

East Midlands Academy Trust

Privacy Notice Workforce

'Every child deserves to be the best they can be'

Scope: East Midlands Academy Trust & Academies within the Trust	
Version: v4	Filename: Privacy Notice - Workforce
Approval: May 2025	Next Review: May 2026
Owner: Head of Shared Services	This document is reviewed annually and approved by the Trust CEO.

Policy type:	
Statutory	Replaces Academy's current policy

Revision History

RevisionDate	Revisor	Description of Revision
May 2025 v4	DU	Minor changes spelling and grammar, update hypertext links, additional reference to capture of video for training purposes
May 2024 v3	DU	Major change to coincide with moving to new DPO provider new policy produced by new DPO to ensure compliance with GDPR (UK)
April 2023 v2.1	DU	Minor revisions and review
April 2022 v2	DU	Minor revisions and review
April 2021 v1	DU	New Pupil Privacy Notice Issued

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Privacy Notice - Workforce

1. Privacy Notice (How we use workforce information)

East Midlands Academy Trust (EMAT) collect, hold, use and share information about its workforce. This is known as “personal data” and you have rights around that data, including knowing how and why we are processing the data. “Processing” data means everything from collecting, to storing, using, sharing and disposing of it. EMAT’s workforce includes all those employed as teachers or support colleagues, or otherwise engaged to work, either on a paid, contracted or voluntary basis, at any of EMAT’s academies or central team.

For the purposes of Data Protection legislation EMAT is a data controller and is registered as such with the Information Commissioner’s Office.

2. The categories of workforce information that we process include:

- personal information (such as name, gender, date of birth address, employee or teacher number, national insurance number)
- characteristics information (gender identity, age, ethnicity) *
- contract information (such as start date, hours worked, post, roles and salary information)
- work absence information (such as number of absences and reasons) and relevant medical information*
- qualifications (and where relevant, subjects taught)
- photographic, audio, video and CCTV, records*
- information about medical or health conditions, including whether you have a disability for which the school needs to make reasonable adjustments*
- details of trade union membership if you pay your subscriptions through payroll*
- equalities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or beliefs*
- next of kin and emergency contact details
- recruitment information including right to work documentation, references, application and/or CV
- checks made regarding online presence, including social media searches.
- performance information
- information relating to grievance and/or disciplinary procedures.
- your use of school devices and school networks as part of our safeguarding procedures
- biometric Data for cashless catering*

- criminal convictions, offences, and prohibitions (information received from other organisations including former employers, Teacher Regulation Agency, social services and the Disclosure & Barring Service) *

*This data is defined as special category data, please refer to our Special Category Data Policy document for full details of these lawful bases for processing this data.

3. Why we collect and use workforce information

We use workforce data to:

- a) enable the development of a comprehensive picture of the workforce and how it is deployed
- b) inform the development of recruitment and retention policies
- c) enable individuals to be paid
- d) facilitate safer recruitment (e.g. by carrying out criminal records checks and requesting references)
- e) support effective performance management
- f) allow better financial modelling and planning
- g) support the management of absence
- h) photographic images for identification purposes (safeguarding), and celebration purposes (to record work, classes and school events)
- i) to meet our statutory duties
- j) for site safety and security
- k) to protect public monies against fraud
- l) to detect and prevent crime and combat fraud
- m) to streamline systems
- n) provide training and identify training and development needs

Under the UK General Data Protection Regulation (UK GDPR), the legal basis for processing your personal information include:

- Article 6(a) – Your consent (for any processing which does not fall into the other bases explained below)
- Article 6(b) Contract (your contract of employment)
- Article 6(c) - Compliance with our legal obligations

In particular, but not exclusively:

- Section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments
- Keeping Children Safe in Education 2023 (statutory guidance from the Department for Education issued under Section 175 of the Education Act 2002 etc).
- Equality and Health & Safety legislation.
 - Article 6(e) – Carrying out tasks in the Public Interest.
 - Article 6(f) – For legitimate Interests

The ways we collect and use *sensitive* workforce information are lawful based on:



Inclusion



Innovation



Impact

- your explicit consent;
- for compliance with certain legal obligations, or for exercising certain legal rights;
- for protecting a person's vital interests in an emergency;
- for health and public health reasons;
- or for carrying out tasks that are in the substantial public interest including for safeguarding purposes.

3.1 Marketing purposes

Where you have given us consent to do so, we may send you marketing information by text message or email promoting school events, campaigns and or charities. You can withdraw this consent at any time by contacting us

3.2 Automated decision making & profiling

We do not currently process any personal data through automated decision making or profiling. Should this change in the future, privacy notices will be updated to explain both the processing and your right to object to it.

4. How we collect workforce information

We collect 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 pension benefit nomination forms), from correspondence with you, or through interviews, meetings or other assessments, self-certification forms [medical], Fit Notes, images provided by individuals or taken using school photographic equipment, local authorities, previous employers, NHS, the Police, the Disclosure and Barring Service and the Department for Education [DfE].

We sometimes audio/video record sessions/lessons/assessments for pupil or workforce development and assessment. This will generate personal data including staff images, names, contributions, and will be protected, processed and retained in the same way as all personal data, in line with EMAT's Data Protection Policies and in accordance with our other policies including Acceptable Use, and Use Your Own Device policies, as well as our Retention Schedule. Recordings in these circumstances will be carried out in line with our People & Culture policies.

Workforce data is essential for the trust's operational use. Whilst the majority of personal information you provide to us is mandatory, some of it is requested on a voluntary basis. We will inform you at the point of collection, whether you are required to provide certain information to us and your rights in relation to this.

5. How, where and for how long we store workforce information

We store workforce information digitally on EMAT's IT Infrastructure or physically in secure on site repositories which are located centrally in EMATs central office or at relevant academies. EMAT's IT Infrastructure is either cloud based with all data centres are located in



the UK on premise at one of secure server rooms located within each academy or central office.

We only keep the information for the length of time we need it for, as shown in our data retention schedule. For more information on our data retention schedule, please visit the policies section of our [website](#)

We dispose of personal information securely when we no longer need it.

6. Who we share workforce information with

We routinely share this information with:

- our Local Authorities
- the Trust Board and Local Advisory Boards
- the Department for Education (DfE) inc. the Teaching Regulation Agency
- HMRC
- The Disclosure and Barring Service
- Employers where references are requested
- Police
- External systems used by EMAT to carry out day to day processes and requirements. For example, and not limited to;
 - Arbor Systems – Trusts Management information system
 - LGPS -Pension Provider
 - EduPay/Iris Payroll – Payroll system
 - EveryHR/SAM People/Face Ed – HR System
 - RPA Scheme - Insurance Provider
 - MyConcern - Safeguarding and SEND
 - Civica – Cashless Payment systems
 - Microsoft – File repository and communications platform
 - SafeSmart Ltd – Training records management
 - National College – Training Records Management
 - SignIn App -Sign in and site access record
 - EduLink – Communications Tool
 - School/Professional Photographers
 - Exam Boards
 - Social Media

Your personal information may be transferred outside the UK and the European Economic Area ('EEA'), including to the United States. Where information is transferred outside the UK or EEA to a country that is not designated as "adequate" in relation to data protection law, the information is adequately protected using International Data Transfer Agreements and security measures, and other appropriate safeguards. For more information on international transfers, please contact us at the details below.

7. Why we share workforce information

We do not share information about our workforce members with anyone without consent unless the law and our policies allow us to do so.

8. Freedom of Information Act and Environmental Information Regulations 2004

As a public body, EMAT is subject to requests made under the above legislation. Therefore, we have a legal obligation to process any personal data we hold when considering requests under these laws.

For example, we may receive a request asking about numbers of staff with particular levels of professional qualification.

However, we will never disclose personal data in our responses to these requests where to do so would contravene the principles of data protection.

9. Requesting access to your personal data

Under data protection legislation, you have the right to request access to information about you that we hold. To make a request for your personal information, contact the People and Culture team, your school office, your Headteacher or EMAT's Data Protection Officer.

You also have the right to:

- be informed about the collection and use of your personal data.
- rectification, ie to have inaccurate personal data rectified, or completed if it is incomplete.
- erasure, often known as the 'right to be forgotten'; however, this does not apply where, amongst other things, processing is necessary to comply with a legal obligation.
- restrict processing, although, as above this is a limited right.
- object; though other than for marketing purposes, this is also limited as above.
- Where we rely on your consent to process your data, you have the right to withdraw that consent. If you do change your mind, or you are unhappy with our use of your personal data, please let us know – our contacts are in section 12 at the end of this document.
- You also have rights in relation to automated decision making and profiling, though these are not currently relevant
- Finally, the right to seek redress, either through the Information Commissioners Office (ICO), or through the courts.

If you make a request, we will keep a record of the request and any personal data supplied for a suitable period after its fulfilment, to deal with any questions you, your representatives or regulators may have about it.

10. How Government uses your data

We share personal data with the DfE on a statutory basis. We are required to share information about our school employees with the DfE under the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments. All data is transferred securely and held by DfE under a combination of software and hardware controls which meet the current government security policy framework. 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>

The workforce data we share with the DfE through data collections:

- informs departmental policy on pay and the monitoring of the effectiveness and diversity of the school workforce
- links to funding and expenditure
- supports 'longer term' research and monitoring of educational policy.

10.1 Data collection requirements

The DfE collects and processes personal data relating to those employed in state funded schools. 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

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>.

10.2 Sharing by the DfE

The DfE may share information about state funded 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
- providing information, advice or guidance

The DfE 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 state funded 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.

If you need more information about how our local authority and/or DfE collect and use your information, please visit:

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

12. Contacts

If you have a concern about the way we are collecting or using your personal data or you would like to discuss anything in this privacy notice, we ask that you raise your concern with us in the first instance.

Please contact the people and culture team, your school Office, your Headteacher or EMATs Data Protection Officer:

Data Protection Officer Education Data Hub (GDPR for Schools), Derbyshire County Council

DPO Email: dpforschools@derbyshire.gov.uk

DPO Phone: 01629 532888

DPO Address: County Hall, Smedley Street, Matlock, Derbyshire, DE4 3AG

If however, you are dissatisfied with our response to your concerns you can of course contact the ICO quoting our ICO registration number ZA044022 and stating that the Data Controller is East Midlands Academy Trust

Information Commissioners' Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number

Fax: 01625 524 510

Website: <https://ico.org.uk/concerns/>

For DfE:

Public Communications Unit,

Department for Education,

Sanctuary Buildings,



Great Smith Street,

London, SW1P 3BT

Website: www.education.gov.uk

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

Email: <http://www.education.gov.uk>

Telephone: 0370 000 2288