

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;

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 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, or by calling 01977 702139.