

# The Mercian Trust

## General Privacy Notice

<b>Policy Owner</b>	<b>The Mercian Trust</b>
<b>Date Ratified by Trust Board</b>	<b>January 2021</b>
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# Privacy Notice

## Policy Statement

We are The Mercian Trust. This General Privacy Notice is to let you know how we use and looks after your personal information. This includes what you tell us about yourself and what we learn during our relationship with you.

## Workforce

During an individual's time with us, we will use information that we gather in relation to them for various purposes. Information that we hold in relation to individuals is known as their "personal data". This will include data that we obtain from the individual directly and data about the individual that we obtain from other people and organisations. We might also need to continue to hold an individual's personal data for a period of time after they have left the school. Anything that we do with an individual's personal data is known as "processing".

This document sets out what personal data we will hold about our workforce, why we process that data, who we share this information with, and the rights of individuals in relation to their personal data processed by us.

## What information do we process in relation to our workforce?

We will collect, hold, share or otherwise use the following information about our workforce:

- personal information (such as name, address, home and mobile numbers, personal email address, employee or teacher number, national insurance number, and emergency contact details)
- contract information (such as start dates, hours worked, post, roles and salary information, bank/building society details)
- work absence information (such as number of absences and reasons (including information regarding physical and/or mental health), holiday records)
- qualifications / training courses attended and, where relevant, subjects taught (such as training record)
- performance information (such as appraisals and performance reviews, performance measures including performance management/improvement plans, disciplinary or grievance records)
- other information (such as pension arrangements (and all information included in these necessary to administer them), time and attendance records, information in applications made for other posts within the school, criminal records information (including the results of Disclosure and Barring Service (DBS) checks), details in references the school receives or provides to other organisations, CCTV footage and images)

We will also use special categories of data including such as gender, age, ethnic group, sex or sexual orientation, religious or similar beliefs, political opinions, trade union membership,

information about health, genetic information and biometric data. These types of personal data are subject to additional requirements.

### **Where do we get information from about our workforce?**

A lot of the information we have about our workforce comes from the individuals themselves. However we may also obtain information from tax and regulatory authorities such as HMRC, previous employers, your trade union, the DBS, our insurance benefit administrators, consultants and other professionals we may engage, recruitment or vetting agencies, other members of staff, students or their parents, and publically available resources including online sources. In addition we may obtain information from automated monitoring of our websites and other technical systems such as our computer networks and systems, CCT and access control systems, communications systems, remote access systems, email and instant messaging systems, intranet and internet facilities, telephones, voicemail and mobile phone records.

### **Why do we use this information?**

We will process the personal data of our workforce for the following reasons:

1. Where we are required by law, including:
  - To comply with the law regarding data sharing (see further below)
  - To comply with specific employment law requirements, including our obligations as an employer under employment protection and health and safety legislation, and under statutory codes of practice such as those issued by ACAS
  - To comply with legal requirements in relation to equalities and non-discrimination
2. Where we are required by any contract with our workforce, such as employment contracts, including:
  - To make payments to our workforce, such as salary payments
  - To deduct tax and National Insurance contributions
  - To make a decision about recruitment
  - To check individuals are legally entitled to work in the UK
  - Administering employment contracts
  - Conducting performance reviews
  - Making decisions about salary and compensation
  - Liaising with pension providers
  - Providing the following benefits:
    - Child Tax Credits

3. Where the law otherwise allows us to process the personal data, or we are carrying out a task in the public interest, including:
  - To enable the development of a comprehensive picture of the workforce and how it is deployed
  - To inform the development of recruitment and retention policies
  - To safeguard our pupils and other individuals
  - To ensure safe working practices
  - In the interests of ensuring equal opportunities and treatment
4. Where we otherwise have the consent of the individual

Whilst the majority of processing of personal data of our workforce will not require consent, we will inform individuals if their consent is required and seek that consent before any processing takes place. Due to the imbalance of power in an employee to employer relationship, it is generally thought that although consent may be implied it cannot truly be freely given. So consent is not necessarily the most appropriate basis to rely upon as an employer.

#### **Why do we use special category personal data?**

We may process special category personal data of our workforce for the following reasons:

1. To carry out our legal obligations in relation to employment law, where this is in accordance with our Data Protection Policy
2. Where the processing is necessary for reasons of substantial public interest, including for purposes of equality of opportunity and treatment, where this is in accordance with our Data Protection Policy.
3. For the purposes of preventative or occupational medicine in order to assess an individual's working capacity and/ or the need for reasonable adjustments.
4. Where we otherwise have an individual's explicit written consent – subject to the restriction set out above on the use of consent in an employment relationship.

There may also be circumstances where we need to use your information in relation to legal claims, or to protect your vital interests and where you are unable to provide your consent.

#### **Failure to provide this information**

If our workforce fail to provide information to us then this may result in us being unable to perform the employment contract, or we may be prevented from complying with our legal obligations.

#### **How long will we hold information in relation to our workforce?**

We will hold information relating to our workforce only for as long as necessary. How long we need to hold on to any information will depend on the type of information. For further detail please see our Retention and Destruction Policy.

## Who will we share information with about our workforce?

We routinely share information about our workforce with:

- The Department for Education and the ESFA, in compliance with legal obligations of the school to provide information about our workforce as part of statutory data collections
- Contractors, such as payroll providers, to enable them to provide an effective service to the school and government agencies such as HMRC and DWP regarding tax payments and benefits
- Our professional advisors including legal and HR consultants

The Department for Education may share information that we are required to provide to them with other organisations. For further information about the Department's data sharing process, please visit: <https://www.gov.uk/guidance/data-protection-how-we-collect-and-share-research-data>.

Contact details for the Department can be found at <https://www.gov.uk/contact-dfe>.

## Rights of our workforce in relation to their personal data

All of our workforce have the right to request access to personal data that we hold about them. To make a request for access to their personal data, individuals should contact either:

Our TDPL - **James Fendek** via [GDPR@the.merciantrust.org](mailto:GDPR@the.merciantrust.org)

Our DPO - **SchoolPro TLC Limited** via [GDPR@SchoolPro.uk](mailto:GDPR@SchoolPro.uk)

Please also refer to our Data Protection Policy for further details on making requests for access to workforce information.

Individuals also have the right, in certain circumstances, to:

- Object to the processing of their personal data
- Have inaccurate or incomplete personal data about them rectified
- Restrict processing of their personal data
- Object to the making of decisions about them taken by automated means
- Have your data transferred to another organisation
- Claim compensation for damage caused by a breach of their data protection rights

If an individual wants to exercise any of these rights then they should contact their local HR Manager. The law does not oblige the school to comply with all requests. If the school does not intend to comply with the request then the individual will be notified of the reasons why in writing.

## Prospective Employees

### What information do we process during the application process?

We may collect, hold, share and otherwise use the following information about you during your application process.

*Up to and including shortlisting stage:*

- your name and contact details (i.e. address, home and mobile phone numbers, email address);
- details of your qualifications, training, experience, duties, employment history (including job titles, salary, relevant dates and working hours), details of driving licence (if relevant for role), membership of professional bodies and interests;
- your racial or ethnic origin, sex and sexual orientation, religious or similar beliefs;
- information regarding your criminal record;
- details of your referees;
- whether you are related to any member of our workforce; and
- details of any support or assistance you may need to assist you at the interview because of a disability.

*Following shortlisting stage, and prior to making a final decision*

- information about your previous academic and/or employment history, including details of any conduct, grievance or performance issues, appraisals, time and attendance, from references obtained about you from previous employers and/or education providers;\*
- confirmation of your academic and professional qualifications (including seeing a copy of certificates);\*
- information via the DBS process, regarding your criminal record, in criminal records certificates (CRCs) and enhanced criminal records certificates (ECRCs), whether you are barred from working in regulated activity;\*
- your nationality and immigration status and information from related documents, such as your passport or other identification and immigration information;\*
- medical check to indicate fitness to work;\*
- a copy of your driving licence (or other appropriate documentation as listed on the Home Office list);\*
- if you are a teacher, we will check the National College of Teaching and Leadership (“NCTL”) Teachers Services about your teacher status, whether you are subject to a prohibition from teaching order and any other relevant checks (for example Section 128 direction for management posts and EEA teacher sanctions);\* and

- equal opportunities' monitoring data.

You are required (by law or in order to enter into your contract of employment) to provide the categories of information marked (\*) above to us to enable us to verify your right to work and suitability for the position. Without providing us with this information, or if the information is not satisfactory, then we will not be able to proceed with any offer of employment.

If you are employed by us, the information we collect may be included on our Single Central Record. In this scenario, a further privacy notice in relation to data we collect, process, hold and share about you during your time with us, will be issued to you.

### **Where do we get information from about during your application process?**

Depending on the position that you have applied for, we may collect this information from you, your referees (details of whom you will have provided), your education provider, any relevant professional body, the Disclosure and Barring Service (DBS), NCTL and the Home Office, during the recruitment process.

### **Why do we use this information?**

We will process your personal data during your application process for the purpose of complying with legal obligations, carrying out tasks which are in the public interest, and taking steps with a view to entering into an employment contract with you. This includes:

- to assess your suitability for the role you are applying for;
- to take steps to enter into a contract with you;
- to check that you are eligible to work in the United Kingdom or that you are not prohibited from teaching; and
- so that we are able to monitor applications for posts in the school to ensure that we are fulfilling our obligations under the public sector equality duty under the Equality Act 2010.

### **How long will we hold information in relation to your application?**

We will hold information relating to your application only for as long as necessary. If you are successful then how long we need to hold on to any information will depend on type of information. For further detail please see our Retention and Destruction Policy.

If you are unsuccessful we will hold your personal data only for six months, after which time it is securely deleted.

### **Who will we share information with about your application?**

We will not share information gathered during your application process with third parties, other than professional advisors such as legal as HR advisors.

### **Rights in relation to your personal data**

All individuals have the right to request access to personal data that we hold about them. To make a request for access to their personal data, individuals should contact either:

Our TDPL - James Fendek via [GDPR@the.merciantrust.org](mailto:GDPR@the.merciantrust.org)

Our DPO - SchoolPro TLC Limited via [GDPR@SchoolPro.uk](mailto:GDPR@SchoolPro.uk)

Please also refer to our Data Protection Policy for further details on making requests for access to personal data.

Individuals also have the right, in certain circumstances, to:

- Object to the processing of their personal data
- Have inaccurate or incomplete personal data about them rectified
- Restrict processing of their personal data
- Object to the making of decisions about them taken by automated means
- Have your data transferred to another organisation
- Claim compensation for damage caused by a breach of their data protection rights

If an individual wants to exercise any of these rights then they should contact the local school HR Manager. The law does not oblige the school to comply with all requests. If the school does not intend to comply with the request then the individual will be notified of the reasons why in writing.

## Students

### What information do we use about you?

We will collect, hold, share and otherwise use information about you set out in the boxes below:

• Name	• Telephone and email contact details	• Date of Birth
• Address	• Assessment information	• Details of previous/future schools
• Unique pupil number	• Behavioural information	• Language(s)
• Nationality	• Country of birth	• Eligibility for free school meals
• Photographs	• Attendance information	• CCTV images

We will also collect, hold, share and otherwise use some information about you which is special "special category personal data" and we will take extra care to make sure that this is kept safe:



<ul style="list-style-type: none"> <li>• Racial or ethnic origin</li> </ul>	<ul style="list-style-type: none"> <li>• Religious beliefs</li> </ul>	<ul style="list-style-type: none"> <li>• Special educational needs and disability information</li> </ul>
<ul style="list-style-type: none"> <li>• Medical / health information</li> </ul>	<ul style="list-style-type: none"> <li>• Genetic and biometric data</li> </ul>	<ul style="list-style-type: none"> <li>• Information relating to keeping you safe</li> </ul>
<ul style="list-style-type: none"> <li>• Sexual life</li> </ul>	<ul style="list-style-type: none"> <li>• Sexual orientation</li> </ul>	<ul style="list-style-type: none"> <li>• Dietary requirements</li> </ul>

**Where do we get this information from?**

We get this information from:

- You
- Your [parents/guardians], and other children’s [parents/guardians]
- Teachers and other staff
- People from other organisations, like doctors or the local authority for example

**Why do we use this information?**

We use this information for lots of reasons, including:

- To make sure that we give you a good education and to support you through this
- To make sure that we are able to address and support any educational, health or social needs you may have
- To make sure everyone is treated fairly and equally
- To keep you and everyone at the school safe and secure
- To deal with emergencies involving you
- To celebrate your achievements
- To provide reports and additional information to your parents/carers

Some of these things we have to do by law. Other things we do because we need to so that we can run the school.

Sometimes we need permission to use your information. This includes taking pictures or videos of you to be used on our website or in the newspaper. Before we do these things we will ask you or if necessary your parent/carer for permission.

**Why do we use special category personal data?**

We may need to use the information about you which is special (mentioned above) where there is a specific interest to do so for example health and social care purposes or to provide you with equal opportunities and treatment. We will also use this information where you have given us permission to do so.

There may also be circumstances where we need to use your information in relation to legal claims, or to protect your vital interests and where you are unable to provide your consent.

### **How long will we hold information in relation to our pupils?**

We will hold information relating to you only for as long as necessary. How long we need to hold on to any information will depend on the type of information. Where you change school we will usually pass your information to your new school.

### **Who will we share pupil information with?**

We may be give information about you with:

- Other schools or educational institutions you may attend or require support from Local Authorities, to assist them in the exercise of their responsibilities in relation to education and training, youth support and safeguarding purposes
- The Department for Education and ESFA as required by the law
- Contractors, to enable them to provide an effective service to the school, such as school meal providers or external tutors

### **Keeping this information safe**

It is very important that only people who need to use your information can see it. The school keeps your information safe by:

- Implementing the Data Protection Policy
- Operating secure IT systems
- Keeping data no longer than required

### **Your rights in relation to your information**

You can ask to see the information we hold about you. If you wish to do this you should contact your Head of House

You also have the right to:

- Object to what we are doing with your information
- Have inaccurate or incomplete information about you amended
- Ask us to stop doing certain things with your information in some cases
- Ask that decisions about you are not made using automatic systems
- Claim against the school in certain circumstances where you have suffered as a result of the school breaching your data protection rights

If you feel it necessary to do any of the above, you can speak with Mr Fendek the school's Data Protection Lead. The school does not have to meet all of your requests and we will let you know where we are unable to do so.

## **Parents**

### **What information do we process in relation to you?**

We will collect, hold, share and otherwise use the following information about you:

- personal information (such as name, address, home and mobile numbers, personal email address, emergency contact details and relationship marital status)
- financial details (such as bank account or credit card details), and other financial details such as eligibility for free school meals or other financial assistance
- CCTV footage and images obtained when you attend the School site
- your relationship to your child, including any Court orders that may be in place

We will also use special categories of data such as gender, age, ethnic group, sex or sexual orientation, religious or similar beliefs, information about health, genetic information and biometric data. These types of personal data are subject to additional requirements.

### **Where do we get your personal data from?**

We will obtain an amount of your personal data from you, by way of information gathering exercises at appropriate times such as when your child joins the school, and when you attend the school site and are captured by our CCTV system.

We may also obtain information about you from other sources. This might include information from the local authorities or other professionals or bodies, including a Court, which might raise concerns in relation to your child.

### **Why do we use your personal data?**

We will process your personal data for the following reasons:

5. Where we are required by law, including:
  - To provide reports and other information required by law in relation to the performance of your child
  - To raise or address any concerns about safeguarding
  - To the Government agencies including the police
  - To obtain relevant funding for the school
  - To provide or obtain additional services including advice and/or support for your family
6. Where the law otherwise allows us to process the personal data as part of our functions as a school, or we are carrying out a task in the public interest, including:

- To confirm your identity
- To communicate matters relating to the school to you
- To safeguard you, our pupils and other individuals
- To enable payments to be made by you to the school
- To ensure the safety of individuals on the school site
- To aid in the prevention and detection of crime on the school site

#### 7. Where we otherwise have your consent

Whilst the majority of processing of personal data we hold about you will not require your consent, we will inform you if your consent is required and seek that consent before any processing takes place.

### **Why do we use special category personal data?**

We may process special category personal data in relation to you for the following reasons:

5. Where the processing is necessary for reasons of substantial public interest, including for purposes of equality of opportunity and treatment, where this is in accordance with our Data Protection Policy.
6. Where the processing is necessary in order to ensure your health and safety on the school site, including making reasonable adjustments for any disabilities you may have.
7. Where we otherwise have your explicit written consent.

There may also be circumstances where we need to use your information in relation to legal claims, or to protect your vital interests of those of your child, and where it is not possible to seek your consent.

### **Failure to provide this information**

If you fail to provide information to us we may be prevented from complying with our legal obligations.

### **How long will we hold your personal data for?**

We will hold your personal data only for as long as necessary. How long we need to hold on to any information will depend on the type of information. For further detail please see our Retention and Destruction Policy.

### **Who will we share your personal data with?**

We routinely share information about you with:

- Local authorities, to assist them in the exercise of their responsibilities in relation to education and training, youth support and safeguarding purposes

- The Department for Education and the Education and Skills Funding Agency, in compliance with legal obligations of the school to provide information about students and parents as part of statutory data collections
- Contractors, such as payment processing providers to enable payments to be made by you to the school
- The Mercian Trust, to enable them to exercise of their responsibilities in relation to education.

The Department for Education may share information that we are required to provide to them with other organisations. For further information about the Department's data sharing process, please visit: <https://www.gov.uk/guidance/data-protection-how-we-collect-and-share-research-data>.

Contact details for the Department can be found at <https://www.gov.uk/contact-dfe>.

Local authorities may share information that we are required to provide to them with other organisations. For further information about Walsall local authority's data sharing process, please visit: <https://www.walsall.gov.uk>

Contact details for Walsall local authority can be found at [https://go.walsall.gov.uk/walsall\\_council\\_data\\_protection\\_protocol](https://go.walsall.gov.uk/walsall_council_data_protection_protocol)

## Concerns

If an individual has any concerns about how we are using their personal data then we ask that they contact our Data Protection Officer in the first instance. However an individual can contact the Information Commissioner's Office should they consider this to be necessary, at <https://ico.org.uk/concerns/>.

## Contact

If you would like to discuss anything in this privacy notice, please contact either:

Our TDPL - **James Fendek** via [GDPR@the.merciantrust.org](mailto:GDPR@the.merciantrust.org)

Our DPO - **SchoolPro TLC Limited** via [GDPR@SchoolPro.uk](mailto:GDPR@SchoolPro.uk)