

## NCLT STAFF/WORKFORCE PRIVACY NOTICE

**The New Collaborative Learning Trust vision is to create a culture of protecting privacy and personal data. Personal data is information which ‘relates to and identifies a living individual’. Personal data should be adequate, relevant and limited to what is necessary.**

### **Who does this notice apply to?**

This privacy notice applies to anyone employed directly by the New Collaborative Learning Trust.

### **Data controller and collection**

The organisation responsible for looking after your personal data (Data Controller) is the New Collaborative Learning Trust. Staff data for each site is can be held centrally at Trust Headquarters or on site.

### **Why do we collect and use staff information?**

We process personal data in accordance with the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018. We collect and process personal data in relation to employees to manage the employment relationship. The organisation needs to process data to enter into an employment contract with you and to meet its obligations under your employment contract. The main legal basis for most staff information therefore falls under the following lawful basis

- UK 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.

In some cases, the organisation needs to process data to ensure that it is complying with its legal obligations. For example, it is required to check an employee's entitlement to work in the UK, to deduct tax, to comply with health and safety laws and to carry out criminal records checks to ensure that individuals are permitted to undertake the role in question. In these cases the main legal basis would fall under the following category:

- UK GDPR Article 6(1)c - Processing is necessary for compliance with a legal obligation to which the controller is subject

Some special categories of personal data, such as information about health or medical conditions, is processed to carry out employment law obligations (such as those in relation to employees with disabilities and for health and safety purposes). Where the organisation processes other special categories of personal data, such as information about ethnic origin, sexual orientation, health or religion or belief, this is done for the purposes of equal opportunities monitoring.

- UK GDPR Article 6(1)c - Processing is necessary for compliance with a legal obligation to which the controller is subject
- UK GDPR Article 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
- UK GDPR Article 9(2)(h) – Processing is necessary for preventive or occupational medicine, medical diagnosis, and the assessment of an employee's working capacity.

The Trust has a legal duty to safeguard students, and as such will process and provide personal data to the Disclosure Barring Service (DBS). In most cases, this processing is a condition of employment. The legal basis for processing this information comes under the following:

- UK GDPR Article 6(1)b - Processing is necessary for the performance of a contract to which the data subject is party
- UK GDPR Article 6(1)c - Processing is necessary for compliance with a legal obligation to which the controller is subject

- UK GDPR Article 10 – Processing is undertaken by an Official Authority. In some cases this information may be processed securely by a third party to verify DBS applications. Where this occurs staff will be notified.

We do not undertake any automated decision making.

Processing employee data allows the organisation to:

- run recruitment and processes;
- maintain accurate and up-to-date employment records and contact details 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 the organisation 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; and
- maintain and promote equality in the workplace.

### **Categories of staff information**

The organisation collects and processes a range of information about you. This includes:

- your name, address and contact details, including email and telephone number, date of birth, gender, employee or teacher number and staff photo;
- the terms and conditions of your employment;
- details of your qualifications, skills, experience and employment history (including teacher reference number and any professional body reference numbers);
- information about your remuneration, including entitlement to benefits (such as pensions) and any deductions (such as student loans);
- statutory maternity/paternity/adoption/shared parental pay and leave records, calculations and certificates or other medical evidence;
- details of your bank account and national insurance number;
- information about your marital status, next of kin and emergency contacts;
- information about your nationality and entitlement to work in the UK;
- information about your criminal record and other safeguarding information;
- details of your working pattern (days of work and working hours) and attendance at work;
- details of periods of leave requested and/or taken by you, including holiday, sickness absence, family leave and other special leave etc., and the reasons for the leave;
- details of any disciplinary or grievance procedures in which you have been involved, including any warnings issued to you and related correspondence;
- assessments of your performance, including appraisals, performance reviews and ratings, training you have participated in, performance improvement plans and related correspondence;
- information about medical or health conditions, including whether or not you have a disability for which the organisation needs to make reasonable adjustments;

- driving for work information, including your driving licence summary, any points, cautions or convictions;
- equal opportunities monitoring information, including information about your age, ethnic origin, sexual orientation, health and religion or belief;
- staff survey data.
- Biometric information for the purposes of uniquely identifying a person (Wingfield staff only)

### **Collecting staff information**

The organisation collects this information in a variety of ways. For example, data is collected through:

- application forms,
- 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 (such as new starter forms);
- from correspondence with you;
- through interviews, meetings or other assessments.
- In some cases, the organisation collects personal data about you from third parties, such as references supplied by former employers, information from employment background check providers and information from criminal records checks permitted by law.

### **Photographs and images**

The Trust requires a profile ID photo from all staff, and is required for safeguarding purposes. This will usually be taken on or shortly after induction. A profile ID photo is used on staff ID cards, on Cedar, BromCom, and on Office365.

The Trust also uses images of staff for marketing and publicity purposes. Staff will be notified in advance of photography and filming. In cases of small groups, or where individuals are very clearly identified, the Trust will seek your agreement to use your image. The Trust will always ask for your agreement first on each occasion prior to photos and images being used.

### **Storing staff data**

The organisation takes the security of your data seriously. Data is stored in a range of different places, including in your HR file, in the organisation's HR/payroll management systems and in other IT systems (including the organisation's email system). We have internal policies and controls in place to try and ensure that your data is not lost, accidentally destroyed, misused or disclosed. We will store staff data for no longer than necessary, in accordance with data protection legislation and best practice.

Most employee data is kept for the duration of the employment contract plus an additional 6 years, with the following exception:

- Pension data                                      employment contract + 100 years

### **Who do we share staff information with?**

Your information will be shared internally with members of the HR Team, Finance Team (for payroll), your line manager, managers in the business area in which you work, relevant senior managers and IT staff if access to the data is necessary for performance of their roles. The organisation also shares your data with third parties that process data on our behalf (such as for payroll and pensions purposes, HMRC, the provision of benefits and the provision of occupational health services, etc.).

We routinely share staff information with the Department for Education on a statutory basis. We also share staff data with third parties such as the SFCA and Leadership Matters. This data sharing underpins workforce policy monitoring, evaluation, appraisals and performance management. We may share information with our internal auditors for the purpose of auditing. Otherwise, before sharing information with a third party, we will either obtain your consent or establish that the sharing is

necessary (which includes ensuring that the data shared is kept to a minimum), fair and otherwise within the law. We will not pass your information to third parties for direct marketing purposes.

The organisation will not transfer your data to countries outside the UK, unless a Standard Contractual Clause is in place.

### **Requesting access to your personal data**

Under data protection legislation staff have the right to request access to information about them that we hold. This is known as a subject access request. If any exemptions apply you will be notified. To make a request, please email [Data.Protection@nclt.ac.uk](mailto:Data.Protection@nclt.ac.uk) who will process the request in partnership with the Trust's Human Resources staff.

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, and subsequently directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

### **Contact**

If you would like to discuss anything in this privacy notice, please contact the Trust Data Protection Officer by emailing [data.protection@nclt.ac.uk](mailto:data.protection@nclt.ac.uk), or by calling 01977 702139.