

## **GDPR privacy notice for Staff**

The Arts Educational Schools (**we**), registered with charity number 311087 and registered office at 14 Bath Road, Chiswick, London W4 1LY.

### **1 About this notice**

- 1.1 This privacy notice describes how we collect and use your personal information during and after your relationship with us. We are a "data controller". This means that we are responsible for deciding how we hold and use personal information about you and explaining it clearly to you.
- 1.2 This notice applies to prospective, current and former employees, workers and contractors, including trustees, consultants, temporary staff, peripatetic staff, interns, work experience placements and volunteers collectively referred to in this notice as '**Staff**'. This notice does not form part of any contract of employment or other contract to provide services.
- 1.3 It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.
- 1.4 We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.
- 1.5 Kathy-Ann Darmody is responsible for overseeing our compliance with data protection requirements. If you have any questions about this privacy notice or how we handle your personal information, please contact her - [dataprotection@artsed.co.uk](mailto:dataprotection@artsed.co.uk)

### **2 How do we collect information**

- 2.1 We may collect personal information:
  - 2.1.1 Direct from you, when you apply for a position with us, and in the course of work-related activities throughout the period of you working for us ;
  - 2.1.2 We also collect information about Staff from third parties, such as recruitment agencies, former employers, criminal records checks, credit reference agencies or other background check agencies; and
  - 2.1.3 We may collect information about you from public sources, including social media sites such as Linked-in.
  - 2.1.4 We collect feedback from students and opinions from your colleagues, as part of your performance reviews.

### **3 What information do we hold?**

- 3.1 Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data). There are special categories of more sensitive

personal data which require a higher level of protection (see further at section 3.3, below).

3.2 If you fail to provide certain information when requested, we may not be able to perform our contract with you (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers).

3.3 We will collect, store and use the following categories of personal information about you:

<p>Information obtained during the recruitment process (the <b>Recruitment Data</b>):</p> <ul style="list-style-type: none"> <li>• Your full name and personal contact details, including home address, telephone numbers and email addresses.</li> <li>• Your CV or other details submitted by you as part of the application process.</li> <li>• Results of any tests, including psychometric tests we carry out during the recruitment process</li> <li>• Notes taken during interviews</li> <li>• Results of 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</li> </ul>	<p>For employees, we record the following information in your personnel file In addition to the (the <b>HR Data</b>):</p> <ul style="list-style-type: none"> <li>• Start date, payroll number, salary, annual leave, pension and benefits information.</li> <li>• National Insurance number.</li> </ul> <p>Bank account details, payroll records and tax status information. The processing of this information is necessary to perform our contract with you: to pay your salary and expenses, or to make deductions via our PAYE system.</p> <ul style="list-style-type: none"> <li>• Performance information and training records, including opinions held by managers, students or co-workers, career progression information</li> <li>• Disciplinary and grievance information.</li> <li>• Information about the termination of your employment.</li> <li>• Date of birth</li> <li>• Marital status and dependants (including carer responsibilities).</li> <li>• Next of kin and emergency contact information.</li> </ul>
<p>For other staff including contractors, consultants and temporary staff, we collect the following: (<b>Contractor Information</b>):</p> <ul style="list-style-type: none"> <li>• Copy of passport or evidence of right to work in the UK</li> <li>• National Insurance number.</li> <li>• Bank account details, payroll records and tax status information.</li> </ul>	<p>For all Staff we record the following: (<b>Business Information</b>):</p> <ul style="list-style-type: none"> <li>• Start Date</li> <li>• Location of employment or workplace.</li> <li>• Business contact information</li> <li>• Employment records (including job titles, qualifications, work history, business CV,</li> </ul>

<ul style="list-style-type: none"> <li>• Performance information and training records, including opinions held by managers, trustees, students or co-workers</li> <li>• Disciplinary and grievance information.</li> <li>• Information about the termination of your contract for services.</li> </ul>	<p>working hours, and professional memberships).</p> <ul style="list-style-type: none"> <li>• Performance information and training records, including opinions held by managers, students or co-workers, career progression information</li> <li>• CCTV footage and other location information obtained through electronic means such as swipe-card records.</li> <li>• Information about your use of our information and communications systems, which may include the content of communications.</li> <li>• Your photograph.</li> </ul>
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3.4 We may also collect, store and use the following special categories of more sensitive personal information:

3.4.1 Information about your nationality, race or ethnicity

3.4.2 information about your religious beliefs

3.4.3 sexual orientation, gender

3.4.4 trade union membership;

3.4.5 information about your health, including any medical condition, health and sickness;

3.4.6 genetic information and biometric data;

3.4.7 information about criminal convictions and offences.

3.5 It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

## 4 How we will use information about you

4.1 We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

4.1.1 Where we need to perform the contract we have entered into with you, for example:

- (a) we need your name and bank details so that we can pay you your salary;
- (b) we may need to provide your personal information to a pension provider so that you can benefit from your pension entitlement; and
- (c) we also need to use your personal information to provide contractual benefits, such as a school fee discount.

4.1.2 Where we need to comply with a legal obligation, for example:

- (a) to make sure that you have the right to work in the UK;
- (b) to fulfil our duty of care to you and your colleagues;
- (c) to fulfil our safeguarding duties towards pupils and students; and
- (d) sometimes we will be legally obliged to disclose your information to third parties such as the DBS, local authorities or the police. More detail of when we will do so is set out below.

4.1.3 Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests. Where we rely on legitimate interests, our legitimate interests are:

- (a) looking after your welfare and development and the welfare and development of others;
- (b) safeguarding and promoting the welfare of pupils and students;
- (c) providing an education to pupils and students;
- (d) using photographs of you for promotional purposes (e.g. on the School's website);
- (e) ensuring the security of the school site which involves issuing you with a photo-card;
- (f) promoting the objects and interests of the School. This includes fundraising and using information about you in our publicity material e.g. photographs.
- (g) making sure that you are complying with your employment obligations and that the School is complying with its employment obligations;
- (h) using your information in connection with legal disputes. For example, if a parent or former pupil or student brings a claim against the School;
- (i) facilitating the efficient operation of the School; and
- (j) ensuring that all relevant legal obligations of the School are complied with (for example in relation to inspections).

In addition your personal information 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.

4.2 We may also use your personal information in the following situations, which are likely to be rare:

4.2.1 Where it is needed in the public interest, for example:

- (a) looking after your welfare and development and the welfare and development of others. This includes equal opportunities monitoring;
- (b) safeguarding and promoting the welfare of our pupils and students;
- (c) providing pupils and students with an education;

- (d) ensuring the security of the school site which may involve issuing you with a photo-card;
  - (e) making sure that you are complying with your employment obligations;
  - (f) facilitating the efficient operation of the School; and
  - (g) ensuring that we comply with all of our legal obligations.
- 4.2.2 Where we need to protect your interests (or someone else's interests), for example, to prevent someone from being seriously harmed or killed.
- 4.2.3 In exceptional circumstances with your consent.
- 4.3 We use your personal information as follows:
  - 4.3.1 We use the Recruitment Data for:
    - (a) making a decision about your recruitment or appointment;
    - (b) carrying out pre-employment screening checks; checking you are legally entitled to work in the UK;
    - (c) determining the terms on which you work for us;
    - (d) verifying information about you using publicly available sources.
  - 4.3.2 We use HR Data and Contractor Data for:
    - (a) paying you and, if you are an employee, deducting tax and National Insurance contributions;
    - (b) administering the contract we have entered into with you;
    - (c) providing education and support to pupils and students;
    - (d) safeguarding and promoting the welfare of all staff, pupils and students;
    - (e) ensuring that we provide a safe and secure working environment and site;
    - (f) promoting the school and fundraising;
    - (g) making decisions about salary reviews and compensation;
    - (h) gathering evidence for possible grievance or disciplinary hearings;
    - (i) making decisions about your continued employment or engagement, making arrangements for the termination of our working relationship;
    - (j) ascertaining your fitness to work and managing sickness absence;
    - (k) complying with health and safety obligations;
    - (l) dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work;
    - (m) to conduct data analytics studies to review and better understand employee retention and attrition rates; equal opportunities monitoring.
  - 4.3.3 We use the Business Data for:

- (a) management and planning, including accounting and auditing;
- (b) assessing qualifications for a particular job or task, including decisions about promotions;
- (c) conducting performance reviews, managing performance and determining performance requirements;
- (d) education, training and development requirements;
- (e) to monitor your use of our information and communication systems to ensure compliance with our IT policies;
- (f) to ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.

4.4 We do not routinely monitor the content of your private communications made using our IT and communication systems. If we discover that you are in breach of our acceptable use policies, we may use the content of private communications on our systems in any disciplinary proceedings.

4.5 We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

4.6 Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## **5 How we use particularly sensitive personal information**

5.1 Special categories of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:

5.1.1 In limited circumstances, with your explicit written consent.

5.1.2 Where we need to carry out our legal obligations and in line with our data protection policy.

5.1.3 Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our occupational pension scheme, and in line with our data protection policy.

5.1.4 Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.

5.2 Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

- 5.3 We do not need your consent if we use special categories of your personal information in accordance with our written policy to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.
- 5.4 We will use your particularly sensitive personal information in the following ways:
- 5.4.1 We will use information relating to leaves of absence, which may include sickness absence or family related leaves, to comply with employment and other laws.
  - 5.4.2 We will use information about your physical or mental health, or disability status or details about your pregnancy, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits.
  - 5.4.3 We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual orientation, to ensure meaningful equal opportunity monitoring and reporting and to accommodate beliefs and

## **6 Information about criminal convictions**

- 6.1 We may only use information relating to criminal convictions and offences where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations or to exercise our rights or where there is a substantial public interest in doing so.
- 6.2 Less commonly, we may use information relating to criminal convictions and offences where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

## **7 Automated decision-making**

- 7.1 Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention.
- 7.2 We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

## **8 Data sharing**

- 8.1 We may have to share your data with third parties, including parents and students, third-party service providers who provide services to us and other third parties who use your information, as data controller, for their own purposes.
- 8.2 We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.

8.3 Where we share information with other data controllers, they are responsible to you for their use of your information and compliance with the law. We share information with other data controllers as follows:

- (a) DBS provider service;
- (b) Teaching Regulation Agency (previously the National College of Teaching);
- (c) Independent Schools Inspectorate;
- (d) Office for Students;
- (e) Department for Education
- (f) your pension provider and providers of other benefits such as health and wellbeing services, childcare voucher scheme providers, and cycle to work scheme providers;
- (g) consultants, experts and other advisors (including legal advisors and accountants);
- (h) HMRC;
- (i) Health and Safety Executive;
- (j) Charity Commission;
- (k) providing a reference to future employers
- (l) the Local Authority Designated Officer in accordance with our safeguarding obligations;
- (m) the Police.

8.4 The following activities are carried out by third-party service providers on our behalf: pension administration; benefits provision and administration; IT services and catering services.

8.5 All our third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal information for their own purposes. We only permit them to process your personal information for specified purposes and in accordance with our instructions.

8.6 We may share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business.

## **9 Transferring information outside the EU**

9.1 All our personal information is hosted on servers located within the EEA. We do not transfer information outside the EEA during the normal course of our business.

## **10 Data security**

10.1 We have put in place measures to protect the security of your information. Details of these measures are available from Kathy-Ann Darmody.



- 10.2 Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.
- 10.3 We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. 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 Kathy-Ann Darmody.
- 10.4 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.

## **11 How long will we will use your information for?**

- 11.1 We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.
- 11.2 To determine the appropriate retention period for personal information, we consider the amount, nature and sensitivity of the personal information, the potential risk of harm from unauthorised use or disclosure of your personal information, the purposes for which we process your personal information and whether we can achieve those purposes through other means, and the applicable legal requirements.
- 11.3 Where a minimum retention period is required by law (such as retaining records for HMRC purposes) we comply with that minimum period plus up to 12 months to allow time for us to anonymise or delete information in accordance with our internal data management processes.
- 11.4 Once you are no longer an employee, worker or contractor of the organisation we will retain and securely destroy your personal information in accordance with our data retention policy OR applicable laws and regulations.
- 11.5 Details of retention periods for different aspects of your personal information are available in our retention policy which is available from Kathy-Ann Darmody.
- 11.6 In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you.

## **12 Your rights in connection with personal information**

- 12.1 Under certain circumstances, by law you have the right to:
  - 12.1.1 **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
  - 12.1.2 **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
  - 12.1.3 **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to

process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).

12.1.4 **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.

12.1.5 **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.

12.1.6 **Request the transfer** of your personal information to another party.

12.1.7 **Withdraw consent** in the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we are required to continue to process your information in accordance with another lawful basis which has been notified to you.

12.2 To exercise any of the above rights, please contact Kathy-Ann Darmody by email or letter.

12.3 You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

12.4 We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

12.5 If you consider that we have not acted properly when using your personal information you can contact the Information Commissioner's Office: [ico.org.uk](https://ico.org.uk).

**If you have any questions about this privacy notice, please contact Kathy-Ann Darmody.**