

# **EMPLOYEE PRIVACY NOTICE**

The School (also referred to as the "Company") is aware of its obligations under the General Data Protection Regulation (GDPR) and is committed to processing your personal data securely and transparently. This privacy notice sets out, in line with GDPR, the types of personal data that we hold on you as an employee of the School. It also sets out how we use that information, how long we keep it for and other relevant information about your personal data.

This notice applies to current and former employees, workers and contractors.

## **Data controller details**

The Company is a data controller, meaning that it determines the processes to be used when using your personal data. Our contact details are as follows:

West Heath School  
Ashgrove Road  
Sevenoaks  
TN13 1SR

## **Personal data protection principles**

In relation to your personal data, we will:

- process it fairly, lawfully and in a clear, transparent way
- collect your personal data only for reasons that we find proper for the course of your employment in ways that have been explained to you
- only use it in the way that we have told you about
- ensure it is correct and up to date
- keep your personal data for only as long as we need it
- process it in a way that ensures it will not be used for anything that you are not aware of or have consented to (as appropriate), lost or destroyed

## **Types of personal data we process**

We hold many types of personal data about you, including:

- your personal details including your name, address, date of birth, email address, phone numbers
- your photograph
- gender
- marital status
- dependants, next of kin and their contact numbers
- medical or health information including whether or not you have a disability
- information included on your CV including references, education history and employment history
- documentation relating to your right to work in the UK
- driving licence

- bank details
- tax codes
- National Insurance number
- current and previous job titles, job descriptions, pension entitlement, hours of work and other terms and conditions relating to your employment with us
- letters of concern, formal warnings and other documentation with regard to any disciplinary proceedings
- internal performance information including measurements against targets, formal warnings and related documentation with regard to capability procedures, appraisal forms
- leave records including annual leave, family leave, sickness absence etc.
- details of your criminal record
- training details
- office entry card records.

### **How we collect your personal data**

We collect personal data about you in a variety of ways and this will usually start when we undertake a recruitment exercise where we will collect the personal data from you directly. This includes the information you would normally include in the application form, or notes made by our HR Manager or recruiting managers during a recruitment interview. Further information will be collected directly from you when you complete forms at the start of your employment, for example, your bank and next of kin details. Other details may be collected directly from you in the form of official documentation such as your driving licence, passport or other right to work evidence.

In some cases, we will collect personal data about you from third parties, such as employment agencies, or former employers, when gathering references or credit reference agencies.

Personal data is kept in personnel files or within the Company's IT systems.

### **Why we process your personal data**

The law on data protection allows us to process your personal data for certain reasons only:

- in order to perform the employment contract that we are party to
- in order to carry out legally required duties
- in order for us to carry out our legitimate interests
- to protect your interests
- where something is done in the public interest.

All of the processing carried out by us falls into one of the permitted reasons. Generally, we will rely on the first three reasons set out above to process your personal data. For example, we need to collect your personal data in order to:

- carry out the employment contract that we have entered into with you and
- ensure you are paid.

We also need to collect your personal data to ensure we are complying with legal requirements such as:

- ensuring tax and National Insurance is paid
- carrying out checks in relation to your right to work in the UK and
- making reasonable adjustments for disabled employees.

We also collect personal data so that we can carry out activities which are in the legitimate interests of the Company. We have set these out below:

- making decisions about who to offer initial employment to, and subsequent internal appointments, promotions etc.
- making decisions about salary and other benefits
- providing contractual benefits to you
- maintaining comprehensive up to date personnel records about you to ensure, amongst other things, effective correspondence can be achieved and appropriate contact points in the event of an emergency are maintained
- effectively monitoring both your conduct and your performance and to undertake procedures with regard to both of these if the need arises
- offering a method of recourse for you against decisions made about you via a grievance procedure
- assessing training needs
- implementing an effective sickness absence management system including monitoring the amount of leave and subsequent actions to be taken including the making of reasonable adjustments
- gaining expert medical opinion when making decisions about your fitness for work
- managing statutory leave and pay systems such as maternity leave and pay etc.
- business planning and restructuring exercises
- dealing with legal claims made against us
- ensuring safeguarding of the students in our care
- preventing fraud
- ensuring our administrative and IT systems are secure and robust against unauthorised access

### **Special categories of personal data**

Special categories of personal data are data relating to your:

- health
- sex life
- sexual orientation
- race
- ethnic origin
- political opinion
- religion
- trade union membership
- genetic and biometric data.

We must process special categories of personal data in accordance with more stringent guidelines. Most commonly, we will process special categories of personal data when the following applies:

- you have given explicit consent to the processing
- we must process the personal data in order to carry out our legal obligations
- we must process personal data for reasons of substantial public interest
- you have already made the personal data public.

We will use your special category personal data:

- in our sickness absence management procedures
- to determine reasonable adjustments

We do not need your consent if we use special categories of personal data in order to carry out our legal obligations or exercise specific rights under employment law. However, we may ask for your consent to allow us to process certain particularly sensitive personal data. If this occurs, you will be made fully aware of the reasons for the processing. As with all cases of seeking consent from you, you will have full control over your decision to give or withhold consent and there will be no consequences where consent is withheld. Consent, once given, may be withdrawn at any time. There will be no consequences where consent is withdrawn.

### **Criminal conviction data**

We will collect criminal conviction data where it is appropriate given the nature of your role and where the law permits us. This data will usually be collected at the recruitment stage, however, may also be collected during your employment. We use criminal conviction data in the following ways:

- making decisions about who to offer initial employment to
- Safeguarding
- preventing fraud.

We rely on the lawful basis of carrying out legally required duties and our legitimate interests to process this data.

### **If you do not provide your personal data to us**

One of the reasons for processing your personal data is to allow us to carry out our duties in line with your contract of employment. If you do not provide us with the personal data needed to do this, we will be unable to perform those duties e.g. ensuring you are paid correctly. We may also be prevented from confirming, or continuing with, your employment with us in relation to our legal obligations if you do not provide us with this information e.g. confirming your right to work in the UK or, where appropriate, confirming your legal status for carrying out your work via a criminal records check.

### **Sharing your personal data**

Your personal data will be shared with colleagues within the Company where it is necessary for them to undertake their duties. This includes, for example, your line manager for their management of you.

We may share your personal data with contracted third parties in order to:

- manage our recruitment and promotion processes
- obtain references as part of the recruitment process
- administer our internal performance management processes
- implement an effective sickness absence management system
- process personal data on your behalf for payroll and benefit administration purposes.

We may also share your personal data with third parties as part of a Company sale or restructure, or for other reasons to comply with a legal obligation upon us.

We do not share your personal data with bodies outside of the European Economic Area.

### **Protecting your personal data**

We are aware of the requirement to ensure your personal data is protected against accidental loss or disclosure, destruction and abuse.

Third parties must implement appropriate technical and organisational measures to ensure the security of your personal data.

### **How long we keep your personal data for**

In line with data protection principles, we only keep your personal data for as long as we need it for, which will be at least for the duration of your employment with us though in some cases we will keep your personal data for a period after your employment has ended.

### **Automated decision making**

No decision will be made about you solely on the basis of automated decision making (where a decision is taken about you using an electronic system without human involvement) which has a significant impact on you.

### **Your rights in relation to your personal data**

The law on data protection gives you certain rights in relation to the personal data we hold on you. These are:

- the right to be informed. This means that we must tell you how we use your personal data, and this is the purpose of this privacy notice
- the right of access. You have the right to access the personal data that we hold on you. To do so, you should make a subject access request
- the right for any inaccuracies to be corrected. If any personal data that we hold about you is incomplete or inaccurate, you are able to require us to correct it
- the right to have information deleted. If you would like us to stop processing your personal data, you have the right to ask us to delete it from our systems where you believe there is no reason for us to continue processing it
- the right to restrict the processing of the personal data. For example, if you believe the personal data we hold is incorrect, we will stop processing the data (whilst still holding it) until we have ensured that the data is correct
- the right to portability. You may transfer the personal data that we hold on you for your own purposes
- the right to object to the inclusion of any information. You have the right to object to the way we use your personal data where we are using it for our legitimate interests
- the right to regulate any automated decision-making and profiling of personal data. You have a right not to be subject to automated decision making in way that adversely affects your legal rights.

Where you have provided consent to our use of your personal data, you also have the unrestricted right to withdraw that consent at any time. Withdrawing your consent means that we will stop processing the personal data that you had previously given us consent to use. There will be no consequences for withdrawing your consent. However, in some cases, we may continue to use the data where so permitted by having a legitimate reason for doing so.

If you wish to exercise any of the rights explained above, please contact Becky Finch, HR Manager.

### **Making a complaint**

The supervisory authority in the UK for data protection matters is the Information Commissioner (ICO). If you think your data protection rights have been breached in any way by us, you are able to make a complaint to the ICO.