HUNTER HALL

PREPARATORY & PRE-SCHOOL

HUNTER HALL SCHOOL
PRIVACY NOTICE FOR STAFF

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Introduction

1 This notice is to help you understand **how** and **why** we collect personal data about you and **what** we do with that information. It also explains the decisions that you can make about your information.

2 This notice is aimed at all staff working in the School (whether directly or indirectly), whether paid or unpaid, whatever their position, role or responsibilities, which includes employees, governors, certain contractors, agency staff, peripatetic staff, work experience, placement students, volunteers and applicants for employment vacancies.

3 This notice does not form part of your contract of employment (or, in the case of volunteers, the volunteer agreement) and the School may amend this notice at any time.

What is "personal data"?

4 Personal data is information about you from which you can be identified (either directly or indirectly).

5 This includes your contact details, emergency contact details and financial information. CCTV images, photos and video recordings of you are also your personal data.

What personal data does the School hold about you and how is this obtained?

6 Information about you is gathered during the recruitment process, for example:

6.1 when you provide information to us, for example, on your application form and during any interviews;

6.2 when we obtain information from publicly available sources such as your professional and social media profiles. For example, information about any volunteering positions you hold or any hobbies]; and

6.3 when we receive your personal data (from you and third parties) in carrying out pre-employment checks, for example, when we receive references, confirmation of your fitness to work, your right to work in the UK and criminal records checks.

7 We will hold information about your performance. This includes information about skills, achievements, career progression, performance and disciplinary related matters.

8 We hold and use your financial information such as your bank details, your salary and pension details.

9 We will hold information about any physical or mental health condition you may have which is disclosed to the School during the recruitment process or at any other stage of your involvement with the School.

10 Your personal data will be created internally by the School during the course of your employment or whilst you are volunteering with the School. An email from the Head to you complimenting you on your class management would be an example of this.

11 Your personal data may be acquired from outside of the School community such as from occupational health practitioners or from public authorities such as the police or the Local Authority Designated Officer.

12 Pupils will often provide us with your personal data, for example, if a pupil emails their form teacher to say how much they are helping them with their work.

13 Your personal data will be held on the School's Single Central.

The purposes for which we use your personal data and the lawful bases

14 We use your personal data to:

14.1 make sure that you are complying with your employment obligations (if you are an employee) and that the School is complying with its employment obligations;

14.2 look after your welfare and development and the welfare and development of others such as our pupils;

14.3 provide an education to pupils;

14.4 enable the School to comply with its legal obligations, to assist the School regarding the management and operation of the School and to advance and protect the School's interests, objects and reputation; and

14.5 fundraise, market and promote the School. For example, by using photos of our staff in the School prospectus, on the School's website or in social media.

15 Our lawful bases for using your personal data:

15.1 **Contract:** We need to use your personal data in order to comply with our contractual obligations and for you to perform your obligations as well. This includes where you have asked us to do something before entering into a contract. If we do not have a contract with you, for example, if you are a governor, we will not rely on the contractual basis to use your information.]

15.2 **Legitimate interests:** This means that the School is using your personal data where this is necessary for the School's legitimate interests or someone else's legitimate interests.

15.2.1 Specifically, the School has a legitimate interest in educating and looking after its pupils, complying with its agreement with parents for their child to be at the School, making sure that we are able to enforce our rights against you, for example, so that we take disciplinary action where appropriate, investigating if something has gone wrong and protecting the School (e.g. e.g. if you make a complaint), and promoting and improving the School.

15.2.2 In addition your personal data may be processed for the legitimate interests of others. For example with external activity providers if they need to contact you directly or for their own emergency or insurance purposes.

15.2.3 This basis applies to all of the purposes set out at paragraph 14.

15.3 **Public task:** This allows the School to use personal data where doing so is necessary in order to perform a task in the public interest or to exercise one of our functions or powers as a school. This basis applies when the School is using personal data in order to educate and look after its pupils. This means that this basis applies when we use personal data for the purposes set out in paragraphs 14.1 to 14.4 above.

15.4 **Legal obligation:** As a School we have to comply with various laws and this entitles us to use your personal data where necessary to do this. For example to fulfil our child protection and safeguarding duties towards pupils.

15.5 **Vital interests:** In limited circumstances we may use your personal data to protect your vital interests or the vital interests of someone else. For example, to prevent someone from being seriously harmed or killed.

The section below contains more information about our purposes for using your personal data and the lawful bases.

Our purposes and lawful bases in more detail

This section contains more detail about the purposes for which your personal data is used, the applicable lawful basis or bases as well as further information about sources and recipients. It does not say anything different to what is set out above but goes into more detail.

We have used a colour coded system so that you can see which bases we are relying on for each of the purposes described in paragraph 14 above. LI means legitimate interests, CT means contract, PI means public task, LO means legal obligation and VI means vital interests. So if we have put (LI, PI) that means we are relying on both legitimate interests and public task for that purpose.

16 We commonly use personal data for:

16.1 providing education and support to our pupils (LI, PI);

16.2 fulfilling our safeguarding and child protection duties towards pupils and others (LI, PI, LO);

16.3 ensuring that we provide a safe and secure work environment (LI, PI);

16.4 if you are an employee, providing employment services (such as payroll) (LI, CT);

16.5 if you are an employee, to pay you your salary and to provide contractual benefits, such as a [• school fee discount] (LI, CT);

16.6 reimbursing your expenses (CT, LI);

16.7 providing supervision, training and support (LI, PI);

16.8 protecting and promoting the School's interests and objectives (including fundraising) (LI, PI);

16.9 personnel, administrative and management purposes and to enable us to meet our legal obligations as an employer. For example, to pay staff and to monitor their performance (LI, CT, LO, PI);

16.10 safeguarding and promoting the welfare of, staff, pupils and others. This includes equal opportunities monitoring (LI, PI);

16.11 ensuring that we comply with our obligations as a charity. (LI, LO, PI);

16.12 making sure that you are complying with your obligations (LI, CT, PI); and

16.13 fulfilling our contractual, statutory and other legal obligations (CT, LO).

17 Some specific examples of when the School uses your personal data are set out below:

17.1 We use your personal data to consider your suitability to work in your role at the School or volunteer in the School, for example we will receive references about you. Any references that we provide or receive will be treated as confidential which means that you will not usually be provided with a copy. (LI, LO, PI).

17.2 We will carry out online searches on shortlisted candidates as part of our due diligence and in accordance with our safeguarding obligations. This is to help us identify any incidents or issues that have happened, and are publicly available online, which we might want to explore with you at interview (PI, LO).

17.3 We will check that you have the right to work in the UK by reviewing your identification documents and keeping copies on your personnel file (LI, LO).

17.4 We will use your personal data in addressing any performance or disciplinary concerns which arise (LI, PI).

17.5 We will use your personal data in order to fulfil our duty of care to you and colleagues. This includes using information relating to any medical condition you may have in order to verify fitness to work, monitor sickness absence and comply with our duty of care towards you and others (CT, LI, LO).

17.6 We will use your personal data when dealing with any complaints and grievances with which you are involved (e.g. from other staff, pupils and parents) (LI, PI).

17.7 Where appropriate, the School will have information about your religious beliefs and practices to help the School accommodate your needs. For example, if you do not eat certain foods. (LI, PI).

17.8 We will use your personal data to ensure the security of the school site which may involve issuing you with a photocard (LI).

17.9 We often use photos and video recordings of staff, for marketing and promotion purposes. This will include in School publications, in social media and on the School website] (LI). We may occasionally speak to you if the image is being used in a more unusual or high profile way.

17.10 We will also allow external publication of certain media where appropriate (for example, a photo or article in a local newspaper) (LI).

17.11 We may also make recordings for teaching purposes, for example, recording a drama lesson to provide feedback to you or pupils. We may also record lessons for pupils who were not able to attend in person (LI, PI).

17.12 We use CCTV for the purposes of crime detection and prevention, to help keep our sites safe and to support the protection of property. We may also use CCTV recordings in connection with our obligation to safeguard the welfare of pupils, staff and visitors, to aid in the investigation of accidents, incidents and breaches of our rules and policies and to assist us with our health and safety obligations. Sometimes CCTV recordings are used in relation to incidents and accidents (for example, involving vehicles in the car park). Further information about the use of CCTV can be

found in the School's CCTV policy (a copy of which is published on the School's website) (LI, PI).

17.13 The School regularly monitors and accesses its IT system for purposes connected with the operation of the School. The School IT system includes any hardware, software, email account, computer, device or telephone provided by the School or used for School business. The School may also monitor staff use of the School telephone system and voicemail messages. Staff should be aware that the School may monitor the contents of a communication (such as the contents of an email) (LI, PI).

17.14 The purposes of such monitoring and accessing include:

17.14.1 to help the School with its day to day operations. For example, if a member of staff is on holiday or is off sick, their email account may be monitored in case any urgent emails are received (LIPI); and

17.14.2 to check staff compliance with the School's policies and procedures and to help the School fulfil its legal obligations. For example, to investigate allegations that a member of staff has been using their email account to send abusive or inappropriate messages (LI, PI).

17.15 Monitoring may be carried out on a random basis and it may be carried out in response to a specific incident or concern.

17.16 The School also uses software which automatically monitors the School IT system (for example, it would raise an alert if a member of Staff visited a blocked website or sent an email containing an inappropriate word or phrase).

17.17 The monitoring is carried out by the Data Protection Lead. If anything of concern is revealed as a result of such monitoring then this information may be shared with the Head and this may result in disciplinary action. In exceptional circumstances, concerns will need to be referred to external agencies such as the police.

17.18 We may use your personal data when ensuring network and information security, for example, our anti-virus software might scan files containing information about you (LI).

17.19 We will send you information about how to support the School, for example fundraising opportunities] (LI).]

17.20 If you are an employee, we will keep details of your address when you leave our employment so we can send you the insert School magazine name and keep in touch (LI).

17.21 We also keep some information indefinitely for archiving purposes (this is known as "archiving in the public interest" under data protection law) and for historical research purposes. This includes the School's legitimate interest in research; supporting long-term accountability; enabling the discovery and availability of the School and the wider school community's identity, memory, culture and history; enabling the establishment and maintenance of rights and obligations and of precedent decisions; educational purposes; and commercial and non-commercial re-use. For example, we keep some old photos so that we have a record of what the

School was like in the past. Information held in our archive may be made publicly available but this would only be done in compliance with data protection laws (LI, PI).

17.22 We may use your personal data in connection with legal disputes. For example, if a parent or former pupil brings a claim against the School (LI, CT , PI, LO).

17.23 We will use your personal data to take other steps to make sure the school site and buildings are safe, for example, we keep a record of who is on the school site at any given time (LI, PI).

17.24 We may use your personal data in order to help make the School better, for example, to raise money for the School, or to send you information about how you can donate to the School (LI).

17.25 We may use your personal data in connection with legal disputes (LI, PI, LO).

17.26 We will hold information about any protected characteristics you may have (e.g. in relation to a disability). This helps us make reasonable adjustments. (LI, PI, LO).

18 We will share your personal data with government bodies and regulators. For example with:

18.1 the Disclosure and Barring Service (**DBS**), and / or the Teaching Regulation Agency (previously known as the National College for Teaching and Leadership) (if applicable) when complying with our legal duty to carry out pre-appointment suitability checks (LI, LO, PI); and

18.2 the DBS and / or Teaching Regulation Agency (if applicable) if circumstances arise in which we are either required to make a referral to either or both of these bodies or we consider it to be appropriate in the circumstances to do so (LI, LO, PI).

19 Where you are employed by us in order to fulfil our obligations to you as an employer we will need to share your personal data with medical professionals, such as occupational health services, where we are making a referral (LI, CT).

20 Occasionally we may use consultants, experts and other advisors (including legal advisors and accountants) to assist us in fulfilling our obligations and to help run the School properly. We will share your personal data with them if this is relevant to the work they carry out (LI, PI).

21 We will share information with the Independent Schools Inspectorate, for example, during the course of an inspection, and may need to share your personal data with the Department for Education (LI, LO, PI).

The next few paragraphs relate to the School's obligations under immigration law.

At the time of writing (May 2023) the UK Visas and Immigration Sponsor Guidance advises sponsors to retain at least one of the following in relation to recruitment exercises that result in the sponsorship of a migrant worker:

i. "a copy or summary of the interview notes for the successful candidate

ii. a list of common interview questions used for all candidates as part of your selection process

iii. brief notes on why the successful candidate was selected and why other candidates were rejected

iv. information about any scoring or grading process you used to identify the successful candidate

v. any other relevant information or evidence.

Note: you do not have to retain application forms, CVs, interview notes or any other personal data relating to unsuccessful candidates".

Therefore if the School does retain any information about unsuccessful applicants this should be anonymised. Anonymisation has quite a high threshold (e.g. it may require more than simply removing names) and we would be pleased to advise further.

There is an exception to this general rule, if the School holds a Religious Worker and/or Creative Worker sponsor licence. If this is the case please retain paragraph 22. Our Immigration Team would be pleased to advise further.

22 If you apply to work for us and we offer the position to someone with a sponsored Religious Worker or Creative Worker visa instead, we have to keep your contact details and why we offered the position to the successful candidate instead. We may be required to share this information with UK Visas and Immigration (LO, PI).]

23 Before we employ you we must check if you can work in the UK. In certain circumstances we will have to provide information about you to UK Visas and Immigration to comply with our duties under the UK's legislation on preventing illegal working. Additionally, if you are sponsored by us under a Skilled Worker or Temporary Worker visa we will have to provide information about you to UK Visas and Immigration to comply with our duties as a sponsor. (LI, LO, PI).

24 We may share some information with our insurance company and broker to make sure that we have the insurance cover that we need or in connection with an actual or possible claim (LI, PI).

25 We may share your personal data with benefits providers, for example, to ensure that you are able to take advantage of the benefit (if applicable) (LI, CT, PI).

26 We may need to share information about you with the Health and Safety Executive (a government organisation) if there is a health and safety issue at the School (LI, LO, PI).

27 The School is a charity which means that in exceptional circumstances we may need to share your personal data with the Charity Commission e.g. in the event of a serious incident or with other regulators e.g. the ICO (LI, LO, PI).

28 If the School is dealing with a request for information, query, complaint or grievance (e.g. from a colleague or a parent), we may need to share your personal data with other parties if it is relevant and appropriate to do so. For example, with the appropriate staff, the colleague, pupil or parent involved and governors. We will also share information with others in the School, such as your line manager and governors, for example, if it would be appropriate to inform them about something which has happened (LI, PI).

29 Some of the records the School keeps, and which contain your personal data, may be used by the School (or by someone else such as the government) to check that the School has been a good school (LI, PI).

30 We may share information about you with (and get information from) health authorities, providers of healthcare services and healthcare professionals, for example, in relation to pupil immunisations. (LI, PI).

31 We may share your personal data with other schools, for example, if this is necessary to comply with our safeguarding obligations (LO, PI).

32 If ever in the future, we are considering restructuring the charity which operates the School, we may share your personal data with the other parties involved and with the relevant professional advisors (LI).

33 We will share personal data about staff with the relevant statutory agencies if it is appropriate to share this information to investigate allegations of misconduct (LI, LO, PI).

34 We may need to share your personal data with the Local Authority Designated Officer in accordance with our safeguarding obligations (LI, LO, PI).

35 On occasion, we may need to share your personal data with the police for the prevention or detection of crime or the apprehension or prosecution of offenders. We will only do this in specific circumstances to assist the police with their investigations. Sometimes, CCTV recordings may be disclosed to third parties such as the police (LI, LO, PI).

36 If appropriate, we will share your personal data with parents and pupils where this is related to your professional duties, such as information about the subjects you teach (LI, PI).

37 We may need to share your personal data if there is an emergency, for example, if you are hurt in an accident (LI, PI, VI).

38 If you are an employee, we may need to provide your personal data to a pension provider so that you can benefit from your pension entitlement and in order that employer pension contributions can be made (CT, LO).

39 We will need to share your personal data in accordance with our safeguarding obligations if asked to provide a reference about you by a school or college (LO). If we are asked to provide a reference by an organisation that is not a school or college our lawful basis is (LI). Please note that references will be provided in confidence and we will not usually provide you with a copy of the reference.

40 As you will see from the above, in some cases we will rely on more than one lawful basis above for a particular use of your information.

41 We use service providers (known as processors) to handle personal data on our behalf for the following purposes:

41.1 IT consultants who might access information about you when checking the security of our IT network;

41.2 we use software, apps and websites to help us with teaching, and to help us provide pastoral support to our pupils; and

41.3 we use third party "cloud computing" services to store some information rather than the information being stored on hard drives located on the School site.

If you have any questions about any of the above, please speak to the Data Protection Lead.

42 We will share your personal data with governors of the School if it concerns something it would be appropriate to tell them about for the purposes set out in this notice, including information which will enable them to fulfil their role as a School governor (LI, PI).

43 Anyone that we share information with may give us information about you as well.

Transfers of your personal data overseas

When the School sends personal data outside of the UK, we have to consider if the other country has the same level of protection for personal data as there is in the UK. Some countries are considered by the UK Government to have adequate rules and this includes all of the European Union and some other countries, such as, New Zealand, Norway, Switzerland and Argentina.

The School sends your personal data to countries with adequate rules when we:

- go on an overseas trip and share your personal data with activity providers and the hotel; and
- store your personal data in cloud computer storage with servers in Ireland.

In certain circumstances, we may send your personal data to countries which do not have the same level of protection for personal data as there is in the UK. For example, we may:

- store your personal data in cloud computer storage with servers in the USA.

We will provide you with additional details about where we are sending your personal data, whether the country has an adequacy finding and if not the safeguards which we have in place outside of this notice.

If you have any questions about the safeguards that are in place please contact the Data Protection Lead.

For how long does the School keep staff personal data?

44 We keep your personal data for as long as we need to in relation to your employment. We will keep some information after you have left the School in case this is needed, for example, in relation to our legal obligations.

45 In some cases we may keep your personal data for a longer time than usual but we would only do so if we had a good reason and only if we are allowed to do so under data protection law.

46 Please see our Information and Records Retention Policy for information on how long we keep your personal data for.

Processing in line with your rights

47 Data protection legislation gives you a number of rights in your information. Your rights are as follows:

47.1 **Correction:** if information the School holds about you is incorrect or incomplete you can ask us to correct it;

47.2 **Access:** you can also ask what information we hold about you and be provided with a copy of it. This is commonly known as making a subject access request. We will

also give you extra information, such as why we use this information about you, where it came from and who we have sent it to;

47.3 **Deletion:** you can ask us to delete the information that we hold about you in certain circumstances. For example, where we no longer need the information;

47.4 **Portability:** you can request the transfer of your personal data to you or to a third party in a format that can be read by computer.

47.5 **Restriction:** you can request that we restrict how we use your personal data in certain circumstances.

47.6 **Object:** you may object to us using your personal data where:

47.6.1 we are using it for direct marketing purposes (e.g. to send you an email about a fundraising opportunity);

47.6.2 the lawful basis on which we are relying is either legitimate interests or public task. Please see the section "The purposes for which we use your personal data and the lawful bases" above;

47.6.3 if we ever use your personal data for scientific or historical research purposes or statistical purposes.

48 The Data Protection Lead can give you more information about your data protection rights. To exercise any of your rights you can speak to the Data Protection Lead. Please note that these rights do not apply in all cases and are subject to exemptions.

Consent

49 We may ask for your consent to use your personal data in certain ways as an alternative to relying on any of the bases in the tables above. For example, we may ask for your consent to send you emails about fundraising projects. If we ask for your consent to use your personal data you can take back this consent at any time. Any use of your personal data before you withdraw your consent remains valid. You can speak to the Data Protection Lead if you would like to withdraw any consent given.

Further information

50 This privacy notice does not, and is not intended to, give you any rights which you did not already have. For example, it does not give you any additional employment or contractual rights.

51 Contact: If you would like any further information about anything within this notice please contact the Data Protection Lead. The Data Protection Lead's contact details are david.white@hunterhall.cumbria.sch.uk, or he can be contacted via the School Office.

52 Please speak to the Data Protection Lead if:

52.1 you would like us to update the information we hold about you; or

52.2 you would prefer that certain information is kept confidential.

53 There is certain information that you are required to provide to us so that we can enter into a contract of employment with you . This includes your contact details, details of your qualifications,

details of your right to work in the UK and your bank details. If you fail to provide certain information when requested, we may not be able to perform our obligations under the contract of employment or agreement we have entered into with you (such as paying you (including paying your expenses) or providing a benefit). Alternatively, we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers).

54 You have a right to lodge a complaint with the Information Commissioner's Office -. If you do have any concerns about how we have handled your personal data we would kindly ask that you contact us in the first instance before you speak to the ICO so that we have an opportunity to put things right.