

Privacy Notice for the School Workforce



Equalities Statement

In our Trust we work to ensure that there is equality of opportunity for all members of our community who hold a range of protected characteristics as defined by the Equality Act 2010, as well as having regard to other factors which have the potential to cause inequality, such as socio-economic factors.

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1. Introduction

Under data protection law, individuals have a right to be informed about how the Trust uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about individuals we employ, or otherwise engage, to work at the Trust. This notice does not form part of any contract of employment or other contract to provide services

We, Swale Academies Trust, Ashdown House, Johnson Road, Sittingbourne, ME10 1JS, are the 'data controller' for the purposes of data protection law. Our Data Protection Officer is Invicta Law Ltd (see 'Contact us' below).

2. The personal data we hold

Personal data that we may collect, use, store and share (when appropriate) about you includes, but is not restricted to:

- Name
- Contact details
- Date of birth, marital status and gender identity
- Next of kin and emergency contact numbers
- Salary, annual leave, pension and benefits information
- Bank account details, payroll records, National Insurance number and tax status information
- Recruitment information, including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process
- Qualifications and employment records, including work history, job titles, working hours, training records and professional memberships
- Performance information
- Outcomes of any disciplinary and/or grievance procedures
- Absence data
- Copy of driving licence
- Copy of car insurance
- Photographs/videos
- CCTV footage
- Data about your use of the Trust's information and communications system
- Safeguarding information, including DBS number, Disqualification by Association information
- Social media handles (where relevant for professional representation or monitoring of public conduct)
- Work-related injury information (including accident reports and health and safety records)

We may also collect, store and use information about you that falls into "special categories" of more sensitive personal data. This includes information about (where applicable):

- Race, ethnicity, religious beliefs, sexual orientation and political opinions;
- Trade union membership;
- Health, including any medical conditions, and sickness records;
- Biometric data (such as fingerprints used for cashless catering or library systems);
- Disability status.

We may also collect, use, store and share (when appropriate) information about criminal convictions and offences. We may also hold data about you that we have received from other organisations, including other schools and social services, and the Disclosure and Barring Service in respect of criminal offence data.

3. Why we use this data

The purpose of processing this data is to help us run the Trust, including to:

- Enable you to be paid;
- Check your entitlement to work in the UK;
- Determine the terms on which you work for us;
- Facilitate safer recruitment, as part of our safeguarding obligations towards pupils;
- Support effective performance management;
- Support and facilitate remote learning and online educational platforms;
- Support staff wellbeing and provide access to occupational health or employee assistance programmes;
- Facilitate secure remote working and the use of digital collaboration tools;
- Inform our recruitment and retention policies;
- Allow better financial modelling and planning;
- Enable ethnicity and disability monitoring;
- Improve the management of workforce data across the sector;
- Support the work of the School Teachers' Review Body;
- Make sure our information and communications systems, equipment and facilities (e.g. school computers) are used appropriately, legally and safely;
- Ascertain your fitness to work;
- Manage sickness absence;
- Report to DFE.

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).

We will only use your personal information for the purposes for which we have collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose.

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.

4. Our lawful basis for using this data

We only collect and use personal information about you when the law allows us to. Most commonly, we use it where we need to:

- Fulfil a contract we have entered into with you;
- Comply with a legal obligation;
- Carry out a task in the public interest.

Less commonly, we may also use personal information about you where:

- You have given us consent to use it in a certain way;
- We need to protect your vital interests (or someone else's interests).

Where you have provided us with consent to use your data, you may withdraw this consent at any time. We will make this clear when requesting your consent, and explain how you go about withdrawing consent if you wish to do so.

Some of the reasons listed above for collecting and using personal information about you overlap, and there may be several grounds which justify the Trust's use of your data.

4.1 Our basis for using special category data

For 'special category' data, we only collect and use it when we have both a lawful basis, as set out above, and 1 of the following conditions for processing as set out in UK data protection law:

- We have obtained your explicit consent to use your personal data in a certain way;
- We need to perform or exercise an obligation or right in relation to employment, social security or social protection law;
- We need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent;
- The data concerned has already been made manifestly public by you;
- We need to process it for the establishment, exercise or defence of legal claims;
- We need to process it for reasons of substantial public interest as defined in legislation;
- We need to process it for health or social care purposes, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law;
- We need to process it for public health reasons, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law;
- We need to process it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the processing is in the public interest

For criminal offence data, we will only collect and use it when we have both a lawful basis, as set out above, and a condition for processing as set out in UK data protection law. Conditions include:

- We have obtained your consent to use it in a specific way;
- We need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent;
- The data concerned has already been made manifestly public by you;
- We need to process it for, or in connection with, legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of legal rights;
- We need to process it for reasons of substantial public interest as defined in legislation

5. Collecting this information

While the majority of information we collect from you is mandatory, there is some information that you can choose whether or not to provide to us.

Whenever we seek to collect information from you, we make it clear whether you must provide this information (and if so, what the possible consequences are of not complying), or whether you have a choice.

Most of the data we hold about you will come from you, but we may also hold data about you from:

- Local authorities;
- Government departments or agencies;
- Police forces, courts or tribunals.

6. How we store this data

The information on staff is kept secure and is only used for purposes directly relevant to your employment.

Once your employment with us has ended, we will retain this file and delete the information in it in accordance with our record retention schedule.

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.

We will dispose of your personal data securely when we no longer need it.

7. Data sharing

We do not share information about you with any third party without your consent unless the law and our policies allow us to do so.

Where it is legally required, or necessary (and it complies with data protection law) we may share personal information about you with:

- *Our local authorities;*
- *Government departments or agencies;*
- *The Department for Education;*
- *Our regulator, Ofsted;*
- *Educators and examining bodies;*
- *Your family or representatives - with written consent, to protect your vital interests;*
- *Suppliers and service providers;*
- *Financial organisations;*
- *Our auditors;*
- *Survey and research organisations;*
- *Health authorities;*
- *Security organisations;*
- *Health and social welfare organisations;*
- *Multi-agency safeguarding hubs (MASH) and other child protection partners;*

- *Alternative Provision (AP) providers (to facilitate staff transitions or support joint educational programmes for specific pupils;*
- *Professional advisers and consultants;*
- *Charities and voluntary organisations;*
- *Police forces, courts and tribunals.*

7.1 Transferring data internationally

When we transfer personal data to a country or territory outside the UK or EU, we will do so in accordance with data protection law.

8. Your rights

8.1 How to access personal information we hold about you

Individuals have a right to make a 'subject access request' to gain access to personal information that the Trust holds about them.

If you make a subject access request, and if we do hold information about you, we will:

- Give you a description of it;
- Tell you why we are holding and processing it, and how long we will keep it for;
- Explain where we got it from, if not from you;
- Tell you who it has been, or will be, shared with;
- Let you know whether any automated decision-making is being applied to the data, and any consequences of this;
- Give you a copy of the information in an intelligible form, following a reasonable and proportionate search.

You may also have the right for your personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request, please contact the school who will respond to your request without delay and at least within one month of receipt. However, this may be extended by up to a further two months for complex requests.

8.2 Your other rights regarding your data

Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe. You have the right to:

- Object to the use of your personal data if it would cause, or is causing, damage or distress
- Prevent your data being used to send direct marketing
- Object to the use of your personal data for decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, have inaccurate personal data corrected, deleted or destroyed, or restrict processing;
- Withdraw your consent, where you previously provided it for the collection, processing and transfer of your personal data for a specific purpose;
- In certain circumstances, be notified of a data breach;
- Make a complaint to the ICO if you feel we have not used your information in the right way;
- Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact us (see Section 10 below).

We may refuse your information rights request for legitimate reasons, which depend on why we are processing it. Some rights may not apply in these circumstances:

- Your right to have all personal data deleted or destroyed does not apply when the lawful basis for processing is 'legal obligation' or 'public task';
- Your right to receive a copy of your personal data, or have your personal data transmitted to another controller, does not apply when the lawful basis for processing is 'legal obligation', 'vital interests', 'public task' or 'legitimate interests';
- Right to object to use of your private data does not apply when the lawful basis for processing is 'contract', 'legal obligation' or 'vital interests'. If the lawful basis is 'consent', you do not have the right to object, but you do have the right to withdraw consent

9. Complaints

We take any complaints about our collection and use of personal information very seriously.

If you think that our collection or use of personal information is unfair, misleading or inappropriate, or you have any other concern about our data processing, we encourage you to raise this with us in the first instance by completing this [Google Form](https://forms.gle/2EEVPyBTRjyDwy4t6) (<https://forms.gle/2EEVPyBTRjyDwy4t6>). We will acknowledge your complaint within 30 days of receipt and supply you with a substantive response without undue delay.

Alternatively you can email our Data Protection Officer (details at Point 10).

You also have the right to make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

10. Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact the Company Secretary in the first instance:

- hello@swale.at

Our DPO service is provided by:

Invicta Law Ltd, 1 Abbey Wood Road, Kings Hill, West Malling, Kent, ME19 4YT

- dpo@invicta.law

This notice is based on the [Department for Education's model privacy notice](#) and amended to reflect the way we use data.