

PRIVACY NOTICE (EMPLOYEES, AGENCIES, GOVERNORS)

Learning Academies Trust

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CHANGES

Policy date	Summary of change	Author	Version	Review date
01/01/2019	Policy has been created	Apex HR Ltd	1.0	01/01/2020
22/11/2022	Provided additional conditions for special category data under section 2.4 Updated retention timeframe for employee files from 7 years to 6 years from employment termination date.	Apex HR Ltd	2.0	22/11/2023

OVERVIEW

Learning Academies Trust (LAT) are a data controller for the purpose of Data Protection Act 2018 and General Data Protection Regulations (GDPR). This means the LAT are responsible for deciding how it processes personal data about you. The LAT are required by Data Protection Law of the information contained in this privacy notice.

This Privacy notice applies to current and former employees, workers, governors, local advisory board members and contractors. This privacy Notice does not form part of any contract of employment or contract for services and we may update this notice from time to time when updates occur.

1. DATA PROCESSING

‘Processing’ includes obtaining, recording or holding information or data, transferring it to other companies associated with us or any other statutory, governmental or regulatory body for legitimate purposes.

1.1 Principles of GDPR:

- Your data will be lawfully and fairly processed in a transparent manner.
- Your data is collected on the grounds of clear, transparent and legitimate reasons.
- We will only ask for you data when necessary, explain when and with whom your data will be shared.
- Your data will be accurate, kept up to date and erased, without delay, should your data no longer be required for the reason for which it was originally processed.
- Your data will be retained for as long as necessary.
- Your data will be kept secure at all times.

An additional principle sets out the Accountability, where we shall be responsible for and demonstrate compliance according to General Data Protection regulations.

1.2 Your Rights.

The points below are clear rights you have under the data protection (GDPR). Please ask us for more information and explanation of each, should you wish to;

- The right to be informed
- The right of access
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object
- Rights to automated decision and profiling.

We collect and use your data in order fulfil the processing needs of the organisation, such collection is to enable, pre-employment checks, recruitment and induction process, conduct processes related to your employment or agreement. There are many reasons we collect this data, if you would like to know more details on this please contact the DPO. The LAT will always process the data we collect on a lawful basis. Normally this would include a contract we have entered in with you; to comply with a legal obligation; necessary for our legitimate interests and or the interests and fundamental rights do not override those interests. It may also be used in very rare circumstances to protect your interests or it is needed in the public interest.

The LAT typically collect personal information directly from the individual or from an agency or background check provider. Any additional information may be collected during the course of your employment. Most of the information collected is mandatory, however on occasions some information can be provided voluntarily. We will inform you of whether it is a requirement, or you have a choice.

The LAT will only ever use the information collected for its intended purpose unless it is for other reasons and it is compatible with its original purpose. The LAT will always notify you and gain consent if we need to use your information for an unrelated purpose.

In some circumstances we may be required to process your information without your knowledge or consent where it is required by law.

2. DATA SHARING

From time to time the LAT will share your data with organisations associated with the LAT, for example DELTS – Payroll, Department for Education (DfE) on statutory basis etc. All third party organisations associated with us are required to take appropriate security measures to protect your personal data in line with our sharing agreements and policies. We do not consent to use your personal data for their own purpose. We only permit the to process your personal data for specified reasons and in accordance with our agreements.

Third Party organisations that are associated with us have agreed to treat the processing of your personal data confidential and secure.

2.2 The LAT currently share information with:

- The Local Authority- Plymouth City Council
- The dept for Education (DfE)
- Health Practitioners
- Payroll Providers

For more information on who we share your data with please contact the Data Protection Officer (DPO).

2.3 The type of data the LAT process and share may include:

- Personal Information (Name, address, date of birth, employee or teacher number, national insurance number etc)
- Employment Particulars
- Absence/attendance information
- Qualifications
- Photography for ID purposes
- Next of Kin Details
- Bank account details, payroll records
- Location of employment
- ID documents, i.e. copy of driving licence, passport, utility bills
- Recruitment information i.e. CV, right to work in the UK docs etc

This list is not exhaustive and there is more information that may be processed, for more details on what further data is processed on you please contact the DPO.

2.4 The LAT may also process and share 'special category data' which would include:

- Ethnicity, religious beliefs, sexual orientation or political opinions
- Health information, medical conditions
- Genetic and biometric data
- Criminal convictions and offences

This list is not exhaustive and may include further information that may be processed or shared. For more details on what further special category data is processed please contact the DPO. We process this data in accordance with Schedule 1, part 1 of Data Protection Act 2018 -Employment, social security and social protection. We take extra security over this type of data.

On rare occasions the LAT may transfer your personal information to parties located outside of the European Economic Area (EEA) in countries that do not have Data Protection Laws equivalent to those in the EU. Where this is the case, we will take reasonable steps to ensure the privacy of your information.

3. RETENTION OF YOUR INFORMATION

The LAT will only retain your information for the period which is necessary to fulfil the purpose it was collected. This is in accordance with the LAT's record management policy. This would include for any purpose of satisfying any legal, accounting, or reporting requirements. Your employee file will be retained for 6 years after the termination of your employment. Once this period has passed or any other information not required to be archived will be securely destroyed in accordance with the retention procedures.

4. ACCESS TO OWN PERSONAL INFORMATION

Subject to certain exemptions, you are entitled to have access to your personal and sensitive personal data that is held by the LAT.

You will not be charged the supplying with such data; however we do reserve the right to apply a 'reasonable' fee where requests are deemed excessive.

We will respond to your request as soon as possible and within the maximum time frame of 1 month. Where it is deemed excessive this may take longer and you will be notified with a time frame.

5. RAISING A CONCERN

If at any time, you wish to action any of your rights under Data Protection Act 2018 in relation to for us or any company associated with us, to processing your personal data or sensitive data, please contact Kelly Miller, Data Protection Officer (DPO) via dpo@learningat.uk

If in the instance you believe your data has been wrongfully processed or not kept secure you have the right to raise a complaint with the 'Information Commissioner's Office' (ICO).

<https://ico.org.uk/make-a-complaint/>