

Earlscliffe (Earlscliffe Ltd)

Policy: DATA PROTECTION POLICY

Member of SLT responsible: Head Teacher (Title not name)

Date of review: November 2023

Date of next review: November 2024 (November of following school year)

Introduction

This Policy has been drafted to ensure that the School and all employees are aware of their responsibilities under the Data Protection Act 2018. By signing your Contract of Employment, you have given your consent to the holding, processing and accessing of your personal data for all purposes relating to your employment. These purposes include:

1. Administering and maintaining personal records
2. Providing, administering and reviewing pay and other benefits (including pension schemes, health insurance and other benefits as may be available from time to time)
3. Undertaking performance and development reviews
4. Maintaining sickness, holiday and other absence records
5. Enabling the School to promote and maintain its Equal Opportunities Policy
6. Recording CPD and training
7. Providing information to Education and governmental bodies, including HMRC for social security and other purposes
8. Recording the perpetration or alleged perpetration of an offence
9. Providing references and information to future employers

Definitions

To aid your understanding of the policy, below are a few key phrases explained:

- . **Personal Data:** is information about a living individual, who can be identified by that information, or from information that is likely to come into possession of the person who processes it
- . The **Data Subject:** is an individual who is identifiable from their personal data
- . **Processing:** means obtaining, recording, or holding information/data. It also encompasses adapting, using, consulting, retrieving, disclosing, combining or destroying information.
- . A **Data Processor:** is any person who processes data on behalf of the School

The Data Protection Principles

All data will be obtained and processed in accordance with the Data Protection Act's eight principles, as set out below:

1. Fair and lawful processing of data

Personal data will be processed fairly and lawfully. It will not be processed unless:

- . The processing is necessary to comply with any legal obligation to which the School is subject to uphold, for example, in connection with PAYE and National Insurance Contributions; or
- . The processing is necessary in order to protect the vital interests of the employee data subject (only relevant in life or death situations), or

- . The processing is necessary for the administration of justice, or
- . The processing is necessary for the purpose of legitimate interests pursued by the School or a third party to whom data is disclosed, unless it is unwarranted by reason of prejudice to the rights and freedoms of the employee whose interests override those of the School.

2. Purposes of obtaining and processing data:

Personal data shall be obtained for one or more of the specified lawful purposes (as set out above) and shall not be processed in any manner incompatible with those purposes.

3. Adequacy and relevance of data:

Personal data shall always be adequate, relevant and not excessive in relation to the purposes for which it is processed.

4. Accuracy of the data:

Personal data shall always be accurate and kept up-to-date

5. Duration of data stored:

Personal data processed for any purpose shall not be kept longer than is necessary.

6. Employee's rights:

Personal data shall be processed in accordance with the rights of employees as set out below.

7. Guarding against unauthorised access:

Appropriate technical and organisational measures shall be taken to prevent unauthorised or unlawful processing of personal data and accidental loss, destruction or damage to personal data.

8. Transferring data out of the country:

Personal data shall not be transferred to a country or territory outside the European Economic area unless an adequate level of protection can be assured.

Sensitive Personal Data

Sensitive personal data consists of information that relates to the racial or ethnic origin of a person; his/her political opinions; religious beliefs or beliefs of a similar nature; whether he/she is a trade union member; his/her physical or mental health or condition; his/her sexual orientation or the perpetration or alleged perpetration of an offence.

Sensitive personal data shall not be processed unless:

1. The employee has given their explicit consent to the processing
2. The processing is necessary to comply with a legal obligation in connection with employment for which the School is subject to uphold
3. The processing is necessary to protect the vital interests of an employee, or another person i.e. processing is in the public interest, as it is necessary for the prevention of detection of an unlawful act
4. The processing is necessary for the purpose of, or in connection with legal proceedings, or for the purpose of obtaining legal advice

5. The processing is necessary for the School to identify or keep under review the existence or absence of equal opportunities between persons. Information will be processed to enable equality to be promoted and maintained.
6. The information has been made public.

School Personnel Records

The following personal data will be kept on all employees:

- . Name and address, plus contact details of nominated persons to be contacted in the event of an emergency
- . Bank details, salary history and national insurance number
- . Details and references relating to previous employment
- . Sickness, holiday and other absence records
- . Staff reviews and assessment details, including records of participation in training events
- . Disciplinary records
- . Criminal convictions, Criminal Records Bureau Clearance Details
- . Passport details
- . Driving Licence, insurance details

Your Rights

You have the following rights in relation to your personal data:

1. Right of Access

You may make a written request to the School Manager (dataprotection@earlscliffe.co.uk) to determine what personal detail is held on your by the School, the purposes for which it is processed and details of those, if any, to whom it has, or may be disclosed. Within 40 days such information shall be supplied in writing except where this would involve a disproportionate effort or both parties agree otherwise.

The School has the right to refuse wholly or in part to comply with the request if:

- . The release of data would disclose information about another individual
- Your request relates to a confidential reference given by the School for, amongst other things, prospective employment, or;
- Your request relates to data processed for the purpose of management forecasting or planning and disclosure would be likely to prejudice the conduct of the School

2. Right to prevent processing which is likely to cause damage or distress

If you believe that the School is processing data in a way which causes, or is likely to cause damage or distress, which is substantial and unwarranted to yourself or another, you have the right to send notice to require that within a reasonable amount of time the processing stops. The School shall reply in writing to confirm that the processing will stop or to state that it believes the processing is justifiable, and the reasons for this assertion. *(The damage or distress may be unwarranted if the processing has caused or is likely to cause someone to suffer loss, harm or upset and anguish of a real nature over and above annoyance level without justification).*

3. Right to prevent processing for the purpose of direct marketing

You are entitled to request that the School ceases or does not commence processing of your personal information for direct marketing.

4. Rights in relation to automated decision making

Upon written request, no decision affecting your employment (other than when considering your appointment: shall be based solely on the processing of your data for automatic means. However, if no such notice has been received, but a decision is made in such a way, you will be notified and should make a written request within 21 days if you wish the decision to be reconsidered using different criteria.

Your Responsibilities

You should endeavour to inform the School of any changes to your personal circumstances so your records may be kept up-to-date.

If you access the personal records of another individual without authority disciplinary action could be taken against you.

Complaints

All complaints or concerns regarding this policy should be raised with the school using the Complaints Policy procedures