

Kenmore Park Infant & Nursery School

Employee Privacy Policy



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EMPLOYEE PRIVACY POLICY

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1 Introduction

Kenmore Park Infant & Nursery School is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about you during and after your working relationship with us, in accordance with Data Protection Legislation.

This privacy notice applies to all employees, workers and contractors.

Kenmore Park Infant & Nursery School is a “data controller”. This means that we are responsible for deciding how we hold and use personal information about you. We are required under Data Protection Legislation to notify you of the information contained in this privacy notice.

This notice applies to current and former employees, workers, and contractors. This notice does not form part of any contract of employment or other contract to provide services. We may update this notice at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

Data Protection Legislation means the Data Protection Act 2018 which incorporates the General Data Protection Regulation (GDPR), the Privacy and Electronic Communications (EC Directive) Regulations 2003 and any legislation implemented in connection with the General Data Protection Regulation which is the governing legislation that regulates data protection across the EEA. This includes any replacement legislation coming into effect from time to time.

2 Data Protection Principles

We will comply with data protection law. This says that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

The kind of information we hold about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are “special categories” of more sensitive personal data which require a higher level of protection.

We will collect, store and use the following categories of personal information about you:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses
- Date of birth
- Gender

- Next of kin
- Employment records

We may also collect, store and use the following “special categories” of more sensitive personal information such as:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions
- Trade Union membership
- Information about your health, including any medical condition, health and sickness records
- Genetic information
- Information about criminal convictions and offences.

3 How is your personal information collected?

We collect personal information about employees, workers and contractors through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. We may sometimes collect additional information from third parties including former employers, credit reference agencies or other background check agencies.

We will collect additional personal information in the course of job-related activities throughout the period of you working for us.

4 How we will use information about you

We will only use your personal information when the law allows us to do so. Most commonly we will use your personal information in the following circumstances:

1. Where we need to perform the contract we have entered into with you
2. Where we need to comply with a legal obligation
3. Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests
4. Where it is necessary for carrying out obligations under employment law

5 Situations in which we will use your personal information

We need all of the categories of information in the list above primarily to allow us to perform our contract with you and to enable us to comply with legal obligations. In some cases, we may use your personal information to pursue legitimate interests of our own or those of third parties, provided your interests and fundamental rights do not override those interests. The situations in which we will process your personal information are listed below:

- Making a decision about your recruitment or appointment
- Determining the employment terms
- Checking you are legally entitled to work in the UK
- Paying you and, if you are an employee deducting tax and National Insurance

6 If you fail to provide personal information

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you. We may also be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers).

7 Change of purpose

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

8 How we use particularly sensitive personal information

'Special category' data is particularly sensitive personal information that requires higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:

1. In limited circumstances, with your explicit written consent
2. Where we need to carry out our legal obligations
3. Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our occupational pension scheme, and in line with our data protection policy
4. Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards

9 Our obligations as an employer

We will use your particularly sensitive personal information in the following ways:

- We will use your information relating to leaves of absence which may include sickness absence or family related leaves, to comply with employment and other laws
- We will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits
- We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting

10 Do we need your consent?

We do not need your consent if we use special categories of your personal information in accordance with our written policy to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

11 Information about criminal convictions

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy.

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests and you are not capable of giving your consent, or where you have already made the information public.

12 Automated decision-making

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making in the following circumstances:

1. Where we have notified you of the decision and given you 21 days to request a reconsideration
2. Where it is necessary to perform the contract with you and appropriate measures are in place to safeguard your rights
3. In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights

If we make an automated decision on the basis of any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard your rights.

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

13 Data sharing

We may have to share your data with third parties, including third-party service providers and other entities in the group.

We require third parties to respect the security of your data and to treat it in accordance with the law.

14 Why might my personal information be shared with third parties?

We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.

15 Which third-party service providers process my personal information?

“Third parties” includes third-party service providers (including contractors, IT service providers and designated agents) and other entities within our group. The following activities are carried out by third-party service providers:

- Set up staff emails on appointment (Bee Bug)
- Monitor the schools IT security and flag up details of members of staff where inappropriate usage is identified.
- Parentpay to set up an account for payments of school meals should a member of staff wish to purchase.

16 How secure is my information with third-party service providers?

All of our third-party service providers and other entities in the group are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

17 Transferring information outside the EEA

In general we will not transfer the personal information we collect about you to countries outside of the EEA however, there may be exceptions when this may be required in order to perform our contract with you. A prime example may be in line with the schools safer recruitment processes for an overseas trained member of staff from outside of the EEA.

At such time if we were to send information to countries outside the EEA we would in the first instance check to see if they are covered by an adequacy decision by the European Commission or one in respect of the specific country. This means that the countries to which we transfer your data are deemed to provide an adequate level of protection for your personal information. Where they are not covered by an adequacy decision we would not transfer the personal information without prior written authorisation from the employee and specific details of the authority to whom the data is to be shared.

However, to ensure that your personal information does receive an adequate level of protection we have put in place the following appropriate measures to ensure that your personal information is treated by those third parties in a way that is consistent with and which respects the EU and UK laws on data protection: keep you informed about how your data is being used and seek your written permission and approval prior to any personal data being accessible or transferred outside of the EEA. A prime example of this may be when an employee relocates and requires personal information to be shared with specific authorities or perspective employers.

18 Data security

We have put in place measures to protect the security of your information. Details of these measures are available on request.

Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to our personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breaches and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

19 Data retention

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Details of retention periods for different aspects of your personal information are available in our retention policy which is available from the school website or a hard copy can be requested from the school administrative staff. To determine the appropriate retention period for personal data we consider the amount, nature and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

20 Rights of access, correction, erasure and restriction

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 employment with us.

Your right in connection with personal information

Under certain circumstances, by law you have the right to:

Request access to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.

Request correction of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.

Request erasure of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing.

Object to processing of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.

Request the restriction of processing of your personal information. This enables you to ask us to suspend the processing of personal information about you.

Request the transfer of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party please contact Headteacher in writing.

21 What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information. This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

22 Right to withdraw consent

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact Headteacher.

23 Data Protection Officer

We have appointed Data Protection Officer to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO. You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection.

24 Changes to this privacy notice

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates.

I _____ (employee / worker / contractor name), acknowledge that on _____ (date), I received a copy of **Kenmore Park Infant & Nursery School** privacy notice for employees and that I have read and understood it.

Signature

