



Privacy Notice

TBOWA Workforce

This notice sets out what personal data we will hold about you, why we process that data, who we share this information with, and your rights in relation to the personal data processed about you by TBOWA.

We are The Bishop of Winchester Academy (TBOWA), the data controller. 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 personal data. This will include data that we obtain from you directly and data about you that we obtain from other people and organisations. We might also need to continue to hold your personal data for a period of time after you have left our employment. Anything that we do with your personal data is known as processing.

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Where do we get information from about our workforce?

Workforce data is essential for the Academy'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 UK GDPR, 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.

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 publicly 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.

What information do we process in relation to our workforce?

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

- 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 records
- performance information, 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 Academy, criminal records information, including the results of Disclosure and Barring Service (DBS) checks, information from online searches on social media platforms and public domains, 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. We do not collect genetic information and biometric data is collected only by consent if you wish to use cashless catering services at one secondary setting. These types of personal data are subject to additional requirements.

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
 - Providing the following benefits:
 - Cycle to work scheme
 - Childcare voucher scheme
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 and the Department of Education (DfE). Details of staff, including special category data, are provided, in the annual staff census required of schools. [School workforce census: guide to submitting data - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/school-workforce-census-guide-to-submitting-data)
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 occupational health in order to assess an individual's working capacity and/ or the need for reasonable adjustments.
4. During a medical emergency, information may be shared with trained first aiders or medical professionals, if you are considered to be at immediate risk of harm.
5. 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 you 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.

Who will we share information with about our workforce?

We routinely share information about our workforce with:

- The DfE and the ESFA, in compliance with legal obligations of the Academy 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

We do not share information about our workforce members with anyone without consent unless the law and our policies allow us to do so.

International transfers of personal data

We have recorded where we store all the personal data processed in the academy and by third party services. If a third-party service stores data in the US, we have ensured that safeguards such as standard contractual clauses are in place to allow the safe flow of data to and from the school.

Department for Education (DfE)

We are required to share information about our school employees with the DfE under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

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

The DfE may share information that we are required to provide to them with other organisations. Visit <http://www.gov.uk/guidance/data-protection-how-we-collect-and-share-research-data>

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, contact the Academy's data protection officer.

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:

- have inaccurate or incomplete personal data about them rectified
- request the deletion or removal of personal data where there is no compelling reason for its continued processing. There are limitations and exceptions to this right which may entitle TBOWA to refuse your request.
- restrict processing of personal data where there is no compelling reason for its continued processing
- to object to direct marketing (including profiling) and processing for the purposes of scientific/historical research and statistics

- not to be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect on them
- have your data transferred to another organisation
- object to the processing of their personal data.

If an individual wants to exercise any of these rights then they should contact our DPO. The law does not oblige the Academy to comply with all requests. If the Academy does not intend to comply with the request then the individual will be notified of the reasons why in writing.

For further information on how to request access to personal information held centrally by the Department for Education (DfE), please see the 'How Government uses your data' section of this notice.

Concerns

We take any complaints about how we collect and use your personal data very seriously, so please let us know if you think we've done something wrong by contacting our DPO.

You can also complain to the Information Commissioner's Office in one of the following ways:

- report a concern online at <https://ico.org.uk/concerns/>
- call 0303 123 1113
- write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Contact

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

Satswana Ltd
TBOWA Data Protection Officer
info@satswana.com

How Government uses your data

The workforce data that we lawfully share with the Department for Education (DfE) through data collections:

- informs the Department for Education (DfE) policy on pay and the monitoring of the effectiveness and diversity of the 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 (DfE) 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 for Education (DfE)

The Department for Education (DfE) 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 for Education (DfE) 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 the Department for Education (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.

How to find out what personal information the Department for Education (DfE) hold about you

Under the terms of the Data Protection Act 2018, you're entitled to ask the Department for Education (DfE):

- if they are processing your personal data
- for a description of the data they hold about you
- the reasons they're holding it and any recipient it may be disclosed to
- for a copy of your personal data and any details of its source

If you want to see the personal data held about you by the Department for Education (DfE), you should make a 'subject access request'. Further information on how to do this can be found within the Department for Education's (DfE) personal information charter that is published at the address below:

<https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter>

To contact the Department for Education (DfE): <https://www.gov.uk/contact-dfe>