



WELLSPRING

We Make A Difference

Workforce Privacy Notice

Introduction

Under data protection law, individuals have a right to be informed about how the Trust or its Academies uses any personal data that we hold about them. We comply with this right by providing privacy notices to individuals where we are processing their personal data. This privacy notice explains how we collect and use personal data about our workforce and their emergency contacts, in line with the requirements of UK GDPR (United Kingdom General Data Protection Regulation).

We will also explain what rights you have with regards to your personal data and how you can exercise those rights.

We may change our privacy notice so please check this page from time to time, as your continued use of our services indicates your acceptance of any changed terms that may have occurred during the interim.

You can find details on specific areas of our privacy notice in the sections below:

1. Who we are
2. Key Contact
3. The categories of personal data that we collect, process, hold & share
4. How is your personal information collected?
5. Lawful basis for processing
6. Special Category & Criminal Offence Data
7. How does this work in practice?
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10. Storage, Retention & Disposal
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This notice applies solely to data that we process on data subjects who are classed as employees of the Trust and its academies. If you want to know more about how we process pupil data you will need to read the pupil privacy notice at <https://wellspringacademytrust.co.uk/privacy-notice/>.

Responsibilities

The Trust Data Protection Officer is responsible for ensuring that this notice is made available to data subjects prior to Wellspring Academy Trust and its Academies collecting or processing their personal data.

Wellspring Academy Trust and its Academies who interact with data subjects are responsible for ensuring that this notice is drawn to the data subject's attention and where necessary their consent to the processing of their data is secured.

The personal data collected is essential, in order for the Trust and its Academies to fulfil its official functions and meet legal requirements.

1. Who we are

Wellspring Academy Trust is a Multi Academy Trust that operates across Yorkshire, Humber and Lincolnshire. Our group encompasses provision across Primary, Secondary, Alternative and Special sector areas.

2. Key Contact

Please read this notice carefully. In the event that you have any questions or concerns regarding the processing of your data you can contact:

Data Protection Officer: Matthew Lindsay

Email: privacy@wellspringacademies.org.uk

Telephone: 07538 702148

3. The categories of personal data that we collect, process, hold & share

The categories of workforce information that we process include:

- Personal information (such as name, employee or teacher number, national insurance number)
- Characteristics information (such as gender, age, ethnic group)
- Contract information (such as start date, hours worked, post, roles and salary information)
- Work absence information (such as number of absences and reasons)
- Qualifications (and, where relevant, subjects taught)
- Driving licence number, vehicle details, motor insurance certificate and MOT & Tax details.

We collect information from you for one or more of the following purposes:

- To manage HR records
- To manage payroll and pensions
- To manage employment relations
- To provide support, training and development
- Enable the development of a comprehensive picture of the workforce and how it is deployed
- Inform the development of recruitment and retention policies
- To assess the quality of our services

- To keep our workforce safe and protect welfare (food allergies, emergency contact details and CCTV images)
- To ensure that our information systems and networks are being used in line with Trust policy
- To meet the statutory duties placed upon us for DfE data collections
- To carry out research
- To comply with the law regarding data sharing
- To manage compliments and complaints
- For the detection and prevention of crimes
- For the establishment, exercise or defence of legal claims

4. How is your personal information collected?

The Trust collects the majority of your personal data directly from you during the job application process. This may be supplemented by a CV or any other enclosures submitted alongside a job application. Further to this we will also be provided with personal data by outside organisations as detailed under Section 7.

During your application process the Trust will also conduct a search of the internet including social media accounts to comply with our statutory obligations contained within '[Keeping Children Safe in Education](#)'.

Workforce data is essential for the Trust and individual academies operational use. Whilst the majority of personal information you provide to us is mandatory, some of it is requested on a voluntary basis. In order to comply with UK GDPR, we will inform you at the point of collection, whether you are required to provide certain information to us or if you have a choice in this.

5. Lawful basis for processing

When processing your personal data we will rely on one of the following grounds as set out in Article 6 of UK GDPR:

- Contractual Obligation:** The main lawful basis used for the processing of workforce personal data is 'contractual obligation' as we employ our workforce under a written contract of employment.
- Legal Obligation:** Many of our record keeping requirements are set by parliament through statutory legislation.
- Vital Interests:** Sometimes we need to process data to protect the life of an individual such as in an emergency situation or when a child is at risk of serious harm.
- Consent:** There may be occasions when we seek your consent to process particular types of data. This will often be in relation to setting up an account with an edTech or communication system that you use to communicate with parents or using your image as part of our websites or prospectus. Where we have obtained consent to use personal data, this consent can be withdrawn at any time. We will make this clear when we ask for consent, and explain how consent can be withdrawn. If you have changed your mind, or you are unhappy with our use of your personal data and cannot locate the contact details for your academy to withdraw your consent, please let us know by contacting the Trust Data Protection Officer (DPO) using the details in Section 2 of this privacy notice.

e. **Public Task:** The processing 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.

f. **Legitimate Interests:** The processing is necessary for our legitimate interests. We don't use this basis very often because of the type of organisation that we are. One example of this basis in practice is when the Trust collects your scores or feedback from internal training modules.

A note on Legitimate interests

As a public authority, we cannot rely on legitimate interests for any processing that we perform in respect of our tasks as a public authority. However, due to the nature of our organisation there will be instances where we have other legitimate purposes outside the scope of our tasks as a public authority. In such instances we will consider legitimate interests where appropriate.

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

6. Special Category & Criminal Offence data

Under UK GDPR there are certain types of data that are recognised as needing greater protection due to its sensitive nature. We process some types of special category data such as **racial or ethnic origin, religious or philosophical beliefs, trade union membership, data concerning sex life and sexual orientation** as well as data concerning **health**. To process this type of data an organisation is required to identify an Article 9 exemption as well as an Article 6 lawful basis as set out in section 5 above.

The vast majority of special category data is processed under the *substantial public interest* exemption as we have a statutory basis for processing that type of data due to being legally required to comply with the DfE census returns for example.

The Trust will also process criminal offence data of its workforce as part of our child protection obligations set out in law as well as the accompanying Department for Education's statutory guidance '[Keeping Children Safe in Education](#)'.

7. How does this work in practice?

To assist with your understanding of how this all works in practice we have prepared a table. Where Wellspring Academy Trust and its Academies have obtained your personal data from another source other than the data subject (you), the source is also identified below :

<u>The data being processed</u>	<u>Our lawful basis</u>	<u>What else we need to tell you</u>
Personal information including name, employee or teacher number & national insurance number	Contractual obligation	
Contact details including postal address, email address & your telephone number.	Contractual obligation	
Characteristics information including gender, age, marital status & ethnic group	Contractual obligation	

Contract information such as start date, hours worked, post, annual leave entitlement, job title and salary information including pension and benefits data.	Contractual obligation	Pension information is provided from Teachers' Pensions or local government pension scheme provider
Qualifications and employment records, including work history, job titles, working hours, training records, trade union and professional memberships	Contractual obligation	Trade union data is processed under the special category exemption as processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law
Work absence information such as number of absences and reasons	Contractual obligation	Absences may be due to health reasons and so this would include special category health data. We would process this data under the Article 9 exemption as processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law
Other health data including any medical conditions and sickness records	Contractual obligation	The Trust contracts with an external Occupational Health Services Provider (currently Corazon Health Limited). This special category health data would be processed as necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services
Qualifications (and, where relevant, subjects taught)	Contractual obligation	
Next of kin and emergency contact numbers	Vital Interests	We would only ever contact your next of kin or emergency contact numbers in the event of an emergency where you are unable to contact them yourself but they need to be informed of what has happened.
Bank account details, payroll records & tax status information	Contractual obligation	Tax code information is supplied by HMRC
Recruitment information, including copies of right to work documentation, references and other information included in an application form and covering letter as part of the application process	Contractual obligation	Reference information will be supplied by your referees
Data about your use of the provisions' information and communications system including monitoring of both web searches and email communication	Public Task	

Performance information	Contractual obligation	
Outcomes of any disciplinary and/or grievance procedures	Contractual obligation	
Driving licence number, vehicle details, motor insurance certificate and MOT & Tax details.	Public Task	MOT and tax details are available publicly at https://vehicleenquiry.service.gov.uk/
Video Images & photographs used in internal and external training	Consent	
CCTV Images	Public Task	As our academies are monitored by CCTV we will inevitably record some images that may be classed as special category data. Our Article 9 exemption for this data would be that processing is necessary for the establishment, exercise or defence of legal claims.
Criminal conviction data collected as part of the DBS process	Legal obligation: Education (Independent School Standards) (England) Regulations 2014	In addition, we rely on an Article 9 exemption as processing is necessary for reasons of substantial public interest, this being the safeguarding of children and of individuals at risk.
Submitting employee salary details and payroll data to HMRC	Legal obligation: The Income Tax (Pay As You Earn) Regulations 2003	
Fire training register and associated documentation	Legal obligation: The Regulatory Reform (Fire Safety) Order 2005	
Staff accident & injury records	Legal obligation: Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013	In addition, we rely on an Article 9 exemption as processing is necessary for the purposes of preventive or occupational medicine.
Data supplied to OFSTED during inspections which later form part of a report	Legal obligation: Education Act 2005	

8. How we may share personal information

We sometimes need to share the personal information we process with the individual themselves, and also with other organisations. Where this is necessary we are required to comply with all aspects of the UK GDPR. What follows is a description of the types of organisations we may need to share some of the personal information we process with for one or more reasons.

Where necessary or required we share information with:

- Local authorities – to meet our legal obligations to share certain information with it, such as safeguarding concerns and exclusions
- The Department for Education
- HMRC
- Regulators (such as Ofsted)
- Family, associates and representatives of the person whose personal data we are processing
- Professional advisers
- Current, past or prospective employers
- Educators and examining bodies
- Trade, employer and professional organisations
- Trade unions and staff associations
- Voluntary and charitable organisations
- Healthcare, social and welfare organisations such as our occupational health service provider
- Suppliers and service providers – to enable them to provide the service we have contracted them for
- Financial organisations
- Survey and research organisations
- Persons making an enquiry or complaint
- Local and central government
- Security organisations
- Police forces, prison and probation services, courts and tribunals
- Information System Providers (such as Management Information Systems, Virtual Learning Environments and Third Party e-learning Applications, Catering Services Systems).
- Employment or recruitment agencies

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

Wellspring Academy Trust reserves the right to use or disclose any personal information as needed to satisfy any law, regulation or legal request, to fulfil your requests, or to cooperate in any law enforcement investigation or an investigation on a matter of public safety.

Freedom of Information Requests

The Trust is designated as a public authority for the purposes of the Freedom of Information Act 2000. As a consequence we will periodically receive requests for information from members of the public and other organisations that we are legally obliged to respond to. The UK GDPR and the Data Protection Act 2018 exist to protect people's right to privacy, whereas the Freedom of Information Act is about getting rid of unnecessary secrecy. These two aims are not necessarily incompatible but there can be a tension between them, and applying them sometimes requires careful judgement.

As a consequence of the above there are instances where the Trust may be legally required to disclose elements of your personal data in response to a freedom of information request. If such a situation arises the Trust Data Protection Officer may contact you directly, to provide you with an opportunity to raise any objections to the disclosure.

Data Sharing with the Local Authority

We are required to share information about our workforce members with our local authority (LA) under section 7 of the [Education \(Supply of Information about the School Workforce\) \(England\) Regulations 2007](#) and amendments.

Data Sharing with Department for Education

The Department for Education (DfE) collects personal data from educational settings and local authorities via various statutory data collections. We are required to share information about our children and young people with the Department for Education (DfE) for the purpose of those data collections, under:

We are required to share information about our school employees with the Department for Education (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

All data is transferred securely and held by the Department for Education (DfE) under a combination of software and hardware controls which meet the current [government security policy framework](#).

For more information, please see 'How Government uses your data' section at Annex A of this notice.

9. International Transfers

A small number of data processors used by the Trust are based outside the UK and so their processing of your personal data will involve a transfer of data outside the UK. These processors are predominantly applications and information systems used by the Trust to facilitate our teaching provisions (such as Seesaw & ABCYA). Some UK based processors may also use sub-processors (such as cloud service providers) which are located outside of the UK.

Whenever we transfer your personal data out of the UK, the Trust will ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- a. We will transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the Secretary of State.
- b. Where we use certain service providers who are outside of the adequacy regime, we will use standard data protection clauses approved by the Secretary of State which give personal data the same protection it has in the UK.

10. Storage, Retention & Disposal

Wellspring Academy Trust will only store the minimum amount of personal data necessary to provide our services to you. Your data will be stored securely and will be subject to access controls.

Personal data will only be retained for as long as necessary. These periods vary depending upon the type of data. A full breakdown of the retention periods and the methods of disposal that we apply can be found in the Data Storage, Retention and Disposal Policy that can be accessed at <https://wellspringacademytrust.co.uk/about-us/policies-documents/>

All data will be disposed of in a secure and confidential manner. All electronic and physical data will be disposed of in such a manner that it cannot be reconstituted by any third party.

11. Data Security

We have put in place measures to protect the security of your information. Details of these measures are available upon request.

Third parties who are processing personal data on our behalf will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way including alteration or disclosure. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality. Details of these measures may be obtained from the DPO.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

12. Your rights

Under the United Kingdom General Data Protection Regulation 2018, you have the following rights:

The right to be informed

As a data controller, we are obliged to provide clear and transparent information about our data processing activities. This is provided by this privacy Notice and any related communications we may send you.

The right to rectification

When you believe we hold inaccurate or incomplete personal information about you, you may exercise your right to correct or complete this data. This may be used with the right to restrict processing to make sure that incorrect/incomplete information is not processed until it is corrected.

The right to erasure

Where no overriding legal basis or legitimate reason continues to exist for processing personal data, you may request that we delete the personal data. This includes personal data that may have been unlawfully processed. We will take all reasonable steps to ensure erasure. This is also known as 'the right to be forgotten'.

The right to access

You may request a copy of the personal data we hold about you free of charge. Once we have verified your identity and, if relevant, the authority of any third-party requester, we will provide access to the personal data we hold about you as well as the following information:

- a) The purposes of the processing
- b) The categories of personal data concerned
- c) The recipients to whom the personal data has been disclosed
- d) The retention period or envisioned retention period for that personal data
- e) When personal data has been collected from a third party, the source of the personal data

If there are exceptional circumstances that mean we can refuse to provide the information, we will explain the same. If requests are malicious or manifestly unfounded we reserve the right to refuse them. If answering requests is likely to require additional time or occasions unreasonable expense (which you may have to meet), we will inform you.

The right to restrict processing

You may ask us to stop processing your personal data. We will still hold the data, but will not process it any further. This right is an alternative to the right to erasure. If one of the following conditions applies you may exercise the right to restrict processing:

- a) The accuracy of the personal data is contested.
- b) Processing of the personal data is unlawful.
- c) We no longer need the personal data for processing but the personal data is required for part of a legal process.
- d) The right to object has been exercised and processing is restricted pending a decision on the status of the processing.

The right to data portability

You may request your set of personal data be transferred to another controller or processor, provided in a commonly used and machine-readable format. This right is only available if the original processing was on the basis of consent, the processing is by automated means and if the processing is based on the fulfilment of a contractual obligation.

The right to object

The right to object to us processing certain types of information when:

- a) Processing is based on legitimate interest;
- b) Processing is for the purpose of direct marketing;
- c) Processing is for the purposes of scientific or historical research; or
- d) Processing involves automated decision-making and profiling.

The Information Commissioner's Office provides [more information](#) about these rights.

If you would like to contact us about any of these rights, please email us at privacy@wellspringacademies.org.uk or write to us at:

Data Protection Officer
Wellspring Academy Trust
Digital Media Centre
County Way
Barnsley
S70 2JW

We will respond to you within 30 days of receiving your request and you will not be charged for this service.

13. Complaints

Should you wish to discuss a complaint, please feel free to contact us using the details provided above. All complaints will be treated in a confidential manner.

Should you feel unsatisfied with our handling of your data, or about any complaint that you have made to us about our handling of your data, you are entitled to escalate your complaint to a supervisory authority. For the UK, this is the ICO (Information Commissioner's Office), which is also our lead supervisory authority. The ICO's contact information can be found at <https://ico.org.uk/global/contact-us/>.

14. Annex A: How Government uses your data

The workforce data that we lawfully share with the Department for Education (DfE) through data collections:

- informs the Department for Education (DfE) policy on pay and the monitoring of the effectiveness and diversity of the school workforce
- links to school funding and expenditure
- supports 'longer term' research and monitoring of educational policy

Data collection requirements

To find out more about the data collection requirements placed on us by the Department for Education (DfE) including the data that we share with them, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

Sharing by the Department for Education (DfE)

The Department for Education (DfE) may share information about school 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
- providing information, advice or guidance

The Department for Education (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 Department for Education (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 school workforce 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.

How to find out what personal information the Department for Education (DfE) hold about you

Under the terms of the Data Protection Act 2018, you're entitled to ask the Department for Education (DfE):

- if they are processing your personal data
- for a description of the data they hold about you
- the reasons they're holding it and any recipient it may be disclosed to
- for a copy of your personal data and any details of its source

If you want to see the personal data held about you by the Department for Education (DfE), you should make a 'subject access request'. Further information on how to do this can be found within

the Department for Education's (DfE) personal information charter that is published at the address below:

<https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter>

To contact the Department for Education (DfE): <https://www.gov.uk/contact-dfe>