



Joseph Leckie
Academy

Employee Privacy Notice

This policy is reviewed annually

History of Document

Approved by Trustees: September 2021

Review date for Document: September 2022

1. Introduction

1.1 This privacy notice is for the use of employees of Joseph Leckie Academy in fulfilment of our responsibility as a data controller under data protection law.

1.2 One of our duties under the regulations relates to being open and transparent and as part of this our Privacy Notice is designed to inform you about the way in which we use, collect, store and or share your information.

1.3 Personal data means data which relates to a living individual who can be identified. The individual (known as the Data Subject) must be identifiable from the information, if the information is fully anonymised it is no longer classed as personal information.

1.4 Your information may be manually and/or digitally processed through our systems. We make sure our systems have appropriate security to meet the requirements of the Data Protection Act 2018 and the General Data Protection Regulation (GDPR) 2016 with regards to safe and secure storage of data. Our systems are only accessible by authorised employees and only to the extent they need in order to carry out their role.

2. Why do we collect and use personal information?

2.1 Joseph Leckie Academy collects and processes personal data relating to its employees in order to manage our employment relationship with you. We are committed to being transparent about how we collect and use your personal data and how we meet our data protection obligations.

2.2 Information we collect and use, including but not limited to:

- Your name.
- Contact details including, address email address and telephone number.
- Your date of birth.
- Your gender.
- Biometric Data
- The terms and conditions of your employment.
- Details of your qualifications, skills, experience and employment history, including start and end dates with previous employers and/or with Joseph Leckie Academy.
- Information about your remuneration, including entitlement to benefits such as pensions and/or any allowances that may apply.
- Your bank account details.
- Your national insurance number.
- Information about your marital status and emergency contacts.
- Information about your nationality and your right to work in the UK.
- Where necessary, information about your criminal record, if you have one.
- Details of the dates and times when you work, your working hours and attendance/non-attendance at work.
- Details of and reasons for absence and/or leave taken by you for example, annual leave, flexi time, sickness, bereavement, paternity, maternity, shared parental, emergency, family, study, career break etc.
- Details of when you are or have been managed in line with a policy or procedure for example disciplinary, grievance, sickness absence, performance and ill health capacity. The

information held may include details of meetings, discussions, correspondence, warnings, remedies, management action and/or other recommendations. Details in relation to assessment of your performance, appraisals, performance reviews and ratings, improvement plans and other related correspondence may also be held.

- Information about medical or health conditions, sickness absence management, occupational health referrals and details of a disability if disclosed, for which the Academy may need to make reasonable adjustments.
- Equality and diversity monitoring information, for example; information about your ethnic origin, sexual orientation and religion/belief.

3. How we collect information

3.1 Joseph Leckie Academy collects this information in a variety of ways. For example, data might be collected from application forms; obtained from personal documents such as your passport or driving licence; from forms completed by you at the start of or during employment; from correspondence with you; or from interviews, meetings or other assessments.

3.2 We may also collect information from you in the course of your employment for:

- Learning and Development opportunities for course bookings, issue of certificates, confirmation of successful/unsuccessful completion and/or attendance.
- Health and Safety management, reporting and/or investigating an accident or incident.
- Management in line with the Academy's Policies and/or Procedures.
- Payroll and Pension requirements.

3.3 Joseph Leckie Academy may also collect personal data about you from third parties for example, when collecting employment references, carrying out employment background checks with providers such as, but not limited to, the Disclosure and Barring Service (where lawfully permitted).

4. Special Category Data

4.1 Special category data is information which is deemed particularly sensitive and which unlawful processing could create risks to you. The following information is classed as special category:

- Race.
- Ethnicity.
- Political Opinion.
- Religious or Philosophical Beliefs.
- Trade Union Membership.
- Genetic and Biometric Information.
- Health.
- Sexual Orientation.

4.2 When using your information, we must make sure that we have a lawful reason to do so. The reasons the Academy will primarily use for the processing of your special category information are:

- Where it is necessary in order for us to carry out our obligations and exercising specific rights of the Academy or of the data subject in relation to employment and social security and social protection law.

- Necessary for reason of substantial public interest.

4.3 In circumstances where none of the above lawful reasons apply we will only collect and use and or share your information with an appropriate legal and justified reason or your explicit and informed consent. Please note you can withdraw your consent to this processing at any time by contacting us at our main address (detailed below)

5. Lawful basis and Purpose for processing your data

5.1 Joseph Leckie Academy needs to process personal data to enter into and maintain our employment contract with you. For example, the Academy needs to process your personal data to provide you with an employment contract, to pay you, to make lawful deductions and administer benefit and pension entitlements. This complies with Article 6 (b) of the GDPR.

5.2 Processing and recording personal data allows us to:

- Manage our employment relationship with you in line with the terms and conditions of employment and the Academy's policies and procedures.
- Carry out recruitment and selection.
- Maintain accurate and up-to-date employment records and contact details (including details of who to contact in the event of an emergency as provided by you), and details of your occupational and statutory benefits and rights.
- Manage disciplinary and grievance cases in line with our procedures and ensure acceptable conduct within the workplace.
- Manage performance in line with our procedures, develop improvement plans, identify training needs, plan for career development and succession plan.
- Manage absence and other leave in line with our procedures so you are appropriately supported and receive pay (if applicable) and or any other benefits to which you are entitled.
- Manage resources and workforce planning activities.
- Make referrals and obtain occupational health advice, ensure that we comply with our duties as an employer, operate in line with Equality legislation and meet our obligations under Health and Safety Legislation.
- Ensure the Academy's workforce is managed effectively and appropriately.
- Carry out Human Resourcing activities including all associated administration.
- Provide references on request for current or former employees.
- Respond to and defend against legal and other claims.

5.3 We may also process your information to meet statutory and/or legal requirements in accordance Article 6 (c) of the GDPR that are in line with but not limited to:

- The Equality Act (2010).
- The Public Sector Equality Duty 2011.
- Health and Safety at Work etc. Act 1974.
- The Human Rights Act 1998.
- Trade Union and Labour Relations (consolidation) Act 1992.
- Rehabilitation of Offenders Act 1974 (exceptions) order 1975.
- The Protection of Freedoms Act 2012.
- The Safeguarding Vulnerable Groups 2006 Act.
- The Police Act 1997.

- Employment Rights Act 1996.
- The Public Interest Disclosure Act 1998.
- Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended by the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014.

5.4 Some special categories of personal data (sensitive) such as information about health or medical conditions are processed for the purposes of carrying out our obligations and exercising specific rights in the field of employment law in accordance with Article 9 (b).

5.5 The Academy also processes other special categories of personal data such as information about ethnic origin, sexual orientation or religion or belief for the purposes of equal opportunities monitoring. The Academy is legally required to monitor this data. We collect this data with your explicit consent, which can be withdrawn at any time. When we use this data for monitoring purposes it is anonymised. You are entirely free to decide whether or not to provide such data and there are no consequences of failing to do so.

6. Who has access to your personal data?

6.1 Your employment information including personal and or special category data will be accessed by those who have an authorised, justified and or legal basis to do so.

6.2 Your information may be shared internally with authorised officers of the Academy. They may include, but is not limited to, your Line Manager, Senior Managers and Human Resources/Finance Officers.

6.3 Information may be accessed for the purpose of:

- Employment
- Management
- Education
- Pensions
- Union membership
- Health and Social care, such as occupational health

6.4 Joseph Leckie Academy may also share your personal data, as required, with third parties in order to:

- Fulfil the requirements of a contract.
- Meet a statutory requirement.
- Manage the HR and payroll functions. We share personal information with HMRC, West Midlands Pensions Fund, Teachers Pensions, NHS Pensions, Equitable Life, Prudential, and the Pensions Regulator in line with our statutory obligations and in order to administer your employment records.
- Manage the recruitment process including obtaining pre-employment references from other employers, obtaining where necessary, and employment background checks from third-party providers and in some circumstances obtain a criminal records check from the Disclosure and Barring Service.
- Provide occupational health support and make referrals.
- Provide access to external IT systems.

- Provide access to training providers.

7. How long we will hold your information

7.1 In line with guidance provided by the Information and Records Management Society – Guidelines for Schools and/or Local Government retention schedules. Please see our Data Retention Policy for further details.

8. Where will your personal data be stored?

8.1 Your personal data may be stored in a range of different locations:

- The Academy holds information related to you and your employment in the Academy's ICT systems.
- The Academy also retains information, in some instances, in a paper based (manual) format both on and off site.

8.2 All data, information and records are managed in line with the Academy records management procedures and retention schedules.

9. How do we protect your personal data?

9.1 Joseph Leckie Academy takes the security of your personal data seriously. The Academy has Internal policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and are not accessed except by authorised individuals.

9.2 Some of the ways in which Joseph Leckie Academy protects your personal data include:

- Implementing appropriate technical and organisational measures to protect the confidentiality, integrity and availability of personal data and information.
- Regular review of Academy's information assurance and security policies and procedures.
- On-going training and awareness for employees on information assurance and security.
- Alignment with codes of conduct, certification schemes and government guidance, including the HMG Security Policy Framework, government baseline security standards and the National Cyber Security Centre (NCSC).
- Ensure that all suppliers and third party organisations undertaking work for or on behalf of the Academy are able to evidence full compliance with the GDPR and the Academy's data security protocols and that these considerations are made when procuring new services.
- Regular review of security and cyber risks.

9.3 Where Joseph Leckie Academy engages third parties to process personal data on its behalf, they do so under contract and on the basis of written instructions.

9.4 Third parties are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data and comply with data protection legislation.

10. Your rights

10.1 You have the following rights with regard to your personal information.

10.2 **Right to be informed** - You have the right to know the following:

- what information we intend to collect.

- why we need your information.
- the lawful basis under which we can process your information.
- how we will process your information.
- whether we share your information.
- who we might share your information with.
- your rights until the law.
- how long we will retain your information and how you can contact us.

This Privacy Notice should have detailed all of the above but if for any reason you are dissatisfied with our stewardship of your information, you have the right to lodge a complaint with the Information Commissioners Office (ICO), contact details are provided below.

10.3 Access to your information: If you would like to know what information we hold and process about you, the category of information, who we share your information with, to ascertain the accuracy of the information and the criteria we apply in processing your information, you can make a request to us in writing.

To make a subject access request and receive a copy of your personal information, contact:

Miss C Stroud (Data Protection Lead)
 Joseph Leckie Academy
 Walstead Road West
 Walsall
 WS5 4PG

email: JLAGDPR@josephleckieacademy.co.uk

Please be aware we will need you to provide appropriate identification. We should respond to your request within 28 days of receipt but if the request is complex and more time is required we will inform you in writing. If a request is received 24hrs before the Academy is due to close for school holidays, the request will not be actioned until the Academy re-opens.

10.4 Rectification of your information: If it is established that information we hold about you is incorrect; you have the right to request that we correct this information.

10.5 Erasure of your information: In cases where the information we hold about you is no longer required in relation to the purpose for which it was collected and where there are no lawful grounds for holding your information, you can request an erasure of information.

10.7 The Right to Restrict processing: You can restrict us from using your information if you believe the data is inaccurate or if there are no lawful grounds for using the information but you do not want us to delete the information. In addition, you can prevent us from deleting information we no longer use or need if you require it for a legal claim or defence.

Following investigation, if it is determined that the right to restrict processing should not apply the Academy will inform you of reasons for this before the restriction is lifted.

10.8 Right to Data Portability: if lawful basis for processing is performance of a contract or consent you have the right to request that information be transferred to another public authority or other controller. Your data portability request will have to be made in writing, we will assess your request in accordance with the provisions of the GDPR to ascertain if your request is covered under the law. Our response will contain our decision regarding the viability of your request and asking you to choose between the following:

- If you want the information handed to you.
- If you would like the information transferred directly to the public authority or other controller.

10.9 Right to Object: If you object to the Academy using your information in the ways detailed about we will cease to process your information unless we can show there are legitimate reasons which override your interests

Whether or not you have legitimate grounds to object to processing of your information, the Academy will respond to your request within 28 days stating that your request has been upheld or the reasons for not upholding your request if that is the case.

11. Questions and Complaints

11.1 Joseph Leckie Academy's Data Protection Officer (DPO) is Paul Withers. If you have any questions about your rights under the Data Protection Act 2018 and GDPR, how the Academy uses your information, or you wish to make a complaint about how we have processed or utilised your data, Paul Withers will be able to help. How to contact our DPO:

Office of the DPO

Resources & Transformation

Civic Centre 3rd Floor (HR Suite)

Walsall Council, Darwall Street, Walsall, WS1 1TP

Email Address: informationmgmt@walsall.gov.uk

Contact Telephone Number: 01922 650970

11.2 Should you be dissatisfied with the response you receive, you can contact the Information Commissioner's Office (ICO) with the details given below:

Information Commissioner's Office (ICO)

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Email Address:

Use the online form via this link <https://ico.org.uk/global/contact-us/email/>

Telephone Numbers:

Calling from within the UK 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate. Calling from outside the UK +44 1625 545 745.

12. Further Information and Associated Policies

12.1 For further information about Information Governance please visit the ICO website www.ico.org.uk

12.2 This policy should be read alongside:

- Information Governance Strategy
- Information Risk and Security Policy
- CCTV Policy
- Data Protection Policy
- Confidentiality Policy
- Freedom of Information Policy
- Information Rights Policy
- Records Management Policy and Schedule
- Incident Management Policy
- Subject Access Request Policy
- Consent to Use Personal Data Guidance
- Impact Levels and Protective Marking Guidance