	<b>Privacy Notices for Students, Parent/Carers and Staff</b>	
	<b>Last Reviewed: May 2020</b>	<b>Next Review: May 2021</b>
	<b>Linked Governor: Peter Shell</b>	<b>SLT Member: Andrea West</b>

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## Privacy Notice for students

Ashlyns School collects data and information about our students so that we can run effectively as a school. This privacy notice explains how and why we collect students' data, what we do with it and what rights parents and students have.

Ashlyns School is a Foundation Secondary School and is the Data Controller under the GDPR I

The Data Protection Officer is Andrea West, Senior Finance & Operations Manager

### ***Why do we collect and use student information?***

We collect and use student information under the following lawful bases. Under the GDPR law this relates to article 6 and article 9 in the GDPR policy.

- a. where we have the consent of the data subject
- b. where it is necessary for compliance with a legal obligation
- c. where processing is necessary to protect the vital interests of the data subject or another person

- d. where it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller

Where the personal data we collect about students is sensitive personal data, we will only process it where:

- a. we have explicit consent;
- b. processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent; and / or
- c. processing is necessary for reasons of substantial public interest, and is authorised by domestic law (see section 10 of the Data Protection Act.)

Please see our Data Protection Policy for a definition of sensitive personal data.

We use the student data to support our statutory functions of running a school, in particular:

- a. to decide who to admit to the school;
- b. to maintain a waiting list
- c. to support student learning;
- d. to monitor and report on student progress;
- e. to provide appropriate pastoral care;
- f. to assess the quality of our services;
- g. to comply with the law regarding data sharing;
- h. for the protection and welfare of students and others in the school;
- i. for the safe and orderly running of the school;
- j. to promote the school;
- k. to communicate with parents / carers.

***The categories of student information that we collect, hold and share include:***

- a. Personal information (such as name, unique student number and address);
- b. Characteristics (such as ethnicity, language, medical conditions, nationality, country of birth and free school meal eligibility);
- c. Attendance information (such as sessions attended, number of absences and absence reasons)
- d. Assessment Information
- e. Behaviour information
- f. SEND information

#### g. Post 16 learning information

From time to time and in certain circumstances, we might also process personal data about students, some of which might be sensitive personal data, including information about criminal proceedings / convictions, information about sex life and sexual orientation, child protection / safeguarding. This information is not routinely collected about students and is only likely to be processed by the school in specific circumstances relating to particular students, for example, if a child protection issue arises or if a student is involved in a criminal matter. Where appropriate, such information may be shared with external agencies such as the child protection team at the Local Authority, the Local Authority Designated Officer and / or the Police. Such information will only be processed to the extent that it is lawful to do so and appropriate measures will be taken to keep the data secure.

We collect information about students when they join the school and update it during their time on the roll as and when new information is acquired.

As the school has a cashless catering system, we also process biometric data about students. Please see our Data Protection Policy for more details about how we process biometric data.

#### ***Collecting student information***

Whilst the majority of student information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain student information to us or if you have a choice in this. Where appropriate, we will ask parents/students for consent to process personal data where there is no other lawful basis for processing it, for example where we wish to use photos or images of students on our website or on social media to promote school activities or if we want to ask your permission to use your information for marketing purposes. Parents / students may withdraw consent at any time.

When students are deemed to be old enough to make their own decisions in relation to their personal data, we will also ask the student for their consent in these circumstances. This will usually be around the age of 13. Although parental consent is unlikely to be needed, we wish to take a collaborative approach so we will keep parents informed when we are approaching students for consent. Students with the maturity to make their own decisions about their personal data may withdraw consent if consent has previously been given.

In addition, the School also uses CCTV cameras around the school site for security purposes and for the protection of staff and students. CCTV footage may be referred to during the course of disciplinary procedures (for staff or students) or investigate other issues. CCTV footage involving students will only be processed to the extent that it is lawful to do so.

### ***Storing student data***

A significant amount of personal data is stored electronically, for example, on our MIS database. Some information may also be stored in hard copy format.

Data stored electronically may be saved on a [cloud] based system which may be hosted in a different country.

Personal data may be transferred to other countries if, for example, we are arranging a school trip to a different country. Appropriate steps will be taken to keep the data secure.

### ***Who do we share student information with?***

We routinely share student information with:

- schools/colleges that students attend after leaving us;
- our local authority, Hertfordshire County Council
- a student's home local authority (if different);
- the Department for Education (DfE);
- school staff and governors
- exam boards and awarding bodies 🏠 the student's family and representatives
- professional advisors and consultants
- suppliers and service providers – to enable them to provide the services we have contracted them for
- Financial organisations

From time to time, we may also share student information other third parties including the following:

- the Police and law enforcement agencies;
- NHS health professionals including the school nurse, educational psychologists,
- Education Welfare Officers;
- Courts, if ordered to do so;
- the National College for Teaching and Learning;
- the Joint Council for Qualifications;
- Prevent teams in accordance with the Prevent Duty on schools;
- other schools, for example, if we are negotiating a managed move and we have your consent to share information in these circumstances;
- UCAS
- our legal advisors;
- our insurance providers / the Risk Protection Arrangement;
- Suppliers that provide data driven services which are used for educational policies

Some of the above organisations may also be Data Controllers in their own right in which case we will be jointly controllers of your personal data and may be jointly liable in the event of any data breaches.

In the event that we share personal data about students with third parties, we will provide the minimum amount of personal data necessary to fulfil the purpose for which we are required to share the data.

### **Why we share student information**

We do not share information about our students with anyone without consent unless the law allows us to do so.

We share students' data with the Department for Education (DfE) on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring.

We are required to share information about our students with our local authority (LA) and the Department for Education (DfE) under section 3 of The Education (Information About Individual Students) (England) Regulations 2013.

### **Data collection requirements:**

To find out more about the data collection requirements placed on us by the Department for Education (for example; via the school census) go to <https://www.gov.uk/education/datacollection-and-censuses-for-schools>.

### **Youth support services**

#### **What is different about students aged 13+?**

Once our students reach the age of 13, we also pass student information to our local authority and / or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.

This enables them to provide services as follows:

- youth support services
- careers advisers

A parent / guardian can request that **only** their child's name, address and date of birth is passed to their local authority or provider of youth support services by informing us. This right is transferred to the child / student once he/she reaches the age 16.

## **Our students aged 16+**

We will also share certain information about students aged 16+ with our local authority and / or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.

This enables them to provide services as follows:

- post-16 education and training providers;
- youth support services;
- careers advisers.

For more information about services for young people, please visit our [local authority website](#).

### ***The National Pupil Database (NPD)***

The NPD is owned and managed by the Department for Education and contains information about students in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

We are required by law, to provide information about our students to the DfE as part of statutory data collections such as the school census and early years' census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information About Individual Students) (England) Regulations 2013.

To find out more about the student information we share with the department, for the purpose of data collections, go to <https://www.gov.uk/education/data-collection-andcensuses-for-schools>.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/nationalstudent-database-user-guide-and-supporting-information>.

The department may share information about our students from the NPD with third parties who promote the education or well-being of children in England by:

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

The DfE has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data.

Decisions on whether DfE releases 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 store and handle the data.

To be granted access to student information, organisations must comply with 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>

For information about which organisations the department has provided student information, (and for which project), please visit the following website: <https://www.gov.uk/government/publications/national-student-database-requests-received>

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

### ***Requesting access to your personal data***

Under data protection legislation, students, and in some circumstances, parents, have the right to request access to information about them that we hold ("Subject Access Request"). From the age of 13, we generally regard students as having the capacity to exercise their own rights in relation to their personal data. This means that where we consider a student to have sufficient maturity to understand their own rights, we will require a Subject Access Request to be made by the student and not their parent(s) on their behalf. This does not affect any separate statutory right parents might have to access information about their child.

Subject to the section below, the legal timescales for the School to respond to a Subject Access Request is one calendar month. As the School has limited staff resources outside of term time, we encourage parents / students to submit Subject Access Requests during term time and to avoid sending a request during periods when the School is closed or is about to close for the holidays where possible. This will assist us in responding to your request as promptly as possible. [For further information about how we handle Subject Access Requests, please see our Data Protection Policy].

Parents of students who attend a maintained school have a separate statutory right to access their child's educational record. Upon receipt of a written request for a student's educational record, the School will respond to it within 15 school days. This is an independent legal right of parents which falls outside of the GDPR, therefore a student's

consent is not required even if a student is able to make their own decisions in relation to their personal data unless a court order is in place which states otherwise.

The term “parent” is widely defined in education law to include the natural or adoptive parents (regardless of whether parents are or were married, whether a father is named on a birth certificate or has parental responsibility for the student, with whom the student lives or whether the student has contact with that parent), and also includes non-parents who have parental responsibility for the student, or with whom the student lives. It is therefore possible for a student to have several “parents” for the purposes of education law.

You also have the right to:

- object to 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 our data protection responsibilities.

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner’s Office at <https://ico.org.uk/concerns/>

**Contact:**

If you would like to discuss anything in this privacy notice, please contact:

- Andrea West, Data Protection Officer, at [dataprotection@ashlyns.herts.sch.uk](mailto:dataprotection@ashlyns.herts.sch.uk)



## **Privacy notice for parents/carers**

Ashlyns School collects data and information about parents/carers of our students so that we can operate effectively as a school. This privacy notice explains how and why we collect parent/carer data, what we do with it and what rights parents have.

The term “parent” is widely defined in education law to include the natural or adoptive parents (regardless of whether parents are or were married, whether a father is named on a birth certificate or has parental responsibility for the student, with whom the student lives or whether the student has contact with that parent), and also includes non-parents who have parental responsibility for the student, or with whom the student lives. It is therefore possible for a student to have several “parents” for the purposes of education law. This privacy notice also covers other members of students’ families who we may process data about from time to time, including, for example, siblings, aunts and uncles and grandparents.

### ***Privacy Notice (How we use parent / carer information)***

#### **Why do we collect and use parent / carer information?**

We collect and use parent/carer information under the following lawful bases -

1. where we have the consent of the data subject  
where it is necessary for compliance with a legal obligation
2. where processing is necessary to protect the vital interests of the data subject or another person  
where it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller
3. Where the personal data we collect about parents/carers is sensitive personal data, we will only process it where:
4. we have explicit consent;
5. processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent; and / or
6. processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, where we respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

Please see our Data Protection Policy for a definition of sensitive personal data.

We use the parent/carer data to support our functions of running a school, in particular:

- l. to decide who to admit to the school;
- m. to maintain a waiting list;
- n. to support student learning;
- o. to monitor and report on student progress;
- p. to provide appropriate pastoral care;
- q. to assess the quality of our services;
- r. to comply with the law regarding data sharing;
- s. for the protection and welfare of students and others in the school, including our safeguarding / child protection obligations;
- t. for the safe and orderly running of the school;
- u. to promote the school;
- v. to send you communications that may be of interest to you which may include information about school events or activities, news, campaigns, appeals, other fundraising activities;
- w. in order to respond to investigations from our regulators or to respond to complaints raised by our stakeholders;
- x. in connection with any legal proceedings threatened or commenced against the school.

**The categories of parent / carer information that we collect, hold and share include:**

- h. Personal information (such as name, address, telephone number and email address);
- i. Information relating to your identity, marital status, employment status, religion, ethnicity, language, medical conditions, nationality, country of birth and free school meals/student premium eligibility / entitlement to certain benefits, information about court orders in place affecting parenting arrangements for students);

From time to time and in certain circumstances, we might also process personal data about parents / carers, some of which might be sensitive personal data, information about criminal proceedings / convictions or information about child protection / safeguarding. This information is not routinely collected about parents / carers and is only likely to be processed by the school in specific circumstances relating to particular students, for example, if a child protection issue arises or if a parent / carer is involved in a criminal matter. Where appropriate, such information may be shared with external agencies such as the child protection team at the Local Authority, the Local Authority Designated Officer and / or the Police. Such information will only be processed to the extent that it is lawful to do so and appropriate measures will be taken to keep the data secure.

We collect information about parents/carers before students join the school and update it during students' time on the roll as and when new information is acquired.

## **Collecting parent/carer information**

Whilst the majority of information about parents/carers provided to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain parent / carer information to us or if you have a choice in this. Where appropriate, we will ask parents / carers for consent to process personal data where there is no other lawful basis for processing it, for example where we wish to ask your permission to use your information for marketing purposes or to request voluntary contributions. Parents/carers may withdraw consent given in these circumstances at any time.

In addition, the School also uses CCTV cameras around the school site for security purposes and for the protection of staff and students. CCTV footage may be referred to during the course of disciplinary procedures (for staff or students) or investigate other issues. CCTV footage involving parents/carers will only be processed to the extent that it is lawful to do so.

## **Storing parent/carer data**

A significant amount of personal data is stored digitally. Some information may also be stored in hard copy format.

Data stored digitally may be saved on a cloud based system which may be hosted in a different country.

Personal data may be transferred to other countries if, for example, we are arranging a school trip to a different country. Appropriate steps will be taken to keep the data secure.

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, insurance or reporting requirements. Details of retention periods for different aspects of your personal information are available in our Data Protection Policy which is available on the school's website. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer a parent/carer we will retain and securely destroy your personal information in accordance with applicable laws and regulations.

### ***Who do we share parent/carer information with?***

We routinely share parent/carer information with:

- schools that students attend after leaving us;
- digital service providers as necessary for the business of the school e.g. Wisepay (cashless payments), Groupcall (paperless communication).

From time to time, we may also share parent / carer information to other third parties including the following:

- our local authority Hertfordshire County Council ;
- a student's home local authority (if different);
- the Department for Education (DfE);
- school governors/trustees;
- the Police and law enforcement agencies;
- NHS health professionals including the school nurse, educational psychologists, Education Welfare Officers;
- Courts, if ordered to do so;
- the Teaching Regulation Authority;
- Prevent teams in accordance with the Prevent Duty on schools;
- other schools, for example, if we are negotiating a managed move and we have your consent to share information in these circumstances;
- UCAS
- our legal advisors;
- our insurance providers
- Suppliers that provide data driven services which are used for educational policies

Some of the organisations referred to above are joint data controllers. This means we are all responsible to you for how we process your data.

In the event that we share personal data about parents/carers with third parties, we will provide the minimum amount of personal data necessary to fulfil the purpose for which we are required to share the data.

### ***Requesting access to your personal data***

Under data protection legislation, parents / carers have the right to request access to information about them that we hold ("Subject Access Request"). To make a request for your child's personal data, or be given access to your child's educational record, contact the Data Protection Officer via email to [dataprotection@ashlyns.herts.sch.uk](mailto:dataprotection@ashlyns.herts.sch.uk) although any written request for personal data will be treated as a Subject Access Request.

The legal timescales for the School to respond to a Subject Access Request is one calendar month. As the School has limited staff resources outside of term time, we encourage parents/ carers to submit Subject Access Requests during term time and to avoid sending a request during periods when the School is closed or is about to close for the holidays where possible. This will assist us in responding to your request as promptly as possible. For further information about how we handle Subject Access Requests, please see our Data Protection Policy.

### **No fee usually required**

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is manifestly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

### **What we may need from you**

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

You also have the right to:

- object to 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;
- certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and claim compensation for damages caused by a breach of the our data protection responsibilities.

### ***RIGHT TO WITHDRAW CONSENT***

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact [admin@ashlyns.herts.sch.uk](mailto:admin@ashlyns.herts.sch.uk). Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

### ***DATA PROTECTION OFFICER***

We have appointed a data protection officer (DPO) to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO or their team at [dataprotection@ashlyns.herts.sch.uk](mailto:dataprotection@ashlyns.herts.sch.uk) . You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF.

## **PRIVACY NOTICE for Staff (HOW WE USE EMPLOYEE INFORMATION)**

Ashlyns School is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about you before, during and after your working relationship with us, in accordance with the General Data Protection Regulation (GDPR).

It applies to all employees, workers and contractors.

Ashlyns is a “data controller”. This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to current and former employees, workers and contractors. This notice does not form part of any contract of employment or other type of contract to provide services. We may update this notice at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

## **DATA PROTECTION PRINCIPLES**

We will comply with data protection law. This says that the personal information we hold about you must be:

Used lawfully, fairly and in a transparent way.

Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.

Relevant to the purposes we have told you about and limited only to those purposes.

Accurate and kept up to date.

Kept only as long as necessary for the purposes we have told you about.

Kept securely.

## THE TYPE OF INFORMATION WE HOLD ABOUT YOU

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are “special categories” of more sensitive personal data which require a higher level of protection.

We will collect, store, and use the following categories of personal information about you:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses
- Date of birth
- Gender
- Marital status and dependants
- Next of kin and emergency contact information
- National Insurance number
- Bank account details, payroll records and tax status information
- Salary, annual leave, pension and benefits information
- Teacher Reference Number
- Start date
- Location of employment or workplace
- Copy of driving licence
- Recruitment information (including copies of pre-vetting recruitment and identity checks (including, where appropriate, information about your employment history, Standard or Enhanced Disclosure and Barring Service Checks, Barred Lists Checks, prohibition checks [section 128 checks] and disqualification checks, for example under the Childcare (Disqualification) Regulations 2009 and any further checks that are required if you have lived or worked outside the UK), your nationality and right to work documentation, references and other information included in a CV, application form or cover letter or as part of the application process)
- Employment records (including job titles, work history, working hours, training records and professional memberships)
- Compensation history

- Performance information
- Disciplinary and grievance information, including warnings issued to you
- CCTV footage
- Information about your use of our information and communications systems
- Photographs

We may also collect, store and use the following “special categories” of more sensitive personal information:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions
- Trade union membership
- Information about your health, including any medical condition, health and sickness records
- Genetic information and biometric data
- Information about your criminal record

#### **HOW IS YOUR PERSONAL INFORMATION COLLECTED?**

We collect personal information about employees, workers and contactors through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. We may sometimes collect additional information from third parties including former employers, the Local Authority or other background check agencies [LIST OTHERS].

We will also collect additional personal information in the course of job-related activities throughout the period of you working for us.

#### **HOW WE WILL USE INFORMATION ABOUT YOU**

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

- (a) Where we need to perform the contract we have entered into with you.
- (b) Where we need to comply with a legal obligation.

We may also use your personal information in the following situations:

- (c) Where we need to protect your interests (or someone else’s interests).



- (d) Where it is needed in the public interest or for official purposes.

### **Situations in which we will use your personal information**

We need all the categories of information in the list above primarily to allow us to perform our contract with you[\*], to enable us to comply with legal obligations[\*\*] and/or where it is needed in the public interest or for official purposes [\*\*\*]. The situations in which we will process your personal information are listed below. [We have indicated by [asterisks] the purpose or purposes for which we are processing or will process your personal information, as well as indicating which categories of data are involved.]

- Making a decision about your recruitment or appointment
- Determining the terms on which you work for us
- Checking you are legally entitled to work in the UK
- Checking the award of Qualified Teacher Status, completion of teacher induction and prohibitions, sanctions and restrictions that might prevent the individual from taking part in certain activities or working in specific positions [via the Teacher Services Online platform
- To maintain our single central record and to comply with our general safeguarding obligations]
- To provide information on our website about our employees
- Paying you and, if you are an employee, deducting tax and National Insurance contributions
- Providing the following benefits to you: Staff wellbeing benefits via SAS Insurance
- Liaising with your pension provider
- Administering the contract we have entered into with you

#### Business management and planning, including accounting and auditing

- Conducting performance reviews, managing performance and determining performance requirements
- Making decisions about salary reviews and compensation
- Assessing qualifications for a particular job or task, including decisions about promotions
- Gathering evidence for possible grievance or disciplinary hearings

- Responding to complaints or investigations from stakeholders or our regulators
- Making decisions about your continued employment or engagement
- Making arrangements for the termination of our working relationship
- Providing references to prospective employers
- Education, training and development requirements
- Dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work
- Ascertaining your fitness to work
- Managing sickness absence
- Complying with health and safety obligations
- To prevent fraud
- To monitor your use of our information and communication systems to ensure compliance with our IT policies
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution
- To conduct data analytics studies to review and better understand employee retention and attrition rates
- To maintain and promote equality in the workplace
- To receive advice from external advisors and consultants
- In appropriate circumstances to liaise with regulatory bodies, such as the NCTL, the Department for Education, the DBS and the Local Authority about your suitability to work in a school or in connection with other regulatory matters

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

In addition, the School also uses CCTV cameras around the school site for security purposes and for the protection of staff and pupils. CCTV footage may be referred to during the course of disciplinary procedures (for staff or students) or investigate other issues. CCTV footage involving staff will only be processed to the extent that it is lawful to do so.

### **If you fail to provide personal information**

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers) or we may be unable to discharge our obligations which may be in the public interest or for official purposes.

### **Change of purpose**

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

### **HOW WE USE PARTICULARLY SENSITIVE PERSONAL INFORMATION**

“Special categories” of particularly sensitive personal information require us to ensure higher levels of data protection. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:

- (e) In limited circumstances, with your explicit written consent.
- (f) Where we need to carry out our legal obligations and in line with our Data Protection Policy
- (g) Where it is needed in the public interest, such as for equal opportunities monitoring [or in relation to our occupational pension scheme], and in line with our Data Protection Policy
- (h) Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else’s interests) and you are not capable of giving your consent, or where you have already made the

information public. We may also process such information about members or former members in the course of legitimate business activities with the appropriate safeguards.

### **Our obligations as an employer**

We will use your particularly sensitive personal information in the following ways:

- We will use information relating to leaves of absence including the reasons for the leave, which may include sickness absence or family-related leave, sabbaticals, to comply with employment and other laws.
- We will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to comply with the Equality Act 2010, to monitor and manage sickness absence and to administer benefits.
- We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.
- [We will use trade union membership information to pay trade union subscriptions, register the status of a protected employee and to comply with employment law obligations.]

### **Do we need your consent?**

We do not need your consent if we use your particularly sensitive information in accordance with our written policy where processing is necessary:

- to carry out our legal obligations or exercise specific rights in the field of employment law;
- for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;
- for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and we provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

In other circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract of employment with us that you agree to any request for consent from us.

## **INFORMATION ABOUT CRIMINAL CONVICTIONS**

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our Data Protection Policy.

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

We envisage that we will hold information about criminal convictions, for example, if information about criminal convictions comes to light as a result of our recruitment and Disclosure and Barring Service checks, or if information about criminal convictions comes to light during your employment with us.

We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so. Where appropriate, we will collect information about criminal convictions as part of the recruitment process or we may be notified of such information directly by you in the course of you working for us.

## **AUTOMATED DECISION-MAKING**

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making in the following circumstances:

- (i) Where we have notified you of the decision and given you 21 days to request a reconsideration.
- (j) Where it is necessary to meet our obligations under your employment contract and ensure that appropriate measures are in place to safeguard your rights.
- (k) In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

If we make an automated decision on the basis of any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard your rights.

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

[We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.]

## **DATA SHARING**

We may have to share your data with third parties, including third-party service providers and other organisation.

In particular, we may share your data with organisations including, but not limited to, the following:

- the Local Authority
- the Department for Education
- the Education & Skills Funding Agency
- the Disclosure and Barring Service
- the Teaching Regulation Agency
- the Teachers' Pension Service
- the Local Government Pension Scheme
- SERCO, our external payroll provider
- Our IT Providers including: RM Education, MyLearning and Groupcall
- HMRC
- the Police or other law enforcement agencies
- our legal advisors
- insurance providers / the Risk Protection Arrangement

We require third parties to respect the security of your data and to treat it in accordance with the law. Some of the organisations referred to above are joint data controllers. This means we are all responsible to you for how we process your data.

We may transfer your personal information outside the EU. If we do, you can expect a similar degree of protection in respect of your personal information.

### **Why might we share your personal information with third parties?**

We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you, where it is needed in the public interest or for official purposes, or where we have your consent.

### **Which third-party service providers process your personal information?**

Third-party service providers include contractors and designated agents, suppliers and service providers – to enable them to provide the services we have contracted them

## **Department for Education**

We share personal data with the Department for Education (DfE) on a statutory basis. This data sharing underpins workforce policy monitoring, evaluation, and links to school funding / expenditure and the assessment educational attainment.

We are required to share information about our school employees with our local authority (LA) and the Department for Education (DfE) under regulation 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 as amended.

## **DfE data collection requirements**

The following is information provided by the DfE concerning the reason it collects data about school employees:

- The DfE collects and processes personal data relating to those employed by schools (including Multi Academy Trusts) and local authorities that work in state funded schools (including all maintained schools, all academies and free schools and all special schools including Pupil Referral Units and Alternative Provision). 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 DfE including the data that we share with them, go to <https://www.gov.uk/education/datacollection-and-censuses-for-schools>.

The DfE 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 by:

- conducting research or analysis;
- producing statistics; and / or
- 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 school workforce information, organisations must comply with the DfE's 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 DfE'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>

### **How secure is your information with third-party service providers?**

All our third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

### **What about other third parties?**

We may share your personal information with other third parties. We may also need to share your personal information with a regulator or to otherwise comply with the law.

From time to time, we may disclose your personal data in response to a request for information pursuant to the Freedom of Information Act 2000 or following a data subject access request. We may approach you for your consent but, in any event, we will only disclose your personal data if we are satisfied that it is reasonable to do so in all the circumstances. This means that we may refuse to disclose some or all of your personal data following receipt of such a request.

### **Transferring information outside the EU**

We will transfer the personal information we collect about you outside the EU in order to perform our contract with you.

We may sometimes transfer your personal data outside of the EU if, for example, we are arranging a school trip and we are booking transport, accommodation or activities. In these circumstances, we will obtain your consent for us to process your data in this way.

However, to ensure that your personal information does receive an adequate level of protection we have put in place appropriate measures to ensure that your personal information is treated by those third parties in a way that is consistent with and which respects the EU and UK laws on data protection:

### **DATA SECURITY**

We have put in place measures to protect the security of your information.

Third parties who are processing personal data on our behalf will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

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. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only



process your personal information on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify any applicable regulator of a suspected breach where we are legally required to do so.

## **DATA RETENTION**

### **How long will we use your information for?**

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, insurance or reporting requirements. Details of retention periods for different aspects of your personal information are available in our Data Protection Policy which is available on the school website. We consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer an employee, worker or contractor of the company we will retain and securely destroy your personal information in accordance with our Data Protection Policy

## **RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION Your duty to inform us of changes**

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

### **Your rights in connection with personal information**

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (data subject access request). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. In certain circumstances, have inaccurate personal data corrected, deleted or destroyed, or restrict processing. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground.

You also have the right to object where we are processing your personal information for direct marketing purposes.

- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the DPO in writing.

The legal timescales for the school to respond to a Subject Access Request is one calendar month. As the school has limited staff resources outside of term time, we encourage you to submit Subject Access Requests during term time and to avoid sending a request during periods when the School is closed or is about to close for the holidays where possible. This will assist us in responding to your request as promptly as possible. For further information about how we handle Subject Access Requests, please see our Data Protection Policy.

#### **No fee usually required**

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is manifestly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

#### **What we may need from you**

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

#### **RIGHT TO WITHDRAW CONSENT**

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact [admin@ashlyns.herts.sch.uk](mailto:admin@ashlyns.herts.sch.uk). Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

#### **DATA PROTECTION OFFICER**

We have appointed a data protection officer (DPO) to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO. You have the right to make a complaint at any time to


the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF.

## CHANGES TO THIS PRIVACY NOTICE

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

**If you have any questions about this privacy notice, please contact Andrea West, DPO at [dataprotection@ashlyns.herts.sch.uk](mailto:dataprotection@ashlyns.herts.sch.uk)**

	<b>Annexe to Privacy Notices for Students, Parent/Carers and Staff</b>	
	<b>Added: September 2020</b>	
	<b>Linked Governor: Peter Shell</b>	<b>SLT Member: Andrea West</b>

## Privacy Notice Coronavirus Test and Trace

The development of the NHS Test and Trace scheme is a key part of the government's plan to manage Coronavirus. As a private individual, compliance with the scheme may be optional, so that an individual cannot be forced to provide details when visiting some types of establishments. However, schools are public authorities and have a legal duty to protect and promote the welfare of pupils, as well as a duty of care to staff. We are required to manage confirmed cases of coronavirus (COVID-19) amongst the school community to contain any outbreak by engaging with the NHS Test and Trace process and by following local health protection team advice.

If a person in a school has COVID-19 or symptoms of the virus they will be sent home, as will other people in school who have had contact with this individual and who may be at risk. In a school setting, it is unlikely that any one individual will know the details of others around them who may have been affected. It is only the school that will have that data. We would notify individuals about a risk, and in many instances that will be sufficient.

However, the Department for Education guidance says:

***'As part of the national test and trace programme, if other cases are detected within the child or young person's cohort or in the wider education or childcare setting, Public Health England's local Health Protection Teams will conduct a rapid***

***investigation and will advise schools and other settings on the most appropriate action to take.'***

If a case or suspected case of Coronavirus arises in our school then it may be necessary for us to share contact data of employees, pupils/students, contractors or visitors with NHS Test and Trace workers in order to make the process as effective as possible. Although at no point will we share data without a sound legal basis, in this situation it is not a matter of giving consent to share data, as there is a Public Duty to do so. This data will usually only consist of names and contact details, e.g. email address and/or telephone number.

We will therefore be sharing data on the basis that this is a Public Duty and, in the case of any health data, that it is necessary for the public interest, as set out below. It will only be used and retained in line with national guidelines and the applicable data protection laws. Where data needs to be shared we will:

- only share data with the relevant authorities
- verify the identity of persons requesting personal data
- limit the data shared to the minimum necessary
- ensure the data is kept secure, and only share via secure methods
- keep a record of the data shared, under the strictest confidence
- notify any individuals whose data has been shared (where possible)

#### **NHS Test and Trace and the Law**

The law on protecting personally identifiable information, known as the General Data Protection Regulation (GDPR), allows Public Health England to use the personal information collected by NHS Test and Trace. The section of the GDPR that applies is:

*Article 6(1)(e) – ‘processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller’*

As information about health is a special category of personal information, a further section of the GDPR applies:

*Article 9(2)(i) – ‘processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of healthcare’*

Public Health England also has special permission from the Secretary of State for Health and Social Care to use personally identifiable information without people’s consent where this is in the public interest. This is known as ‘Section 251’ approval and includes the use of the information collected by NHS Test and Trace to help protect the public from coronavirus. The part of the law that applies here is Section 251 of the National Health Service Act 2006 and the associated Health Service (Control of Patient Information) Regulations 2002.

The privacy notice for the service can be found here:

<https://contact-tracing.phe.gov.uk/help/privacy-notice>

## **Rights of Data Subjects in relation to their personal data**

Any data subject has the right to request access to personal data that we hold about them. To make a request for access to their personal data, individuals should contact our DPO.

Individuals also have the right to:

- object to 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

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with our DPO in the first instance. You can also contact the Information Commissioner's Office, if necessary, at <https://ico.org.uk/concerns/>

### **Contact:**

If you would like to discuss anything in this privacy notice, please contact:  
Andrea West - Data Protection Officer

*This Privacy Notice should be read alongside the other GDPR and Data Protection documents on our website.*