

Privacy Notice for Staff – How we use your information

2024/25

Who are we?

Middlemarch School is the 'data controller'. This means we are responsible for how your personal information is processed and for what purposes.

Middlemarch School is registered as the Data Controller with the Information Commissioner's Office (ICO); Registration Number: Z8987292

You can contact the school as the Data Controller in writing at:
Middlemarch School College Street, Nuneaton, CV10 7BQ

What is a Privacy Notice?

A Privacy Notice sets out to individuals how we use any personal information that we hold about them. We are required to publish this information by data protection legislation. This Privacy Notice explains how we process (collect, store, use and share) personal information about our staff.

What is Personal Information?

Personal information relates to a living individual who can be identified from that information. Identification can be by the information alone or in conjunction with any other information in the data controller's possession or likely to come into such possession.

'Special category' personal information reveals racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

What personal information do we process about staff?

The categories of staff information that we collect, hold and share include:

- personal information such as name, employee or teacher number and national insurance number
- special categories of data including characteristics information such as gender, age, ethnic group
- contract information such as start dates, hours worked, post, roles and salary information)
- work absence information such as number of absences and reasons
- qualifications and, where relevant, subjects taught

For what purposes do we use personal information?

We use staff data to:

- develop a comprehensive picture of the workforce and how it is deployed
- inform the development of recruitment and retention policies
- enable individuals to be paid and receive other staff benefits
- ensure that we can act in an emergency

Collecting staff information

Whilst the majority of staff information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain staff information to us or if you have a choice in this.

What are the legal reasons for us to process your personal information?

We are required to process personal information in accordance with data protection legislation and only do so when the law allows us to. Data Protection law sets out the lawful reasons we have to process your personal information and these are as follows:

1) To comply with the law

We collect and use general purpose staff information in order to meet certain legal requirements and legal obligations placed upon the school by UK law. We therefore have the right to process your personal information for such purposes without the need to obtain your consent.

Details of the type of processing that we must undertake, the personal data that is processed, the legislation which requires us to do so and who we may share this information with is set out in Table 1.

2) To protect someone's vital interests

We are able to process personal information when there is an emergency and/or where a person's life is in danger.

Details of the type of processing that we may undertake on this basis and who we may share that information is set out in Table 2.

3) With the consent of the individual to whom that information 'belongs'

Whilst much of the personal information is processed in accordance with a legal requirement, there is some personal information that we can only process when we have your consent to do so. In these circumstances, we will provide you with specific and explicit information regarding the reasons the data is being collected and how the data will be used.

Details of the type of processing that we may undertake on this basis and who we may share that information is set out in Table 3.

4) To perform a public task

It is a day-to-day function of the school to ensure that staff members receive the training and support they require. Much of this work is not set out directly in any legislation but it is deemed to be necessary in order to ensure that staff are properly supported and able to do their job.

Details of the type of processing that we may undertake on this basis and who we may share that information is set out in Table 4.

5) To comply with a contract we have with you or because you have asked us to take specific steps before entering into a contract

We are able to process personal information in order to comply with the contract that we have with you.

Details of the type of processing that we may undertake on this basis and who we may share that information is set out in Appendix 5.

Special category personal information

In order to process 'special category' data, we must be able to demonstrate how the law allows us to do so. In addition to the lawful reasons above, we must also be satisfied that ONE of the following additional lawful reasons applies:

- 1) Explicit consent of the data subject
- 2) Necessary for carrying out obligations and exercising specific rights in relation to employment and social security and social protection law
- 3) Processing relates to personal data which is manifestly made public by the data subject
- 4) Necessary for establishing, exercising or defending legal claims
- 5) Necessary for reasons of substantial public interest
- 6) Necessary for preventive or occupational medicine, or for reasons of public interest in the area of public health
- 7) Necessary for archiving, historical research or statistical purposes in the public interest

The lawful reasons for each type of sensitive category personal information that we process is set out in the tables attached.

Who might we share your information with?

We routinely share staff information with:

- our local authority
- the Department for Education (DfE)

We do not share information about our staff unless the law and our policies allow us to do so.

Please refer to the tables for information about what personal information is shared with which specific third parties.

What do we do with your information?

All personal information is held in a manner which is compliant with Data Protection legislation. Personal information is only processed for the purpose it was collected. The school monitors the personal information it processes and will only share personal information with a third party if it has a legal basis to do so (as set out above).

How long do we keep your information for?

In retaining personal information, the school complies with the Retention Schedules provided by the Information Record Management Society. The schedules set out the Statutory Provisions under which the school are required to retain the information.

A copy of those schedules can be located using the following link:

<http://irms.org.uk/page/SchoolsToolkit>

Transferring data internationally

Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

What are your rights with respect of your personal information?

Under data protection law, staff members have the right to request access to information about them that we hold. To make a request for your personal information contact the School Data Protection Officer at Warwickshire Legal Services via email at schooldpo@warwickshire.gov.uk or alternatively;

School Data Protection Officer

Warwickshire Legal Services
Warwickshire County Council
Shire Hall
Market Square
Warwick
CV34 4RL

****Please ensure you specify which school your request relates to.**

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- 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, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

Review

The content of this Privacy Notice will be reviewed in 12 months from September 2021

Table 1 – Personal information we are required to process to comply with the law:

Information Type	Relevant legislation	Special Category–additional lawful reason	Third Parties with whom we share the information	Lawful reason for sharing
Surname	Education Act 2005, section 114 and accompanying regulations - school workforce census	N/A	Department Education for	Legal Obligation
Forename	Education Act 2005, section 114 and accompanying regulations - school workforce census	N/A	Department Education for	Legal Obligation
Job Title	Education Act 2005, section 114 and accompanying regulations - school workforce census	N/A	Department Education for	Legal Obligation
Gender	Education Act 2005, section 114 and accompanying regulations - school workforce census	N/A	Department Education for	Legal Obligation
D.O.B	Education Act 2005, section 114 and accompanying regulations - school workforce census	N/A	Department Education for	Legal Obligation
National insurance number	Education Act 2005, section 114 and accompanying regulations - school workforce census Pensions Act 2008, section 3 - obligation to automatically enrol employee into a pension scheme	N/A	Department Education (school workforce census) HR and Payroll Pension Provider	Legal Obligation
Pay	Minimum Wage Act 1998, section 9 and accompanying regulations - requirement to keep records of pay Employment Rights Act 1996 sections 1 and 8 - requirement to issue payslips and statement of particulars Income Tax (Earnings and Pensions) Act 2003 and Income Tax (Pay As You Earn) Regulations 2003 - evidence of payment of salary	N/A	HR and Payroll SIMS	Legal Obligation
Pension	Pensions Act 2008 - obligation to automatically enrol employee into a pension scheme	N/A	HR and Payroll Pension Provider	Legal Obligation

Student Loans information	The Education (Student Loans)(Repayment) Regulations 2009, Part 4 and other accompanying legislation - the employer is responsible for collecting repayments of the employee	N/A	Student Company Loans	Legal Obligation
Tax and National Insurance Information	Income Tax (Earnings and Pensions) Act 2003 and Income Tax (Pay As You Earn) Regulations 2003 - compliance in deducting correct amount of tax Social Security Contributions and Benefits Act 1992 - compliance in deducting correct amount of national insurance contributions	N/A	HMRC HR and Payroll	Legal Obligation
Overtime Sheets and Expenses Forms	Working Time Regulations 1998 - evidence of compliance with working time regulations	N/A	HR and Payroll	Legal Obligation
Start Date	Education Act 2005, section 114 and accompanying regulations - school workforce census	N/A	Department for Education	Legal Obligation
Qualifications	Education Act 2005, section 114 and accompanying regulations - school workforce census	N/A	Department for Education	Legal Obligation
Disclosure Number	Legal Obligation Protection of Freedoms Act 2012, Part 5 - Safeguarding Vulnerable Groups The School Staffing (England) Regulations 2009, Schedule 2 Part 2 - requirement to keep a Single Central Record	N/A	SCR	Legal Obligation
Date Disclosure Issued	Legal Obligation Protection of Freedoms Act 2012, Part 5 - Safeguarding Vulnerable Groups The School Staffing (England) Regulations 2009, Schedule 2 Part 2 - requirement to keep a Single Central Record	N/A	SCR	Legal Obligation

Barred Checked	List	Legal Obligation Protection of Freedoms Act 2012, Part 5 - Safeguarding Vulnerable Groups The School Staffing (England) Regulations 2009, Schedule 2 Part 2 - requirement to keep a Single Central Record	N/A	SCR	Legal Obligation
Right to Work in the UK		Protection of Freedoms Act 2012, Part 5 - Safeguarding Vulnerable Groups The School Staffing (England) Regulations 2009, Schedule 2 Part 2 - requirement to keep a Single Central Record	N/A	HR and Payroll Home Office Right to Work Checking Service	Legal Obligation
Employment History		Education Act 2005, section 114 and accompanying regulations - school workforce census	N/A	Department for Education (school workforce census) SIMS	Legal Obligation
Ethnicity		Education Act 2005, section 114 and accompanying regulations - school workforce census	N/A	Department for Education (school workforce census)	Legal Obligation

Table 2 – Personal information we are required to process as it is necessary to protect someone’s vital interests

Information Type	Special Category - additional lawful reason	Third Parties with whom we share the information	Lawful reason for sharing
Emergency Contact Details		Emergency Services SIMS	Vital Interest

Table 3 - Personal information we are required to process with the consent of the individual to whom that information ‘belongs’

Information Type	Special Category - additional lawful reason	Third Parties with whom we share the information	Lawful reason for sharing
Photographs		School social media channels: Facebook and Twitter	Consent

Table 4 - Personal information we are required to process because it is necessary to do so in order to perform a public task

Information Type	Special Category - additional lawful reason	Third Parties with whom we share the information	Lawful reason for sharing
Full Name	N/A	SIMS, O'Track, ClassDojo, CPOMS, Pupils, staff, parents and the school community, Primary Site, EPS, TTRS, Teachers2parents, School Money, Accelerated reader, Star Maths, TES Provision Map, CLA education Platform, FFT	Public Task
Job Title	N/A	Pupils, staff, parents and the school community, primary site,	Public Task
Gender	N/A	SIMS	Public Task
Photograph	N/A	SIMS School website - Primary site	Public Task

Table 5 - Personal information we are required to process because of a contract we have with you or because you have asked us to take specific steps before entering into a contract

Information Type	Special Category - additional lawful reason	Third Parties with whom we share the information	Lawful reason for sharing