



INTERNAL STAFF PRIVACY NOTICE

PRIVACY NOTICE FOR ALL NEW AND EXISTING EMPLOYEES, CONTRACTORS AND WORKERS WITHIN THE TRUST

Version	4.0
Name of policy writer	Holly Senior
Date written	September 2019
Last updated	October 2021
Approved by Trustees	

Record of Alterations
Version 4.0 Original



CONTENTS

1. Overview
 2. Legislation and guidance
 3. Definitions and key terminology
 4. Personal data we hold
 5. Why we use this data
 6. Lawful basis of processing
 7. Collecting your information
 8. How we store this data
 9. How we share your data
 10. How long we retain your data
 11. How we erase your data
 12. International transfers of data
 13. Your rights as a Data Subject
 14. How to contact us
 15. Complaints and issues
- Appendix A- Coronavirus (COVID-19)
- Appendix B- Coronavirus (COVID-19) Additional data shared



1. Overview

Under the existing *Data Protection Law (1998)* and *The General Data Protection Regulation 'GDPR' (2018)* it is a requirement for all individuals to be correctly informed about what an organisation does with your personal data. SHARE MAT provides all associates with the ability to view how it uses your personal data via a 'Privacy Notice' (also referred to as a 'Fair Processing Notice').

Within this privacy notice the MAT aims to outline how it; collects, stores, manages, edits, erases and controls an individual's personal data. This relates to anyone that works within the MAT as a full time, part-time or contract employee.

At SHARE MAT we employ a Data Protection Office to oversee Data Protection and GDPR. If you wish to contact our DPO please visit the 'contact us' section within this policy.

This policy applies to all forms of personal data, including but not exclusive to, paper and electronic formats.

2. Legislation and guidance

It is a requirement for all Schools and Public Authorities to adhere to the GDPR and Data Protection legislation, set out in the *Data Protection Law 1998* and the *GDPR 2018*.

This policy is based on the guidelines set out by the *Information Commissioners Office (ICO)* and *The General Data Protection Regulation (2018)* and *Data Protection (1998)* legislations. This policy also follows the guidance of the *Protection of Freedoms Act (2012)* to ensure the protection of biometric data. In addition, this policy also complies with the Trust's funding agreements and articles of association.

3. Definitions and key terminology

All of the definitions listed below are frequently used within this policy and directly associate to the Data Protection Act (1998) and the GDPR (2018). If you require further information on any of the terminology used within this policy, please contact our DPO. All details can be found within the 'contact us' section of the policy.

Term	Definition
Personal data	Any information relating to an identified, or identifiable, individual. Personal data is only associated with a living data subject. This may include the individual's: <ul style="list-style-type: none">• Name (including initials)



	<ul style="list-style-type: none">• Identification number• Location data• Financial data• Online identifier, such as a username <p>It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity.</p>
Special categories of personal data	<p>Personal data which is more sensitive and so needs further protection, including information about an individual's:</p> <ul style="list-style-type: none">• Racial or ethnic origin• Political opinions• Religious or philosophical beliefs• Trade union membership• Genetics• Biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes• Health – physical or mental• Sex life or sexual orientation
Processing	<p>Anything done to personal data, such as;</p> <ul style="list-style-type: none">• Collecting• Recording• Organising• Structuring• Sharing• Storing• Adapting• Altering• Retrieving• Using• Disseminating• Erasing• Destroying <p>Processing can be automated or manual.</p>



Data subject	The identified or identifiable individual whose personal data is held or processed. A data subject is any natural, living person.
Data Controller	A person and/ or organisation that determines the purposes and the means of processing personal data.
Data Processor	A person, organisation or other body (other than an employee of the data controller) who processes personal data on behalf of the data controller.
DPO	A 'DPO' is an abbreviation of the term, Data Protection Officer. A DPO should be appointed when any large scale processing of data occurs, and/ or, processing of data may be deemed a risk.
Personal Data Breach or Data Breach	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.
The ICO	The ICO (Information Commissioners Office) and the legal authority whom manage GDPR and Data Protection.
A DPIA (Data Protection Impact Assessment)	A DPIA is a process that we carry out in order to assess if we are carrying out process in line with relevant legislation.
SAR/ DSAR	A 'SAR' or sometimes referred to as a 'DSAR', is an abbreviation of the word Subject Access Request. This is when a data subject formally lodges a request to view/ access their personal data that is held on them.

4. Personal data we hold

SHARE MAT collects personal data on those whom we employ, or otherwise engage with, in order to work within any of our schools or the Trust. We only collect relevant and necessary personal data in order to complete business processes. SHARE MAT does this by carrying out a DPIA on all data that we collect to identify the lawful basis of processing.

Personal data that the MAT may choose to collect, use, store and share (when appropriate) about you, includes, but is not restricted to:



- Contact details
- Date of birth, marital status and gender
- Next of kin and emergency contact, including contact details
- Salary, annual leave, pension and benefits information
- Bank account details, payroll records, National Insurance Number and tax status information
- Recruitment information, including copies of right to work documentation, references and other information included in a CV or cover letter or as of a job application process
- Qualifications and employment records, including work history, job titles, working hours, training records and professional memberships/ bodies
- Performance information
- Outcomes of any disciplinary and/ or grievance procedures
- Absence data (including days of absence and reason for absence)
- Copy of driving license
- Photographs
- CCTV footage
- Data about your school's information and communication system

As well as the information listed above, we may also collect, store and use information about you that identifies as 'special categories' of data. This is highly sensitive data. This may include information about (where applicable):

- Race, ethnicity, religious beliefs, sexual orientation and political views
- Trade union information and membership
- Health, including medical conditions, and sickness records

5. Why this data is used

SHARE MAT collects this data in order to perform key business processes throughout the Trust. It holds the necessary basis for collecting and processing this data, as outlined in Article 6 of the GDPR. The data that it collects enables it to:

- Ensure that you are paid
- Facilitate safe recruitment, as part of our safeguarding obligation to pupils



- Support effective performance management
- Inform our recruitment and retention policies
- Allow better financial modelling and planning
- Improve the management of workforce data across the sector
- Support the work of the School Teachers' Review Body

6. Lawful basis for using your data

SHARE MAT follows the guidelines outlined within Article 6, The GDPR, Lawfulness of Processing, when assessing if it believes it has a lawful basis of processing your personal data. It ensures that it meets, at least one, of the minimum requirements outlined within Article 6. It only collects your personal data when it needs to:

- Fulfil a contract that we have entered into with you (directly or indirectly)
- Comply with a legal obligation
- Carry out a task in the public interest

Less commonly, we may also use personal data regarding you when:

- You have given us consent to use it in a certain way
- We need to protect yours or an individual's vital interests

Where the MAT relies on consent to process your personal data, you have the right to retract this consent at any given time. When it asks for your consent in order to process your personal data it will make this clear and concise from the offset, along with guidance on how to retract consent if you wish to do so.

SHARE MAT will only use your data within the guidelines that it has been collected for. If it requires to use your information for an additional/ further process, it will contact you to inform you of this.

7. Collecting your information

SHARE MAT predominantly collect personal data from you as an essential requirement. There are occasions whereby collecting personal data is not mandatory, but that we feel it would be beneficial to the Trust to do so.

In these circumstances we ensure that we have a legitimate interest when requesting this data, however, as a data subject, you have the ability to choose if you wish to provide this information.

SHARE MAT will ensure that we inform you on 'mandatory' and 'non mandatory' data collection, the consequences of not providing mandatory information and the choices you have as a data subject.



8. How your data is stored

SHARE MAT ensures that all data that we store on you is secure, safe and in line with legislation.

All personal data that the MAT collects on you, as a data subject, is stored in an employment file specific for each member of staff. This information is restricted in use to ensure only those who need it have access. The use of the information stored within this file is restricted to the purpose that it is collected for.

Once your employment with SHARE MAT has ended, we will retain this file and delete the relevant information in accordance with our Retention Schedule (IRMS Records Management for School). Our forms of storage are as follows, but not restricted to:

- Paper-based records, electronic devices (such as laptops and hard-drives) and kept locked and restricted when not in use
- When personal data is taken off-site it is signed for, logged and managed to ensure safe return or erasure
- Enforced password protection policy whereby all passwords are random and non-traceable
- Encrypted software is used on all electronic tools
- Data Sharing Agreements are in place where data is required to be shared with a 3rd party, contractor or additional source

9. How your data is shared

SHARE MAT will not share your personal data with any 3rd parties unless we inform your or ask for your consent to do so. SHARE MAT may need to share data if required to do so by the law. For more information regarding situations whereby your data may be shared, please see the ICO's website.

Where it is legally required to share personal data, the MAT may share your data with (but not limited to):

- Our local authority
- The Department of Education
- Your family or stated emergency contact
- Educators and examining bodies
- Our regulator, Ofsted
- Suppliers and service providers, all of which are covered under a Data Sharing Agreement
- Financial organisation
- Central and local government



- Our auditors
- Survey and research organisation (limited and you would be informed ahead of processing)
- Trade unions and associations
- Health authorities
- Security organisation
- Health and Social welfare associations
- Professional advisors and consultants
- Police and legal forces
- Professional bodies
- Employment and recruitment agencies

10. How long we retain your data

SHARE MAT is required, by law, to retain some of your personal data after you leave the organisation. SHARE MAT may choose to keep your data for up to six years after you leave the organisation dependent on what data we hold and the reason for still storing or processing this data.

Any data that SHARE MAT no longer use, but is still retained, will be stored and archived up until the point where the MAT assesses its use and decides to safely erase it.

For more information on the retention guidelines, retention policy and how long the MAT may hold your personal information for by law please contact our DPO.

11. How your data is erased

SHARE MAT ensures that any data that is no longer of use, or deemed necessary for business processes will be correctly erased in line with data protection guidelines. Personal data will be disposed of securely, safely and effectively to give all data subjects peace of mind.

For example, the MAT will shred or incinerate any paper-based documents that it holds on you, either in-house or contracted by a pre-approved and safe supplier. The MAT will overwrite, redact or erase any electronic files that we hold on you, either in-house or contracted by a pre-approved and safe supplier.

12. Your rights as a data subject

As part of all data protection legislation data subjects are entitled to request any personal information that is held on them by an organisation. If you wish to find out what information SHARE MAT holds on you, please complete a Subject Access Request.



If you wish to submit a Subject Access Request, please download one of the templates from either the SHARE MAT website, or from the website of the school that you are associated with. If you are having trouble accessing the template, please contact our DPO.

Once you have submitted a SAR the MAT will:

- Give you a description of the data that we hold (where applicable)
- Explain where we received the information from (where applicable)
- Inform you who has had access to it and if it will be shared further
- Inform you if any automated decision-making has been applied, or will be applied, to this data, and inform you of the consequences of this
- Give you an accessible copy of this data (where appropriate)

Subject Access Requests may be subject to an administrative charge dependent on the level of time require to prepare the response. You will be informed if your SAR is subject to a charge.

On occasion, the MAT may not be able to provide a hard-copy of your data. It will give you the opportunity to view, in person, the data that it holds on you at a time that suits you.

Under data protection laws data subjects have certain rights regarding how their personal data is used, stored, managed and erased. You have the right to:

- Object to the use of your personal data if it is causing, or has cause, damage or distress
- Prevent your data being used for the purpose of direct marketing
- Object to the use of your personal data for decisions being made by automated means (by a computer or machine, instead of by a person)
- Your data records being up-to-date, accurate and relevant. If you believe they are not, please let us know
- Claim compensation for any damages caused by a breach of your rights under the data protection regulations

If you would like any more information on Subject Access Requests, please contact the Data Protection Officer.



13. How to contact us

SHARE MAT has a designated Data Protection Officer to handle any issues or concerns that you may have regarding your data.

If you have any questions or concerns, or would like any advice regarding your data, please contact our Data Protection Officer.

Holly Senior- Premises, Compliance and Data Protection Officer

Email- holly.senior@sharemat.co.uk

Telephone- 01484 868777

Address- Shelley College, Huddersfield Road, Shelley, HD8 8NL

14. Complaints, issues and escalation

SHARE MAT takes any complaints about collection, management and use of personal data very seriously.

If you believe that the way the MAT are processing your personal data is unfair, misleading or inappropriate, or if you have any other concerns regarding your personal data please contact our Data Protection Officer immediately.

If you believe that your complaint is not being handled effectively or you would like external advice, please contact the Information Commissioners Office:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113
- Or write to: Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Appendix A- Coronavirus (COVID-19) Test Results

During the Coronavirus (COVID-19) pandemic, staff may be required to have a coronavirus test (provided by the NHS and UK Government) whereby they:

- Are exhibiting COVID-19 symptoms
- Have been instructed to do so by NHS 'Test and Trace' scheme
- Are living in a household with somebody who has tested positive or is symptomatic
- Are part of a support bubble whereby somebody has tested positive or is symptomatic

Staff are required to inform school about the status of the test results (positive or negative) in order to monitor infection in school.



Under the General Data Protection Regulation, the school must not insist to see a copy of the test results of a member of staff or hold a paper or electronic copy of the test results.

Staff are encouraged to share evidence of their test results if they wish to do so with a designated person in school.

Designated staff within school (such as an Administration Manager, Headteacher or Line Manager) are permitted to ask to see the test results provided by the NHS in order to authenticate the results of a staff member. Staff members not outlined as a designated person are not permitted to ask to view a test result.

School, are not required to hold a hard copy of the test results of a member of staff. If a staff member provides a hard copy of a test results (i.e. via email) this will be securely destroyed once the status of the result has been authenticated.

The result status will be stored on an internal spreadsheet/ data base to support the schools internal 'Track and Trace' system whilst also supporting the national 'Test and Trace' scheme. The access to this spreadsheet is limited to essential personnel only.

A Data Protection Impact Assessment (DPIA) has been completed for the processing of this data as required by the Information Commissioners Office.

SHARE MAT has identified that test result data is classified as '*special category*' data. Under Article 9, SHARE MAT has identified that principle (i) applies to the processing of the identified special category data.

SHARE MAT has ensured that it's aims are lawful, fair and transparent to all staff to offer clarity around how processing testing data is completed.

For additional information on data subjects' rights throughout the Coronavirus pandemic please see below:

<https://ico.org.uk/global/data-protection-and-coronavirus-information-hub/coronavirus-recovery-data-protection-advice-for-organisations/testing/>

Appendix B- Coronavirus (COVID-19) Additional data shared

During the Coronavirus pandemic, SHARE MAT is required to fully cooperate with external organisations in order to communicate correct and accurate data relating to positive Coronavirus cases.

SHARE MAT's obligation is outlined within the Department for Education's 'Guidance for Full Opening: Schools' document issued in September.

<https://www.gov.uk/government/publications/actions-for-schools-during-the-coronavirus-outbreak/guidance-for-full-opening-schools>

'Test and Trace'



SHARE MAT is required by the Department for Education to actively engage with the NHS 'Test and Trace' scheme.

SHARE MAT may be required to share staff's personal details in order to support the operational requirements of 'Test and Trace'.

SHARE MAT will only share the essential data required to support 'Test and Trace'.

Reporting cases in school

SHARE MAT is required by the Department for Education to report all cases of Coronavirus to the following bodies:

- Department for Education Coronavirus Helpline
- Kirklees Council Infection Control Team
- Kirklees Council Emergency Planning Team
- Public Health England's Local Health Protection Team
- The Health and Safety Executive (under a 'RIDDOR' report)

SHARE MAT will only share the essential data required to support each organisation.

Reporting breaches of legislation to the Authorities

SHARE MAT is required by law to report any known breaches of Coronavirus legislation to the local authorities (i.e. Police).

SHARE MAT will only share the essential data required to support the organisation.