2(i) of the UK GDPR, and Part 1 of Schedule 1(3) of DPA 2018 where it is in the public interest on Public Health Grounds to ensure we can minimise the spread of COVID in a timely manner and enable us to continue to deliver education services as safely and securely as possible. This data is processed under the obligations set out in Public Health legislation (Regulations 3(1) and (4) of the Health Service (Control of Patient Information) Regulations 2002 (COPI)) which allows the sharing of data for COVID related purposes and where it is carried out by a health care professional **OR** someone who owes an equivalent duty of confidentiality to that data.

### **Ownership of the Personal Data you share with DHSC**

Every time you use a lateral flow test you must report the results. More details can be found here - [Report a COVID-19 test result - GOV.UK \(www.gov.uk\)](https://www.gov.uk/report-a-covid-19-test-result). The Department for Health and Social Care (DHSC) is the data controller for the information that you transfer to them about you and your test results. For more information about what the DHSC do with your data please see their [COVID-19 Privacy Notice](#)

The school remains the Data Controller for the data we retain about you for the management of tests and implementing local arrangements in the event of a positive test.

You should read both this Privacy Notice and the DHSC COVID-19 Privacy Notice to understand how your personal data is used prior to taking a test.

### **Personal Data involved**

The following personal data is processed by the school in relation to your test:

- Name
- Unique code assigned to each individual test and which will become the primary reference number for the tests.
- Test result

For more information about what the DHSC do with your data please see their [COVID-19 Privacy Notice](#)

## **How we store your personal information**

The school will maintain a test kit log which will record against your name details of the testing kit which has been provided to you. The school may also record Personal Data about you in its internal COVID-19 results register (the school's COVID-19 results register will not be shared with DHSC). This information will only be stored securely on locally managed systems with appropriate access controls in schools and will only be accessible to personnel involved in the management of tests and implementing local arrangements in the event of a positive test.

The school will retain its test kit log and COVID-19 results register for a period of twelve (12) months from the date of the last entries made by the school into them.

For more information about what the DHSC do with your data please see their [COVID-19 Privacy Notice](#)

## **Processing of Personal Data Relating to Positive test results**

We will use this information to enact our own COVID isolation and control processes without telling anyone who it is that has received the positive test.

For more information about what the DHSC do with your data please see their [COVID-19 Privacy Notice](#)

This information will be kept by the school for period of twelve (12) months by the school and by the NHS for eight (8) years.

## **Processing of Personal Data Relating to Negative and Void test results**

We will record a negative and void result for the purpose of stock controls of tests and general performance of the testing process.

## **Data Sharing Partners**

The personal data associated with test results will be shared with

- DHSC, NHS, PHE – to ensure that they can undertake the necessary Test and Trace activities and to conduct research and compile statistical information about Coronavirus.
- Your GP – the NHS may share the information you provide with your GP to maintain your medical records and to offer support and guidance as necessary. Any data you provide to the school will not be shared with your GP.
- Local Government to undertake local public health duties and to record and analyse local spreads.

Personal Data in the school's test kit log will be shared with DHSC to identify which test kit has been given to which individual in the event of a product recall. The school will not share its internal COVID-19 results register with DHSC.

## **Your Rights**

Under data protection law, you have rights including:

**Your right of access** - You have the right to ask us for copies of your personal information.

**Your right to rectification** - You have the right to ask us to rectify personal information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.

**Your right to erasure** - You have the right to ask us to erase your personal information in certain circumstances.

**Your right to restriction of processing** - You have the right to ask us to restrict the processing of your personal information in certain circumstances.

**Your right to object to processing** - You have the the right to object to the processing of your personal information in certain circumstances.

**Your right to data portability** - You have the right to ask that we transfer the personal information you gave us to another organisation, or to you, in certain circumstances.

You are not required to pay any charge for exercising your rights. If you make a request, we have one month to respond to you.

Please contact us at [Newchurch.Primary@sch.warrington.gov.uk](mailto:Newchurch.Primary@sch.warrington.gov.uk) addressed to our Data Protection Office, Jayne Narraway, Head Teacher if you wish to make a request.

### **How to complain**

If you have any concerns about our use of your personal information, you can make a complaint to us at [Newchurch.Primary@sch.warrington.gov.uk](mailto:Newchurch.Primary@sch.warrington.gov.uk) addressed to our Data Protection Office, Jayne Narraway, Head Teacher if you wish to make a request.

You can also complain to the ICO if you are unhappy with how we have used your data.

The ICO's address:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow Cheshire SK9 5AF

Helpline number: 0303 123 1113