



# Privacy Notice

**How we use information of employees or those otherwise engaged to work either at or on behalf of Cuckoo Hall Academies Trust**

July 2019

## Categories of information (employees and volunteers)

The categories of personal data we primarily collect and documents we hold include: -

- name, address telephone (contact and emergency contact / next of kin details)
- nationality
- date of birth
- attendance / absence data <sup>1</sup>
- outcome of enhanced DBS check <sup>2</sup>
- outcome of barred list check
- outcome of identity check <sup>3</sup>
- outcome of checks on people living or working outside the UK (if applicable)
- outcome of Section 128 prohibition check for management positions <sup>4</sup>
- employment contract or volunteer agreement (such as start date, hours of work, post, role and salary as appropriate)
- NI (national insurance) number
- copy of [right to work documents](#) (such as passport, residence card, birth certificate)
- outcome of the check to establish the person's right to work in the UK
- professional qualifications
- outcome of prohibition from teaching check <sup>3</sup>
- relevant medical information
- declarations of business and personal interests <sup>5</sup>
- outcomes of any formal capability, grievance or disciplinary procedures and decisions concerning flexible working
- photo (for security pass identification)
- financial information (for payroll and [HMRC](#))

## Categories of information (governors, trustees, directors, members)

The categories of personal data we primarily collect and documents we hold include: -

- name and any former name
- role
- date of birth
- attendance at meetings
- photo (for security pass identification)
- outcome of enhanced DBS check <sup>6</sup>
- country / part of UK where usually resident <sup>7</sup>
- appointing body
- date of appointment
- term of office expiration (in previous year)
- nationality
- postcode
- service address and business occupation (if any) <sup>7</sup>

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<sup>1</sup> Sickness absence data is monitored and profiling decisions made with regard to the frequency / reasons for absence which may be linked to performance management. These decisions are made by line managers working with HR

<sup>2</sup> Verification documents including 'proof of identification' and 'proof of address' are temporarily held as part of the DBS verification process

<sup>3</sup> Required for teaching staff

<sup>4</sup> Required for senior members of teaching and non-teaching staff

<sup>5</sup> Required for senior management team and deputy head teachers. The [Academies Financial Handbook](#) requires business interests to be published

<sup>6</sup> Verification documents including 'proof of identification' and 'proof of address' are temporarily held as part of the DBS verification process. Enhanced DBS check is not required for Members

<sup>7</sup> For Members and Directors only as required by [Companies House](#)

## The process of collecting information

Most information is collected via application and contract forms when they start at the Trust, however some is collected and / or amended during the period of employment / appointment.

Whilst the majority of personal information provided is mandatory and essential for the Trust's operational use, some of it is requested on a voluntary basis. In order to comply with the General Data Protection Regulation and the Data Protection Act 2018 we will always inform you whether you are required to provide certain information to us or if you have a choice in this at the point it is collected.

## Storing information

Unless there is a statutory or legal obligation to hold it longer (e.g. records of a pupil's allegation of a child protection nature against a member of staff must be retained until they reach retirement age or for 10 years, whichever is the longer) or shorter (e.g. oral, written and final warnings are kept from 6 months up to 18 months depending on severity), workforce information is usually held in line with Section 2 of the [Limitation Act 1980](#) for a period of six years further to termination of employment.

Minutes of governor academy advisory committees and Trustee meetings are kept permanently and as such, by virtue of attending in a professional capacity, records of attendees are kept within.

## Why we collect and use workforce and governance information

### **We use workforce data to: -**

- enable the development of a comprehensive picture of the workforce and how it is deployed allowing better financial modelling and planning
- enable individuals to be paid
- support the effective performance management of staff
- improve the management of academy workforce data across the sector and to enable diversity monitoring (such as ethnicity <sup>8</sup>, disability and gender pay gap)

### **We use governor, trustee, director and member data to: -**

- demonstrate our management structure in a manner which is open and transparent

### **We use both workforce and governance information to: -**

- inform the development of safer recruitment, safer appointment and retention policies
- collate and provide statutory data and census returns
- promote the Trust (via newsletters and social media with appropriate consent)

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<sup>8</sup> Should they choose to provide it, ethnicity and religion is captured during the application and appointment process and used anonymously for the DfE school workforce census returns, diversity and monitoring purposes only.

## The lawful basis under which we use this information

The General Data Protection Regulation (GDPR) requires us to document the conditions that allow the processing of personal data. We primarily rely on GDPR Article 6(1)(b) and Article 6(1)(c) but as special categories of personal information are also processed, we also rely on Article 9(2)(a) where consent is required unless otherwise covered by Article 9(2)(b).

For information, these articles are: -

- **GDPR Article 6(1)(b)**  
Processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- **GDPR Article 6(1)(c)**  
Processing is necessary for compliance with a legal obligation to which the controller is subject
- **GDPR Article 9(2)(a)**  
The data subject has given explicit consent to the processing of those personal data for one or more specified purposes
- **GDPR Article 9(2)(b)**  
Processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law

The legal obligations referred to above are: -

- adherence to [general employment law](#)
- our obligations to comply with DfE statutory guidance [Keeping Children Safe In Education](#) as required by Part 4 of [The Education \(Independent School Standards\) Regulations 2014](#) which applies to academies with regard to information required in relation to staff and proprietors (including governance).
- the requirements of the [Academies Financial Handbook](#) including the necessity to maintain the [National Database of Governors](#).
- our duty to comply with the requirements of [Companies House](#) with regard to Members and Directors

## CCTV

Closed Circuit Television Cameras are in use in order to monitor our premises for security purposes. There are visible signs at our academies showing that CCTV is in operation and images from this system are securely stored where only a limited number of authorised persons may have access to them. The footage is automatically erased on a regular cycle and is not retained beyond that. We may however be required to temporarily isolate and disclose CCTV footage to authorised third parties such as the police to assist with crime prevention or at the behest of a court order.

## Medicash (employees)

Whilst CHAT will provide Medicash basic information in order to set up an account, employees are in full control of any personal data they may choose to supply in order to engage their services. This is usually held for seven years from the termination of the policy. [www.medicash.org](http://www.medicash.org)

## Images

Images are used for identification / security cards. Consent will be sought for the use of images for other purposes (such as news letters or social media) and can be withdrawn at any time.

## Circumstances when we are or may be required to share data

We do not share information with third parties without the appropriate consent or unless there is a legal or statutory justification which requires or allows us to do so.

### Department for Education

We routinely share some information with the Department for Education (DfE) as they collect personal data from educational settings and local authorities via various statutory data collections.

We are required to share information about our workforce with the Department for Education (DfE) for the purpose of those data collections, under Section 5 and Section 7 of the [Education \(Supply of Information about the School Workforce\) \(England\) \(No. 2\) Regulations 2007](#) and amendments.

The [Academies Financial Handbook](#) requires us to share information about or governance arrangements with the Department for Education (DfE). This is entered manually on to the [GIAS](#) (get information about schools) system and forms part of the [National Database of Governors](#)

All data is transferred securely and held by DfE under a combination of software and hardware controls which meet the current [government security policy framework](#).

### Ofsted

The Office for Standards in Education (Ofsted) will have access to staff and pupil / parent information as part of their assessment of an academy or the Trust to ensure we are delivering our teaching requirements and objectives.

More details with regard to the data Ofsted use and how they use it is available on their website [www.gov.uk/government/publications/ofsted-privacy-notice/schools-ofsted-privacy-notice](http://www.gov.uk/government/publications/ofsted-privacy-notice/schools-ofsted-privacy-notice)

### Education and Skills Funding Agency

On the rare occasion it should occur, Section 6.4 of the 2019 [Academies Financial Handbook](#) gives audit access rights to authorised representatives from the [ESFA](#) to all books, records, information, explanations, assets and premises.

### Law enforcement and government bodies

We will only share personal data with law enforcement and government bodies where we are legally required to do so such as: -

- The prevention or detection of crime and / or fraud
- The apprehension or prosecution of offenders
- The assessment or collection of tax owed to HMRC

- In connection with legal proceedings
- Where the disclosure is required to satisfy our safeguarding obligations
- Research and statistical purposes, but only where consent has been provided or where it has been sufficiently anonymised to the extent it can no longer identify anyone

We may also share personal data with emergency services and local authorities to help them to respond to an emergency situation that affects any of our pupils or staff.

## Third party suppliers

We may appoint suppliers or service providers to enable us to provide services to our and pupils (for example IT software to process payroll). When doing this, we will: -

- Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with data protection law
- Establish a data sharing agreement with the supplier or contractor, either in the contract or as a standalone agreement, to ensure the fair and lawful processing of any personal data we share
- Only share data that the supplier or contractor needs to carry out their service, and information necessary to keep them safe while working with us

## How government uses 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

### The governor and Trustee data that we lawfully share with the DfE via GIAS:

- will increase the transparency of governance arrangements
- will enable schools and the department to identify more quickly and accurately individuals who are involved in governance and who govern in more than one context
- allows the department to be able to uniquely identify an individual and in a small number of cases conduct checks to confirm their suitability for this important and influential role

## 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, please visit the following websites: -

### For school workforce

[www.gov.uk/education/data-collection-and-censuses-for-schools](http://www.gov.uk/education/data-collection-and-censuses-for-schools).

### For governors (not all items are made public nor shared beyond the DfE unless required by law)

<https://www.gov.uk/government/news/national-database-of-governors>

## Sharing of workforce data by the department for education

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 Department 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.

Governance arrangements are collected and made publically available via [Get Information About Schools](#) on the gov.uk website

To contact the Department for Education (DfE) please visit: - [www.gov.uk/contact-dfe](http://www.gov.uk/contact-dfe)

## Right to request access to personal data

Individuals have the right to request a copy of the personal information CHAT Academies holds about them.

This is known as a '*subject access request*' and this process is fully explained in our [Data Protection Policy](#) available on our website.

Anyone wishing to make a subject access request may do so by contacting the academy office or our Data Protection Officer. **Please see the 'contacts' section below.**

### Please note

Anyone wishing to make a subject access request for personal information which the government or DfE process should be made directly to them [www.gov.uk/contact-dfe](http://www.gov.uk/contact-dfe)

Further information about how to do this can be found at the following web link: - [www.gov.uk/government/organisations/department-for-education/about/personal-information-charter](http://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter)

## Other rights of individuals

In addition to above and subject to some legal exemptions which may prevent us from providing the requested service, individuals have certain data protection rights. They have the right to: -

- have their personal data rectified, if it is inaccurate or incomplete
- request the deletion or removal of personal data where there is no compelling reason for its continued processing
- restrict our processing of their personal data (i.e. permitting its storage but no further processing)
- object to direct marketing (including profiling) and processing for the purposes of scientific / historical research and statistics
- not be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect on them

These rights are further explained in our [Data Protection Policy](#) available on our website. Anyone wishing to exercise these rights request may do so by contacting the academy office or our Data Protection Officer. **Please see the 'contacts' section below.**

## Contacts

If anyone wishes to discuss anything in this privacy notice or has any concerns about how we are collecting or using their personal data, they should raise their questions with us in the first instance.

Please contact either your line manager office or alternatively contact our Data Protection Manager directly at [information.access@chat-edu.org.uk](mailto:information.access@chat-edu.org.uk) Please mark all correspondence for the attention of our Data Protection Manager.

Should we not be able to provide a satisfactory answer or if you wish to see independent advice about data protection you may contact the Information Commissioner's Office (ICO) directly:

Information Commissioner's Office  
Wycliffe House | Water Lane | Wilmslow | Cheshire SK9 5AF  
0303 123 1113  
[www.ico.org.uk](http://www.ico.org.uk)

## Review

This privacy notice is regularly reviewed in line with any new or changes to current personal data we process or in line with any legislation which governs that processing.

The last update was as per the date on the front page of this document and will be further reviewed as per above or no later than two years from that date; whichever is sooner.