



LEARNING OPPORTUNITIES

Staff Privacy Notice

*This document should be read in conjunction with our
GDPR policy*

Date Approved	November 2024
Date of next review	November 2025
Review Period	1 Year

Introduction

Under UK data protection law, individuals have a right to be informed about how our school uses any personal data that 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.

This privacy notice explains how we collect, store and use personal information about you during and after your work relationship with us, in accordance with the UK General Data Protection Regulation(UK GDPR).

Who collects this information

We, Learning Opportunities, Ringwoud Road, Ringwoud, Deal, Kent CT14 8DW – Tel: 01304 381906, are the 'data controller' for the purposes of UK data protection law.

This means that we are responsible for deciding how we hold and use personal information about you.

This notice does not form part of any contract of employment, or other contract to provide services, and we may update this notice at any time.

It is important that you read this notice alongside any other policies mentioned within this privacy notice, so that you understand how we are processing your information and the procedures we take to protect your personal data.

Our data protection officer is Lesley Buss – lesleyb@learningopps.org

Categories of information we collect, process, hold and share

Personal data that we may collect, use, store, and share (when appropriate) about you is detailed below. This includes, but is not restricted to:

- personal information (such as name, address and contact details, employee or teacher number, details of your bank, national insurance number, information about your marital status, next of kin, dependents, and emergency contacts)
- contract information (such as start dates, terms and conditions of your employment, hours worked, post, roles and salary information, information about entitlement to benefits such as pensions, information about your nationality and the entitlement to work in the UK)
- work absence information (such as number of absences and reasons)
- qualifications (such as skills, experience, and employment history, where relevant, subjects taught)
- Information about your criminal record.
- details of any disciplinary or grievance procedures in which you have been involved (such as any warnings issued to you and related correspondence)
- assessments of your performance (such as appraisals, performance reviews and ratings, performance improvement plans and related correspondence)
- information about medical or health conditions (such as whether or not you have a disability for which the organisation needs to make reasonable adjustments)

We may also collect, use, store, and share (when appropriate) information about you that falls into 'special categories' of more sensitive personal data, which may include characteristics information (such as gender, age, ethnic group, health, religion)

Additional information may also include data about you that we have received from other organisations, including other schools and social services, and the Disclosure and Barring Service in respect of criminal offence data.

How we collect this information

We may collect this information from you in your application form, but we will also collect information in a number of different ways. This could be through the Home Office, our pension provider, and medical and occupational health professionals we engage with.

Why we collect and use workforce information

We use the workforce data to:

- enable the development of a comprehensive picture of the workforce and how it is deployed.
- inform the development of recruitment and retention policies.
- enable individuals to be paid.
- 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.
- 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 Learning Opportunities 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.
- maintain and promote equality in the workplace.

Some special categories of personal data, such as information about health or medical conditions, are processed to carry out employment law obligations (such as those in relation to employees with disabilities).

Use of your personal data in automated decision making and profiling

We do not currently process any staff members' 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.

The lawful basis on which we process this information

We only collect and use personal information about you when the law allows us to.

Most commonly, we use it where we need to:

- fulfil a contract we have entered into with you
- comply with a legal obligation
- carry out a task in the public interest.

Less commonly, we may also use personal information about you where:

- you have given us consent to use it in a certain way.
- we need to protect your vital interests (or someone else's interests)
- we have legitimate interests in processing the data – for example, where: you have applied for another position and references are required as part of safer recruitment.
- Your marital status has changed, and we are obliged to inform government office about this

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 go about withdrawing consent if you wish to do so.

We process this information under the following General Data Protection Articles:

6.1(b) Processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.

6.1(c) Processing is necessary for compliance with a legal obligation to which the controller is subject.

For example: The Health and Safety at Work Act, Equality Act 2010, The Disability Discrimination Act.

6.1(e) Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

For example: The Education Act requires the collection of workforce data for the purpose of Departmental Census. Working together to Safeguard Children Guidelines (DfE).

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 in so far as it is authorised by domestic law or a collective agreement pursuant to domestic law providing for appropriate safeguards for the fundamental rights and the interests of the data subject.

Some of the reasons listed above for collecting and using personal information about you overlap, and there may be several grounds which justify the school's use of your data.

Collecting workforce information

Learning Opportunities collects personal information in a variety of ways. For example, data might be 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; from correspondence with you; or through interviews, meetings or other assessment.

In some cases, Learning Opportunities may collect 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.

Workforce data is essential for the school's/local authority's operational use. Whilst the majority of personal information you provide to us is mandatory, some of it is requested on a voluntary basis. In order to comply with data protection legislation, 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 and we will tell you what you need to do if you do not want to share this information with us.

Our basis for using special category data

For 'special category' data, we only collect and use it when we have both a lawful basis, and 1 of the following conditions for processing as set out in UK 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 protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent.
- The data concerned has already been made manifestly public by you.
- 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.

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 UK data protection law. Conditions include:

- We have obtained your consent to use it in a specific way.
- We need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent.
- The data concerned has already been made manifestly public by you.
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.

Storing staff data

Learning Opportunities hold staff data securely for the set amount of time shown in our data retention schedule.

There are strict controls on who can see your information. We will not share your data if you have advised us that you do not want it shared, unless it is the only way we can make sure you stay safe and healthy, or we are legally required to do so.

Data will be stored in a range of different places including in your personnel file. We create and maintain an employment file for each staff member. The information contained in this file is kept secure and is only used for purposes directly relevant to your employment. The staff files are kept within a locked cupboard within a locked filing cabinet and only the Headteacher and Proprietor have access. You are able to have access to your file at any time to ensure that all information about you is up to date.

Data is also stored in the HR management system, spreadsheets and in other IT systems, including the school's email system.

Once your employment with us has ended, we will retain this file and delete the information in it in accordance with our retention policy.

Who we share staff information with

Your information may be shared internally, including with those people responsible for HR and recruitment (including payroll), senior staff who you report to or who have supervisory/management responsibilities for you and business support and IT staff if access to the data is necessary for performance of their roles.

Learning Opportunities routinely share this with:

- Our local authority - to meet our legal obligations to share certain information with it, such as safeguarding concerns and information about Headteacher performance and staff dismissals.
- Government departments or agencies - The Department for Education - to meet our legal obligations to share information linked to performance data.
- Your family or representatives - to carry out our public task in the event of an emergency.
- Other staff members - to carry out our public tasks, for example having access to your school email address so that information can be shared effectively.
- Our regulator Ofsted, in order to comply with our public task.
- Suppliers and service providers - to enable them to provide the service we have contracted them for, such as payroll.
- Central and local government to complete the legal obligation for things such as the workforce census.
- Survey and research organisations - to meet our legal obligation in relation to 'freedom of information' requests.
- Trade unions and associations - to carry out our public task in light of any key discussions within school linked to disciplinary/capability procedures or for events such as redundancy.
- Health and social welfare organisations to carry out our public task in line with our attendance management policy with organisations such as occupational health.
- Police forces, courts, tribunals - to meet our legal obligations to share certain information with it, such as safeguarding concerns or to carry out our public task in relation to a tribunal.
- Employment and recruitment agencies - to meet the public task of supplying requested references.
- Professional advisers and consultants

Department for Education

The Department for Education (DfE) collects personal data from educational settings and local authorities via various statutory data collections.

As an Independent school we must collect and submit data for the school level annual school census (SLASC). This information includes the number and details of staff members who have joined or left since the last census.

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.

Withdrawal of consent

Where Learning Opportunities is processing your personal data with your consent, you have the right to withdraw that consent. If you change your mind, or you are unhappy with our use of your personal data, please let us know by contacting lesleyb@learningopps.org

Requesting access to your personal data

Under data protection legislation, you have the right to request access to information about you that we hold. To make a request for your personal information, contact lesleyb@learningopps.org (DPO)

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

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

Your other rights regarding your data

Under UK data protection law, you have certain rights regarding how your personal data is used and kept safe. For example, you have the right to:

- Object to processing personal data that is likely to cause, or is causing, damage / distress
- Prevent your data being used to send direct marketing
- Object to and challenge the use of your personal data for decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed
- Make a complaint to the Information Commissioner's Office
- Claim compensation for damages caused by a breach of the data protection regulations

If you have a concern about the way we are collecting or using your personal data, we ask that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

Retention Periods

Except as otherwise permitted or required by applicable law or regulation, the school only retains personal data for as long as necessary to fulfil the purposes they collected it for, as required to satisfy any legal, accounting or reporting obligations, or as necessary to resolve disputes. Once you are no longer a staff member at the school we will retain and securely destroy your personal information in accordance with our data retention policy. This can be found in the staff shared area and/or the school website.

Security

We have put in place measures to protect the security of your information (i.e. against it being accidentally lost, used or accessed in an unauthorised way). In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have

a business need to know. Details of these measures are available in the Information Security Policy.

You can find further details of our security procedures within our Data Breach policy and our Information Security policy, which can be found in the staff shared area and/or the school website.

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

Complaints

Learning Opportunities take any complaints about our collection and use of personal information very seriously. 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.

To make a complaint, please contact our data protection officer (DPO)
lesleyb@learningopps.org

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

Last Updated

We may need to update this privacy notice periodically so we recommend that you revisit this information from time to time. This version was last updated November 2024.

Contact

If you have any questions or concerns, or would like more information about anything mentioned in this privacy notice, please contact: lesleyb@learningopps.org (Proprietor/DPO)

How 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 Department

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.

For more information about the Department for Education's (DfE) data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

For information about which organisations the Department for Education (DfE) has provided information, (and for which project) please visit the following website: <https://www.gov.uk/government/publications/dfe-external-data-shares>