

Privacy Notice for the trust workforce

Introduction

Under UK data protection law, individuals have a right to be informed about how our trust uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data.

This privacy notice explains how we collect, store, and use personal data about **individuals we employ, or otherwise engage to work at our school** and explains the rights you have around your data, including the right to access it, and to object to the way it is processed. Please see the section on 'Your rights as a data subject' for more information.

We, Birmingham Diocesan Multi-Academy Trust, are the 'data controller' for the purposes of UK data protection law.

Birmingham Diocesan Multi-Academy Trust Schools:

Austrey Church of England Primary School – Warwickshire
 Bentley Heath Church of England Primary School - Solihull
 Christ Church, Church of England Secondary Academy – Yardley Wood
 Coleshill Church of England Primary School – Coleshill (North Warwickshire)
 Hawkesley Church Primary Academy – Kings Norton
 Holy Trinity Church of England Primary Academy – Handsworth
 Lady Katherine Leveson Church of England Primary School - Solihull
 Nethersole Church of England Primary Academy – Polesworth (North Warwickshire)
 Nonsuch Primary School – Woodgate Valley
 Newton Regis Church of England Primary School – Tamworth (Staffordshire)
 Quinton Church Primary School -Quinton
 St. Clement's Church of England Primary Academy – Nechells
 St. George's Church of England Primary Academy – Edgbaston
 St. George's Church of England Primary Academy – Newtown
 St. Margaret's Church of England Primary School - Solihull
 St. Michael's Church of England Primary Academy – Handsworth
 St. Michael's Church of England Primary Academy – Bartley Green
 Warton Nethersole's Church of England Primary School - Tamworth (Staffordshire)
 Woodside Church of England Primary School – Warwickshire

We are an education organisation, and our contact details are:

Address:	1 Colmore Row, Birmingham, B3 2BJ
Email:	enquiries@bdmat.org.uk
Telephone number:	0121 426 0403

Our Data Protection Officer (DPO) is Michele Fullwood, Head of School Support, who can be contacted at 1 Colmore Row, Birmingham, B3 2BJ, dpo@bdmat.org.uk or 0121 426 0403 if you have any queries about this notice or anything related to data protection.

The personal data we hold

Personal data that we may 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 numbers
- Salary, annual leave, pension and benefits information
- Employee or teacher number,
- 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 cover letter as part of the application process
- Qualification and employment records, including work history, job titles, working hours, training records, professional memberships, and contracts.
- Performance information.
- Outcomes of any disciplinary and/or grievance procedures
- Absence data
- Copy of driving licence

We may also collect, use, store and share (when appropriate) information about you that falls into "special categories" of more sensitive personal data. This includes, but is not restricted to, information about:

- Any health conditions you have that we need to be aware of (for example - details of medical needs such as asthma, allergies, diabetes and other medical conditions, including shielding letters related to COVID19)
- Sickness records
- Photographs and CCTV images captured in school
- Trade union membership

We may also collect, use, store and share (when appropriate) information about criminal convictions and offences.

We may also hold data about you that we have received from other organisations, including other schools and social services, and the Disclosure and Barring Service in respect of criminal offence data.

Why we use this data

We use the data listed above to:

- a) Enable you to be paid.
- b) Facilitate safe recruitment, as part of our safeguarding obligations towards pupils.
- c) Support effective performance management.
- d) Inform the development of recruitment and retention policies.
- e) Allow better financial modelling and planning
- f) Enable equalities monitoring
- g) Improve the management of workforce data across the sector
- h) Support the work of the School Teachers' Review Body
- i) ensure duty of care is in place for medical conditions.

Use of your personal data in automated decision making and profiling

We do not currently process any personal data through automated decision making or profiling. If this changes in the future, we will amend any relevant privacy notices in order to explain the processing to you, including your right to object to it.

Our lawful basis for using this data

Our lawful bases for processing your personal data for the purposes listed in the **Why we use this data** section above are as follows:

For the purposes of a) and c) from the section "**Why we use this data**" in accordance with the "contract" basis – we need to process personal data to fulfil a contract with you or to help you enter a contract with us

For the purposes of b) from the section **“Why we use this data”** in accordance with the “public task” basis – we need to process personal data to fulfil our statutory function as a school as set out here:

- Keeping Children Safe in Education
- Working Together to Safeguard Children

For the purposes of d) e) g) and h) in accordance with the “public task” basis – we need to process data to fulfil our statutory function as a school as set out here:

- Part 8 of the Education Act 2002 gives power to the School Teachers’ Review Body to provide a report to government informing the development of recruitment and retention of teachers, providing for better financial modelling and planning and improving the management of workforce data across the sector

For the purposes of e) from the section **Why we use this data** in accordance with the “Legal Obligation” basis - we need to process personal data to meet our responsibilities under law as set out here:

- All academy trusts, under the Academies Financial Handbook have a legal duty to keep accurate financial records and produce audited accounts which include salary information

For the purposes of c) from the section **Why we use this data** in accordance with the “Consent” basis- we will obtain consent from you to use your personal data

For the purposes of g) in accordance with the “public task” basis – we need to process data to fulfil our statutory function as a school as set out here:

- All state funded schools are required to make a census submission because it is a statutory return under sections 113 and 114 of the Education Act 2005 and section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments states that schools must share data with DfE.

For the purposes of i) from the section **Why we use this data** in accordance with the “Legal Obligation” basis - we need to process personal data to meet our responsibilities under law as set out here:

- The Health and Safety at Work Act 1974 and The Management of Health and Safety at Work Regulations 1999 state all schools have a duty to protect the health and safety of all visitors

Where you have provided us with consent to use your personal data, you may withdraw this consent at any time. We will make this clear when requesting your consent, and explain how you would go about withdrawing consent if you wish to do so

Our basis for using special category data

For ‘special category’ data, we only collect and use it when we have both a lawful basis, as set out above, and one of the following conditions for processing as set out in UK data protection law:

- We have obtained your explicit consent to use your personal data in a certain way
- We need to perform or exercise an obligation or right in relation to employment, social security or social protection law.
- We need to protect an individual’s vital interests (i.e. protect your life or someone else’s life), in situations where you’re physically or legally incapable of giving consent
- The data concerned has already been made manifestly public by you
- We need to process it for the establishment, exercise or defence of legal claims
- We need to process it for reasons of substantial public interest as defined in legislation
- We need to process it for health or social care purposes, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law
- We need to process it for public health reasons, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law
- We need to process it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the processing is in the public interest

For criminal offence data, we will only collect and use it when we have both a lawful basis, as set out above, and a condition for processing as set out in UK data protection law. Conditions include:

- We have obtained your consent to use it in a specific way
- We need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent
- The data concerned has already been made manifestly public by you
- We need to process it for, or in connection with, legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of legal rights
- We need to process it for reasons of substantial public interest as defined in legislation

Collecting this data

Whilst the majority of information we collect about you is mandatory, there is some information that can be provided voluntarily.

Whenever we seek to collect information from you, we make it clear whether you must provide this information (and if so, what the possible consequences are of not complying), or whether you have a choice.

Most of the data we hold about you will come from you, but we may also hold data about you from:

- Local authorities
- Government departments or agencies
- Police forces, courts, tribunals
- Other schools or trusts
- Former employers

How we store this data

We keep personal information about you while you work at the school. We also keep it beyond your employment in line with legislation.

Our data retention guidelines, which can be found on the BDMAT website <https://bdmatschools.com/documents/bdmat-retention-policy/> sets out how long we keep information about staff. A copy is available on request.

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.

We will dispose of your personal data securely when we no longer need it.

Who we share data with.

We do not share information about you with any third party without consent unless the law and our policies allow us to do so.

Where it is legally required, or if necessary (and it complies with UK data protection law) we may share personal information about you with:

- our local authority (Birmingham, Solihull or Warwickshire dependent upon locality of the school)
- Government departments or agencies such as Department for Education (DfE) or HMRC
- Our regulator - Ofsted
- BDMAT's outsourced finance support suppliers – Hoge and Access
- BDMAT's outsourced HR systems – Every HR
- Management Information System - Arbor
- Auditors – Bishop Fleming and Academy Advisory
- BDMAT's outsourced catering service - Sodexo
- Survey and research organisations
- Health authorities
- Security organisations
- Health and social welfare organisations
- Professional advisers and consultants
- Police forces, courts, tribunals

To find out more about the data collection requirements placed on us by the Department for Education including the data that we share with them, go to

<https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

The department may share information about school employees with third parties who promote the education or well-being of children or the effective deployment of school staff in England by:

- conducting research or analysis;
- producing statistics; and
- providing information, advice or guidance.



The department has robust processes in place to ensure that the confidentiality of personal data is maintained and there are stringent controls in place regarding access to it and its use.

Decisions on whether DfE releases personal data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data;
- the purpose for which it is required;
- the level and sensitivity of data requested; and
- the arrangements in place to securely store and handle the data.

To be granted access to school workforce information, organisations must comply with its strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

To contact the department: <https://www.gov.uk/contact-dfe>

Transferring data internationally

We may share personal information about you with the following international third parties, where different data protection legislation applies:

- 3P (Mathletics) has its main data location as the East US 2 region within Microsoft Azure. In accordance with EU GDPR requirements, Microsoft Azure complies with both the EU-US privacy shield and EU Model Clauses.
- The Schoolcomms Products and Services only processes personal information in the UK. Some supporting services (EG Microsoft CRM), might use cloud platforms that operate from Third Countries outside of the EEA. Where this is the case, Schoolcomms ensure that adequate safeguards are established to protect your data.
- Class Dojo complies with the requirements set forth in the EU-U.S. and Swiss-U.S. Privacy Shield.
- Other schools if you move abroad and apply for a school post

Where we transfer your personal data to a third-party country or territory, we will do so in accordance with UK data protection law.

Your rights:

How to access personal information that we hold about you

You have a right to make a 'subject access request' to gain access to personal information that we hold about you.

If you make a subject access request, and if we do hold information about you, we will (subject to any exemptions that may apply):

- Give you a description of it
- Tell you why we are holding and processing it, and how long we will keep it for
- Explain where we got it from, if not from you
- Tell you who it has been, or will be, shared with
- Let you know whether any automated decision-making is being applied to the data, and any consequences of this
- Give you a copy of the information in an intelligible form

You may also have the right for your personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request, please contact us via email to dpo@bdmat.org.uk or m.fullwood@bdmatschools.com

Subject access requests can be made verbally. To ensure that your verbal request is fully understood the Information Commissioners Office (ICO) on their website say the following:

Yes. You can make a subject access request verbally, but we recommend you put it in writing if possible because this gives you a record of your request.

If you are making a verbal request, try to:

- *use straightforward, polite language;*
- *focus the conversation on your subject access request;*
- *discuss the reason for your request, if this is appropriate – work with them to identify the type of information you need and where it can be found;*
- *ask them to make written notes – especially if you are asking for very specific information; and*
- *check their understanding – ask them to briefly summarise your request and inform them if anything is incorrect or missing before finishing the conversation.*

However, even if you make your request verbally, we recommend you follow it up in writing (eg by letter, email or using a standard form).

So to avoid confusion we ask you when making a subject access request, or requesting to be given access to your personnel record, you do so by contacting our Data Protection Officer, Michele Fullwood, in writing either to Birmingham Diocesan Multi-Academy Trust, 1 Colmore Row, Birmingham, B3 2BJ or by email to dpo@bdmat.org.uk

You also have the right to:

- object to the 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, we ask that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

Your other rights regarding your data

Under UK data protection law, you have certain rights regarding how your personal data is used and kept safe. For example, you have the right to:

- Object to our use of your personal data
- Prevent your data being used to send direct marketing
- Object to and challenge the use of your personal data for decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, have inaccurate personal data corrected
- In certain circumstances, have the personal data we hold about you deleted or destroyed, or restrict its processing
- Withdraw your consent, where you previously provided it for the collection, processing and transfer of your personal data for a specific purpose
- In certain circumstances, be notified of a data breach
- Make a complaint to the Information Commissioner's Office
- Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact us (see 'Contact us' below).

Contact Us

If you would like to discuss anything in this privacy notice, please contact our Data Protection Officer (DPO), Michele Fullwood, Head of School Support, at 1 Colmore Row, Birmingham, B3 2BJ, dpo@bdmat.org.uk or 0121 426 0403.

Complaints

We take any complaints about our collection and use of personal information very seriously.

If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance. Alternatively, you can make a complaint to the Information Commissioner's Office:

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

Last updated

We may need to update this privacy notice periodically, so we recommend that you revisit this information from time to time. This version was last updated on April 7th 2022