

Privacy Notice – Staff

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Document owner: Fir Tree College

A: The Nook, Appley Bridge, Wigan, WN6 9JB

T: 01257 251 502 | E: info@firtreecollege.com



Introduction

Fir Tree College must process your personal data to fulfil our legal and operational duties as an employer and education provider. Under data protection law, namely the UK General Data Protection Regulation (UK-GDPR) we must inform you how and why we process your personal data; this information is outlined in the following privacy notice.

This privacy notice applies to full and part-time employees of Fir Tree College and those working with us on a temporary and voluntary basis too. We will refer to all positions as 'staff members' for the purposes of this privacy notice.

Data Controller

The college is the 'Data Controller' for the personal information that we process about you. This means that we are responsible for your data and make decisions on how it is used.

Data Protection Officer

The college has appointed a Data Protection Officer (DPO) who is responsible for overseeing compliance with the relevant data protection legislation. Our DPO provides support to the college and acts as the first point of contact for any questions or queries regarding data protection.

Our DPO is Miss Danielle Eadie from RADCaT Ltd who is supported by Senior Leadership Team (SLT) at the college. The DPO is contactable via the college office in the first instance.

The personal data that we process about you and why we need it:

Recruitment & Induction:

We will collate the following information when you accept a position with us which forms the basis of your personnel file:

- Personal identifiers: name, D.O.B and NI number
- Contact details: postal address, telephone number and email address
- Special characteristics: gender and ethnicity
- Recruitment records: employment and education history, qualifications, references and interview notes
- Pre-employment checks: identification, DBS, barring and prohibition checks, right to work etc

Contractual

In order to fulfil the terms of your employment contract, we will process the following records:

- Employment contracts and job descriptions
- Payroll records: salary, deductions, overtime and expenses etc
- Bank details to pay your salary
- NI number and tax records
- Absence records
- Pension and benefit records

Please note that the college only process the basic data needed to initiate your pension and monthly contributions; your provider will hold core information about your pension and benefits.

Performance

As your employment with us progresses, we will add the following records to your personnel file where appropriate:

- Training and continuing professional development records
- Appraisals and performance related records
- Disciplinary and grievance records that you are party or subject to

Health & Wellbeing

As an employer, we must provide a safe environment for you to work and support your health and wellbeing. We also need to ensure that we comply with both employment and health and safety laws which requires us to keep records of the following:

- Occupational health and wellbeing: referrals, reports and reasonable adjustments etc
- Fit notes and medical information provided from your GP and other health professionals
- Accident and injury records
- Risk assessments if you have a disability or medical condition affecting your employment

Operational Records

The following categories of personal data are processed to meet the operational duties that help us to maintain a safe and engaging environment:

- ID badge that includes your image to identify you when you are on site
- Entry and exit times to monitor who is on site
- Promotional images for displays and our social media to give the community an insight into college life

CCTV & System Monitoring

Closed Circuit Television (CCTV) is in place on our site and will capture images of you; some of our cameras also record sound. We use CCTV for the following purposes:

- Keep our premises and members of the college community and wider public safe
- Prevent and detect crime and assist in apprehending offenders
- Review and evidence any instances of inappropriate behaviour by staff, students and other visitors to site

To maintain your privacy as much as reasonably practicable, we do not routinely monitor the footage and will only access the recordings if we are notified of an incident.

As part of your role, you will be provided with access to college devices, software and other digital technologies such as your email and google workspace. Such systems keep an automated record of your device ID and logs of your usage. We use this information to keep our systems safe and review and monitor any instances of inappropriate use that may put the college or its people at risk. Whilst we do not use this data to routinely monitor our workforce, we will use it to investigate and evidence any instances of inappropriate use.

How we get your information

Most of the personal information that we process is provided directly by you or collated by us throughout our working relationship. We will also receive some information from third parties:

- Previous employer in respect of references
- Providers of security checks and employee support services
- Government departments including HMRC, DfE and local authorities.
- HR and payroll providers who collate contractual and salary-based records.

The information that we process about you is mandatory to meet our legal obligations and operational duties as an employer and education provider. We will however inform you in situations where data processing is optional.

The lawful basis for processing personal data

Under the UK-GDPR, we must have a lawful basis to process your personal data. The college rely on the following:

- We have a **contractual obligation** to process your personal data; more specifically, we are processing your personal data to fulfil the terms of your employment contract. We cannot do this without processing your personal data.
- We must process your personal data to fulfil a **legal obligation** or fulfil a **public task** that is laid down in law, namely:
 - Keeping Children Safe in Education (2024): in respect of your DBS and prohibition checks
 - Equality Act (2010): to ensure equality of opportunity and treatment we must process special characteristics including your gender and ethnicity and also any medical conditions or disabilities that may impact your role
 - Immigration, Asylum and Nationality Act (2006): performing right to work checks if your country of origin is outside of the UK
 - Health & Safety at Work Act (1974): collating health records to make reasonable adjustments for your role if you have a disability or medical conditions
 - Department for Education (DfE) Workforce Census: core data helps the DfE to shape departmental policies surrounding pay, pensions and the effectiveness and diversity of workforces in the education sector
- We have asked for your **consent** to process your personal data in a certain way. Consent is reserved for situations where the use of your data is completely optional, for example your participation in promotional images for our social media pages. Where consent is the lawful

basis for processing, you have the right to withdraw your consent or change your preferences at any time by contacting the college office.

- We must process personal data in the act of protecting or saving yours or the life of someone else; we have a **vital interest** to use your data in this way. For instance, if we must share your details with the emergency services if an accident occurs.

Special Category Data

Information about you that is much more sensitive in nature is referred to as special category data. Examples include health data and special characteristics about a person such as their gender, ethnicity and religion. The UK-GDPR requires us to apply additional safeguards to protect such information; as such we must meet a further lawful basis. For the most part, the college rely upon the following:

- The processing of your special category data is necessary to meet our obligations in the field of **employment, social security and protection**. For instance, if we must check your eligibility to work in the UK (this may include your gender and ethnicity) or exchange health information about you with Occupational Health professionals.
- The processing is necessary for reasons of **substantial public interest**, particularly when processing special characteristics about you such as gender and ethnicity to ensure we meet our obligations as an equal opportunity's employer and performing pre-employment checks to meet our safeguarding obligations.
- We ask for your **explicit consent (written)** to process your data for instance, if we feel you may benefit with health and wellbeing support and we would like to refer you to a support agency which involves sharing your health data.

How long we keep your data?

To comply with the UK-GDPR, the college only keep personal data for as long as necessary to meet our legal and operational duties. As a rule of thumb, we will retain records for up to 7 years from the date you leave your employment with us.

How we keep your data secure?

Records held in electronic format are stored securely on carefully selected databases and systems that are fully encrypted; two factor authentication utilised where available. Physical records are kept in locked cabinets within locked offices and archive rooms. Access to records is strictly limited on a need to know basis; all staff are subject to vetting checks and confidentiality agreements.

If we must transfer your data to third parties, we will ensure this is done so using secure transfer methods.

Who we share your personal information with?

The college do not share your personal data with third parties unless the law or our policies permit us to do so.

We must share some of your personal data with the Local Authority and DfE as part of the Workforce Census. The data sharing in this instance is mandatory for education providers and helps to underpin government policy. You can find out more about the workforce census here:

<https://www.gov.uk/government/publications/school-workforce-census-guides>

In addition to our statutory data sharing, we outsource a number of key services that are vital to the functioning of the college. As part of this process, we will share your data with the following providers where applicable:

- HR & Payroll Provider
- ICT & System Providers
- Training Providers
- Educational Software & Resource Providers (to provide you with an account and access)
- Trade Unions and Professional Associations
- Occupational Health Provider

In certain circumstances, we may be required to share your data with the following parties:

- Emergency services if there is an accident / incident involving you
- Professional advisors if we need to seek legal advice
- Insurance provider if we are involved in a claim that you are party to
- Ofsted and other accreditors if we are subject to an audit to ensure compliance and best practice standards are being met
- Governing bodies such as the HSE and ICO if there is a significant accident / incident involving you that we must report
- Courts if there is a case involving you

In circumstances where we must share your data, we will ensure that it is limited to what is strictly necessary and sent via secure transfer methods.

We do not transfer your personal data outside of the UK. If a situation arises in which we must do so, we will ensure the relevant safeguards are in place to comply with data protection law.

What are your rights?

All individuals have the following rights in respect of their own personal data in certain circumstances:

- The right to be informed about how and why we process your personal data
- The right to access and ask for copies of the personal data we hold about you
- The right to ask that we rectify any personal data you feel is inaccurate or incomplete
- The right to object to the processing of your personal data in certain circumstances
- The right to ask us to erase the personal data that we hold about you in certain circumstances
- The right to ask us to restrict the processing of your personal data
- The right to ask that we transfer your personal to another controller via automated means (data portability)
- The right to ask that your personal data is not subject to automated decision making and profiling

Please contact the college office if you would like to exercise any of these rights. A response will be provided to you within one calendar month; the college reserves the right to extend more complex requests by a further two months, we will however notify you of any intention to extend within the first month.

Our 'Data Protection Policy' is available on our website if you would like further information on your rights.

Complaints

If you have any concerns about how and why we process your personal data, please contact us in the first instance so that we can resolve any issues accordingly.

You can also complain to the Information Commissioners Office (ICO) if you are unhappy with how we have used your data:

ICO: <https://ico.org.uk/make-a-complaint/data-protection-complaints/>