

# Staff Privacy Notice (How we use your information)

This notice sets out how we use your personal information as your employer or when you apply for a job with us and in particular:

- what personal information we collect;
- what we do with your personal information;
- the legal basis on which we collect and use your personal information;
- how long we keep your personal information;
- how we share your personal information including whether we transfer your personal information outside of the European Economic Area (“EEA”); and
- your rights over your personal information.

## The categories of information that we collect, process, hold and share include:

- personal information (such as name, date of birth, employee or teacher number, National Insurance number);
- special categories of data including characteristics information such as gender, race, ethnic origin, trade union membership;
- contract information (such as start dates, hours worked, post, roles and salary information);
- work absence information (such as number of absences and reasons);
- qualifications (and, where relevant, subjects taught); and
- CCTV images and your photo for your pass

## Why we collect and use this information

We use this data:

- for the recruitment process and for carrying out pre-employment checks;
- for checking your identity and right to work in the UK;
- for checking your qualifications;
- for carrying out our role as your employer or potential employer;
- to support and manage employees;
- to enable the development of a comprehensive picture of the workforce and how it is deployed;
- to process payroll, pensions, expenses claims and other financial transactions;
- to maintain the College’s accounts and for insurance purposes;
- for dealing with HMRC;
- to allow for better financial modelling and planning;
- to inform the development of recruitment and retention policies;
- for safeguarding students;
- to maintain accident records and to otherwise comply with health and safety legislation;
- for communicating with you and for marketing purposes;
- and to otherwise fulfil the College’s statutory obligations as an educational institution under the Further and Higher Education Act 1992, the Education Act 1996 and other applicable legislation.

## The lawful basis on which we process this information

We are subject to statutory and legal obligations requiring us to process this information. We are also required to process this information to enable us to perform our contractual obligations to you as your employer. In some instances, we are required to process this information as we as a College are performing a task in the public interest (provision of education). In some instances, we may decide to process this information because it is in our legitimate (commercial) interests to do so.

For some non-core purposes, ie not directly related to your employment with us, such as staff surveys, marketing, etc. we require your consent to process your personal information. You can withdraw your consent for this processing at any time; but this could have consequences in terms of us being able to provide those non-core services to you.

### Special Category Data

Special category data is personal data which the GDPR says is more sensitive, and so needs more protection.

Information about an individual's:

- race;
- ethnic origin;
- politics;
- religion;
- trade union membership;
- genetics;
- biometrics (where used for ID purposes);
- health;
- sex life; or
- sexual orientation

is Special Category Data.

Processing of Special Category Data of personal data is necessary for the College to be able to carry out a task in the public interest (provision of education) and to comply with legal and statutory requirements relating to that provision (in particular, safeguarding), and to be able to perform its obligations in relation to its contract of employment with you, in accordance with Articles 6 and 9 GDPR and section 10 and Schedule 1, Part 1 of the Data Protection Act 2018, specifically paragraph 1 (employment, social security and social protection), paragraph 8(1) of Schedule 1, Part 1 (equality of opportunity and treatment), paragraph 16 (support for individuals with a particular disability or medical condition), paragraph 18 (safeguarding of children and of individuals at risk), paragraph 20 (insurance) and paragraph 21 (occupational pensions).

## Criminal Offence Data

Processing of Criminal Offence Data is necessary for the College to be able to carry out a task in the public interest (provision of education) and to comply with legal and statutory requirements relating to that provision (in particular, safeguarding), in accordance with Articles 6 and 10 GDPR and section 10 and Schedule 1, Part 1 of the Data Protection Act 2018, specifically paragraph 18 (safeguarding of children and of individuals at risk) and paragraph 29 of Schedule 1, Part 3 (consent).

## Collecting this information

Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with data protection legislation, we will inform you whether you are required to provide certain information to us or if you have a choice in this.

## Storing this information

How long we hold this information for will depend on the type of information. For instance:

Type of Data	Retention Period	Reason for retention
<b>Staff Records</b>		
Interview notes – successful	Permanent	Statutory/legal obligation, performance of a contract, performance and College's legitimate interests including safeguarding of students
Interview notes – unsuccessful	Six months after interview + 1 year	
Application	Six months from date of leaving + 1 year	
Offer letter	Six months from date of leaving + 1 year	
Starter data such as copied ID, driving licence, etc.	Six months from date of leaving + 1 year	
DBS application	Six months from date of leaving + 1 year	
Staff Risk Assessment	Six months from date of leaving + 1 year	
Criminal Convictions Declaration (if completed)	Six months from date of leaving + 1 year	
References	Six months from date of leaving + 1 year	

Type of Data	Retention Period	Reason for retention
<b>Staff Records</b>		
Health Declarations	Six months from date of leaving + 1 year	Statutory/legal obligation, performance of a contract, performance and College's legitimate interests including safeguarding of students
Right to work, etc	Six months from date of leaving + 1 year	
Bank details	Six months from date of leaving + 1 year	
CV – successful	Six months from date of leaving + 1 year	
CV - unsuccessful	1 year after receipt + 1 year	
Proof of qualifications obtained	Six months from date of leaving + 1 year	
Further Information form	Six months after interview + 1 year	
Probationary Review	Six months from date of leaving + 1 year	
Appraisal	Six months from date of leaving + 1 year	
Disciplinary	Permanent	
Grievance	Six months after interview + 1 year	
Sickness/sick notes/any other documents relating to return to work after sickness	Six months from date of leaving + 1 year	
Maternity/Paternity/Adoption and flexible working/compassionate leave, etc.	Six months from date of leaving + 1 year	
Occupational Health referrals, reports, etc.	Permanent	
Occupational Health records	Permanent	
Leaver Information – resignation, forms, etc.	Six months from date of leaving + 1 year	

Type of Data	Retention Period	Reason for retention
<p><b>Staff Records</b></p> <p>Redundancy information</p> <p>Details of any settlements, employment tribunal claims, etc.</p> <p>TUPE</p> <p>P45</p> <p>Staff Contract</p> <p>Part-time variable contract</p> <p>Staff Development – short courses</p> <p>Staff Development – long courses</p>	<p>Six months from date of leaving + 1 year</p> <p>Permanent</p> <p>Permanent</p> <p>7 years + 1 year</p> <p>Permanent</p> <p>Permanent</p> <p>2 years from date of leaving + 1 year</p> <p>2 years from date of leaving + 1 year</p>	<p>Statutory/legal obligation, performance of a contract, performance and College's legitimate interests including safeguarding of students</p>
<p><b>Payroll</b></p>	<p>7 years from payroll date + 1 years</p>	<p>Statutory/legal obligation, performance of a contract and in the College's legitimate interests</p>
<p><b>Pensions</b></p>	<p>Permanent</p>	<p>Statutory/legal obligation and in the College's legitimate interests</p>
<p><b>Transport</b></p> <p>Applications to drive College or farm vehicles/own car for work purposes</p> <p>Car park permit form</p> <p>MIDAS Certificates, MIDAS requests and copy drivers licences</p>	<p>1 year from end of academic year + 1 year</p> <p>Six months from the date of the application for unsuccessful applications + 1 year</p> <p>Six months from date of leaving + 1 year</p> <p>Six months from date of leaving + 1 year</p>	<p>Performance of a contract, performance of a task in the public interest (provision of education) and College's legitimate interests</p>

For further details, the College's Data Retention Policy is available at <https://able.askham-bryan.ac.uk/staff/>

## Who we share this information with

We routinely share this information with:

- current, past and prospective employers;
- trade unions and staff associations;
- our local education authority;
- HMRC;
- ESFA;
- the Department for Education (DfE);
- Access (a private company, to process payroll); and
- Toucan storage (a private company, archival storage).

### ESFA and Department for Education (DfE)

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.

## Data collection requirements

The DfE may share information about College employees with third parties who promote the education or well-being of children or the effective deployment of school staff in England by:

- conducting research or analysis;
- producing statistics; and by
- 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 the 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 this information, organisations must comply with its 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 DfE, please go to <https://www.gov.uk/contact-dfe>

## Why we share your information

We do not share information about workforce members with anyone without consent unless the law and our policies allow us to do so.

### HESA

The Higher Education Statistics Agency Limited (HESA) is the body responsible for collecting and disseminating information about higher education in the UK and the Designated Data Body for England ([www.hesa.ac.uk/about](http://www.hesa.ac.uk/about)).

HESA is a Controller of your information.

HESA's wholly-owned subsidiary company HESA Services Limited acts as a Processor to do work on behalf of HESA and other organisations described in HESA's Staff Collection Notice (details of which are available on Moodle and also at <https://www.hesa.ac.uk/about/regulation/data-protection/notices> (see also <https://www.hesa.ac.uk/innovation/outcomes/providers/data-protection> for Frequently Asked Questions, etc), but may also act as a Controller.

### Education statistics and data

HESA shares your HESA information with public authorities such as the Department for Education, Office for Students, etc who require it to carry out their statutory and/or public functions. This data sharing is carried out in the public interest or in the exercise of official authority vested in HESA and the public authorities. Your HESA information will be shared with these organisations as part of a large dataset which contains similar information about other people who work at higher education providers in the UK.

### HESA publications

HESA publishes statistics about staff in higher education.

### HESA Research

HESA information is also used for research into higher education and staff populations.

### Senior staff pay and compensation for loss of office

Accounts directions from the Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council and the Department for the Economy (NI) require HE providers to publish the following details as part of their annual statements:

- Head of Provider name, salary and benefits,
- Numbers of staff paid over £100,000 per annum,
- The number of staff paid compensation for loss of office ('severance pay').

This information is also collected by HESA in the HESA Finance record. HESA publishes this information alongside other financial information about HE providers as open data. The published data includes counts of staff which are not rounded or suppressed.

Data about heads of providers is personal data, and where other numbers are small for a provider these may also reveal information about individuals.

## **Lawful basis**

Processing of your HESA information for Purpose 1 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 (See GDPR Article 6(1)(e)) and for statistical and research purposes (see GDPR Article 89).

Processing may also be necessary for the purposes of the legitimate interests of HESA in disseminating higher education information, or the legitimate interests of third parties in undertaking research in the field of higher education (see GDPR Article 6(1)(f)).

Processing of Special Categories of data is necessary for statistical and research purposes in accordance with Article 89(1) based on the duties in the Equality Act 2010, Section 75 of the Northern Ireland Act 1998, or the Digital Economy Act 2017 (see GDPR Article 9(2)(j))

Processing financial information about staff pay, compensation and benefits 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 (see GDPR Article 6(1)(e)).

## **Transferring your personal data outside of Europe**

Your information will remain at all times within the UK and or European Economic Area (“EEA”).

If we have to transfer your personal data outside the EEA, we will only do so where:

- the recipient or recipient country ensures an adequate level of protection for your personal data;
- the recipient or recipient country is subject to an approved certification scheme or code of conduct with binding and enforceable commitments which amount to appropriate safeguards for your personal data, such as the EU-US Privacy Shield that enables the secure transfer of personal data to the United States;
- we have put in appropriate safeguards with the recipient or recipient country to protect your personal data such as a data sharing agreement;
- the transfer is permitted by law; or
- you expressly consent to that transfer.

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

Under data protection legislation, you have the right to request access to information about you that we hold.

To make a request for your personal information, contact the College’s Data Protection Officer, Judith Clapham, either by contacting Judith at [judith.clapham@askham-bryan.ac.uk](mailto:judith.clapham@askham-bryan.ac.uk) or at [DataProtection@askham-bryan.ac.uk](mailto:DataProtection@askham-bryan.ac.uk)



You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress;
- **in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and**
- claim compensation for damages caused by a breach of the Data Protection regulations.

For further details please visit the ICO's website <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

If you have a concern about the way we are collecting or using your personal data, we ask that you raise your concern with us in the first instance by contacting Judith Clapham, either at [judith.clapham@askham-bryan.ac.uk](mailto:judith.clapham@askham-bryan.ac.uk) or at [DataProtection@askham-bryan.ac.uk](mailto:DataProtection@askham-bryan.ac.uk).

Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

## Further information

If you would like to discuss anything in this privacy notice, please contact Judith Clapham, either at [judith.clapham@askham-bryan.ac.uk](mailto:judith.clapham@askham-bryan.ac.uk) or at [DataProtection@askham-bryan.ac.uk](mailto:DataProtection@askham-bryan.ac.uk)