



# WEST HILL SCHOOL

*Aiming High since 1927*

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## Privacy notice for the school workforce

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## 1. Introduction

Under UK data protection law, individuals have a right to be informed about how our school uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about **individuals we employ, or who otherwise engage to work at our school**. This notice does not form part of any contract of employment or other contract to provide services. We may update this notice at any time but if we do so, we will provide you with an updated copy as soon as reasonably practical.

We, West Hill School, Thompson Cross, Stamford Street, Stalybridge – 0161 338 2193, are the 'data controller' for the purposes of UK data protection law. This means that we are responsible for deciding how we hold and use personal information about you.

We will comply with the data protection law and principles, which means that your data will be:

- Used lawfully, fairly and in a transparent way
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes
- Relevant to the purposes we have told you about and limited only to those purposes
- Accurate and kept up to date
- Kept only as long as necessary for the purposes we have told you about
- Kept securely

## 2. The personal data we hold

Personal data that we may collect, use, store and share (when appropriate) about you includes, but is not restricted to:

- Your name
- Contact details
- Date of birth, marital status and gender
- Ethnicity, nationality
- Next of kin and emergency contact numbers
- Salary, annual leave, pension and benefits information
- Bank account details, payroll records, National Insurance number and tax status information
- Recruitment information, including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process
- Qualifications and employment records, including work history, job titles, working hours, training records and professional memberships
- DBS details
- Performance information
- Outcomes of any disciplinary and/or grievance procedures
- Absence data
- Occupational Health referrals
- Copy of a driving licence and any other ID documents you have provided to us



- Information about your use of our information and communications systems, equipment and facilities (e.g. school computers).

We may also collect, use, store and share (when appropriate) information about you that falls into 'special categories' of more sensitive personal data. This includes, but is not restricted to:

- Information about any health conditions you have that we need to be aware of
- Sickness records and any correspondence relating to sickness absence
- Photographs and CCTV images captured in school
- Information about trade union membership.

We may also collect, use, store and share (when appropriate) information about criminal convictions and offences.

We may also hold data about you that we have received from other organisations, including other schools and local authorities, and the Disclosure and Barring Service in respect of criminal offence data.

### 3. Why we use this data

We collect and use the data listed above to:

- Enable you to be paid
- Check your entitlement to work in the UK
- Determine the terms on which you work for us
- Facilitate safe recruitment, as part of our safeguarding obligations towards pupils
- Support effective performance management
- Inform our recruitment and retention policies
- Allow better financial modelling and planning
- Enable equalities monitoring
- Improve the management of workforce data across the sector
- Support the work of the School Teachers' Review Body
- Make sure our information and communications systems, equipment and facilities (e.g. school computers) are used appropriately, legally and safely
- Ascertain your fitness to work
- Manage sickness absence.

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into 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).

We will only use your personal information for the purposes for which we have 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 explain the legal basis which allows us to do so.

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.

#### 3.1 Use of your personal data for marketing purposes

Where you have given us consent to do so, we may send you marketing information by email or text promoting school events, campaigns, charitable causes or services that may be of interest to you.



You can withdraw consent or 'opt out' of receiving these emails and/or texts at any time by selecting the 'Unsubscribe' link at the bottom of any such communication, or by contacting us (see 'Contact us' below).

### **3.2 Use of your personal data in automated decision-making and profiling**

We do not currently process any staff members' personal data through automated decision-making or profiling. If this changes in the future, we will amend any relevant privacy notices in order to explain the processing to you, including your right to object to it.

### **3.3 Use of your personal data for filtering and monitoring purposes**

While you are in our school, we may monitor your use of our information and communication systems, equipment and facilities (e.g. school computers). We do this so that we can:

- Comply with health and safety and other legal obligations
- Comply with our policies (e.g. Child Protection – Safeguarding Policy, Staff Code of Conduct Policy, Staff ICT Acceptable Use Policy) and our legal obligations
- Keep our network(s) and devices safe from unauthorised access, and prevent malicious software from harming our network(s)
- Protect your welfare

## **4. Our lawful basis for using this data**

The [ICO's guidance on the lawful basis for processing](#).

We must make sure that information we collect and use, is in line with the [UK GDPR and Data Protection Act](#). This means that we must have a lawful reason to collect the data and that if we share it with another organisation or individual, we must have a legal basis to do so.

Under the UK GDPR, processing of the data held is lawful if at least one lawful basis applies. The bases which we rely on for processing personal information, which is collected and used for the reasons listed above, are as follows:

- **Consent (Article 6(1)(a))** – we have permission from you to process the personal data. You do have the right to withdraw your consent at any time.
- **Contract (Article 6(1)(b))** – we collect and process personal data necessary for the performance of a contract.
- **Legal Obligation (Article 6(1)(c))** – we collect and process personal data so we can comply with the law.
- **Vital Interests (Article 6(1)(d))** – collecting or using the information is needed when someone's physical or mental health or wellbeing is at urgent or serious risk.
- **Public Task (Article 6(1)(e))** – we have to collect or use your information to carry out a task laid down in law, which the law intends to be performed by an organisation such as ours.

We process personal data in order to meet the requirements set out in UK employment, academy and safeguarding law, including those in relation to the following:

- Academy Funding Agreement and Articles of Association
- Academy's legal and statutory framework
- Safeguarding Vulnerable Groups Act 2006
- Keeping Children Safe in Education
- The Childcare (Disqualification) Regulations 2009.

Where we are required to collect special category data, we will use the following lawful bases of the UK GDPR which permits us to process special category data:



- **Explicit Consent (Article 9(2)(a))** – we may request explicit consent from individuals to process special category data for specific purposes, such as, using biometric information to identify individuals to school IT systems.
- **Employment, Social Security, and Social Protection (Article 9(2)(b))** – we may process special category data necessary for fulfilling obligations in the fields of employment law, social security, or social protection, such as medical conditions, allergies, or disabilities, to comply with laws that require them to ensure a safe environment.
- **Vital Interests (Article 9(2)(c))** – in situations where processing is essential to protect someone's life, such as during a medical emergency, schools may process special category data without prior consent.
- **Made public by the data subject (Article 9 (2)(e))** – to process special category data if that data has been manifestly made public by the data subject.
- **Legal claims (Article 9(2)(f))** – where the processing is for the purposes of establishing, exercising, or defending legal claims or by courts when they are acting in their judicial capacity.
- **Substantial Public Interest (Article 9(2)(g))** – we often process special category data in the public interest, for instance, to comply with equality legislation, ensure diversity and inclusion.

In addition, we rely on processing conditions of Schedule 1 part 1 of the [Data Protection Act 2018](#). This relates to the processing of special category data for employment purposes.

Where you have provided us with consent to use your data, you may withdraw this consent at any time. We will make this clear when requesting your consent, and explain how you would go about withdrawing consent if you wish to do so.

## 4.1 Our basis for using special category data

For 'special category' data, we only collect and use it when we have both a lawful basis, as set out above, and 1 of the following conditions for processing as set out in UK data protection law:

- We have obtained your explicit consent to use your personal data in a certain way
- We need to perform or exercise an obligation or right in relation to employment, social security or social protection law
- We need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent
- The data concerned has already been made manifestly public by you
- We need to process it for the establishment, exercise or defence of legal claims
- We need to process it for reasons of substantial public interest as defined in legislation
- We need to process it for health or social care purposes, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law
- We need to process it for public health reasons, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law
- We need to process it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the processing is in the public interest

For criminal offence data, we will only collect and use it when we have both a lawful basis, as set out above, and a condition for processing as set out in UK data protection law. Conditions include:

- We have obtained your consent to use it in a specific way
- We need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent



- The data concerned has already been made manifestly public by you
- We need to process it for, or in connection with, legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of legal rights
- We need to process it for reasons of substantial public interest as defined in legislation.

## **5. Collecting this data**

We will only collect and use your data when the law allows us to (as detailed above in section 4 of this notice). Whilst the majority information we collect about you is mandatory, there is some information that can be provided voluntarily.

Whenever we seek to collect information from you, we make it clear whether you must provide this information (and if so, what the possible consequences are of not complying), or whether you have a choice.

Most of the data we hold about you will come from you, but we may also hold data about you from:

- Local authorities
- Government departments or agencies
- Police forces, courts or tribunals
- From referees, either external or internal
- From Occupational Health and other health service providers
- From your Trade Union
- Images from our own Video Surveillance Systems (CCTV).

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

## **6. How we store this data**

We keep personal information about you while you work at our school. We may also keep it beyond your employment at our school if this is necessary to comply with our legal requirements or to meet our regulatory requirements. In accordance with the Data Protection Act and GDPR for employee records we store:

- Employee payroll information, 6 years after leaving
- Employee records, 7 years after leaving.

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.

We will dispose of your personal data securely when we no longer have a legal requirement to retain it.

## **7. Who we share data with**

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

Where it is legally required, or necessary (and it complies with UK data protection law), we may share personal information about you with:

- Our local authority [Tameside MBC] – to meet our legal obligations to share certain information with it, such as safeguarding concerns
- Government departments or agencies
- Department for Education [DFE]
- Our regulator, [Ofsted]



- Suppliers and service providers:
  - Moss & Williamson Ltd (Payroll Processor)
  - Greater Manchester Pension Fund (GMPF)
  - Teachers' Pensions
  - Fusion HR Services (HR Partner)
  - Taylor Shaw (Catering)
  - Single Central Record Online (SCR)
- Financial organisations
- Our auditors
- Survey and research organisations
- Health authorities
- Security organisations
- Health and social welfare organisations
- Professional advisers and consultants
- Charities and voluntary organisations
- Police forces, courts or tribunals

When we use suppliers and service providers to process information, we ask them to demonstrate compliance with our security requirements, adhere to any instructions we give them and comply with relevant data protection legislation. We have contractual agreements with these organisations which clearly define their obligations about what information they hold.

## 8. Your rights

### 8.1 How to access personal information that we hold about you

You have a right to make a Subject Access Request (SAR) to gain access to personal information that we hold about you.

If you make a SAR, and if we do hold information about you, we will (subject to any exemptions that may apply):

- Give you a description of it
- Tell you why we are holding it, how we are processing it, and how long we will keep it for
- Explain where we got it from, if not from you
- Tell you who it has been, or will be, shared with
- Let you know whether any automated decision-making is being applied to the data, and any consequences of this
- Give you a copy of the information in an intelligible form.

You may also have the right for your personal information to be transmitted electronically to another organisation in certain circumstances. If you would like to make a request, please contact us (see 'Contact us' below).

### 8.2 Your other rights regarding your data

Under UK data protection law, you have certain rights regarding how your personal data is used and kept safe. For example, you have the right to:

- Object to our use of your personal data where it is likely to cause, or is causing damage or distress



- Prevent your data being used to send direct marketing
- Object to and challenge the use of your personal data for decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, have inaccurate personal data corrected
- In certain circumstances, have the personal data we hold about you deleted or destroyed, or restrict its processing
- Withdraw your consent, where you previously provided it for the collection, processing and transfer of your personal data for a specific purpose
- In certain circumstances, be notified of a data breach
- Make a complaint to the Information Commissioner's Office (ICO) if you feel we have not used your information in the right way
- Claim compensation for damages caused by a breach of the data protection regulations.

We may refuse your information rights request for legitimate reasons, which depend on why we are processing it. Some rights may not apply in these circumstances:

- Your right to have all personal data deleted or destroyed does not apply when the lawful basis for processing is legal obligation or public task
- Your right to receive a copy of your personal data, or have your personal data transmitted to another controller, does not apply when the lawful basis for processing is legal obligation, vital interests, public task or legitimate interests
- Right to object to use of your private data does not apply when the lawful basis for processing is contract, legal obligation or vital interests. And if the lawful basis is consent, you do not have the right to object, but you have the right to withdraw consent.

See information on types of lawful basis in section 4 of this privacy notice.

To exercise any of these rights, please contact us (see 'Contact us' below).

## 9. Complaints

We take any complaints about our collection and use of personal information seriously. If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concerns about our data processing, please raise this with us in the first instance. You can make a complaint to us at any time by contacting our Business Manager.

Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/make-a-complaint/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

## 10. Contact us

If you have any questions or concerns, or would like more information about anything mentioned in this privacy notice, please contact our **Data Protection Officer**:

- Andy O'Brien
- Telephone: 0161 338 2193
- Email: [admin@westhillschool.co.uk](mailto:admin@westhillschool.co.uk)