



Privacy Notice No: 003
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Please check the School Finder on the Caerphilly County Borough Council website for individual school contact details:

<https://www.caerphilly.gov.uk/Services/Schools-and-learning/Schools>

Alternatively, the *Starting School* booklet includes the contact details for all Caerphilly schools.

Description of Privacy Notice: This privacy notice will explain how Caerphilly County Borough Council and the school processes personal information of school-based employees as Joint Controllers during the Covid-19 pandemic. School-based staff are contracted by Caerphilly County Borough Council as the Local Education Authority. However, performance management is undertaken by the school.

How we will use your information

Source and type of information being processed

The categories of employee information each school and Caerphilly County Borough Council collect, hold and share includes:

| Type of information | Examples | Data used for | Basis for Processing |
|---------------------|-----------------------------|-----------------------------------|---|
| Personal Data | Name | Correspondence | Fulfilment of employment contract. |
| | Address | Recruitment | |
| | Contact details | Organise childcare provision | Communicate with staff working remotely |
| | Date of birth | | |
| NI number | Equality monitoring reports | Statutory Responsibility | |
| Marital status | | | |
| Nationality | Emergency contact | Fulfilment of employment contract | |
| Ethnicity | | | |
| Gender | | | |
| Religion | | | |
| Disabilities | | | |

| | | | |
|---------------------|--|--|--|
| | Emergency contact details | | |
| Identification data | Photographs | ID Cards Recruitment | Fulfilment of employment contract and Statutory Responsibility |
| Employment data | Application Form References Pre-employment checks Qualifications Training Absence records Employment history PDR/Supervision records Disciplinary records Grievance records | Recruitment Employee administration Manage employment relationship | Fulfilment of employment contract |
| Security | IT system access details Photographs CCTV video images | Access to IT systems Access to buildings Security Prevention of crime | Fulfilment of employment contract and Statutory Responsibility |

Additional employee information collected, held, and shared by Caerphilly County Borough Council includes:

| Type of information | Examples | Data used for | Basis for Processing |
|--------------------------------------|--|--|--|
| Identification data | Passport Driving Licence Utility bills | ID Cards Recruitment | Fulfilment of employment contract and Statutory Responsibility |
| Employment data | Employment contract DBS* | Recruitment Employee administration Manage employment relationship | Fulfilment of employment contract |
| Data required for payroll processing | Bank account details NI number Tax details Vehicle details Pension details | Salary payments Tax and NI records Expense payments Pension records | Fulfilment of employment contract and Statutory Responsibility |

The above tables provide an outline of the information held and is not an exhaustive list.

* A copy of the privacy notice relating to DBS applications can be found here:

https://www.caerphilly.gov.uk/CaerphillyDocs/FOI/PrivacyNotices/DBS_and_ID_external_verification.aspx

Source of the personal data

This information has been collected from:

- Individuals directly (e.g. new starter forms, emails asking for hub volunteers, etc.)
- Other employers where the individual has previously worked (e.g. for references)
- Caerphilly schools

If you would like further information on the source of this information, please contact Caerphilly County Borough Council People Services or the school directly.

Your Obligations

Certain data you provide us is essential for operational use. Whilst the majority of personal information you provide to us is mandatory due to a legal or contractual obligation (please see below), some if it is optional, and if this is the case you will be asked to give your consent.

We will inform you at the point of collection whether you are required to provide certain personal information to us, or if you have a choice in this. We will also outline any consequences should you decide not to provide information or to subsequently withdraw your consent.

Why do we collect and use your information

Caerphilly County Borough Council and the school require personal data to be collected and processed in order for us to effectively manage the employment relationship with school-based staff. This information is needed to fulfil the employment contract and statutory responsibilities, such as to:

- communicate with staff working remotely (e.g. childcare hub rotas)
- administer professional development activities (e.g. training)
- monitor and report on absences (i.e. length and type)
- process payroll records (e.g. bank details and allowances)
- maintaining records on any disciplinary action and grievances
- administer employee benefits
- meet statutory duties placed upon us for Welsh Government data collections

This data can be accessed by both Data Controllers for the reasons listed above.

We collect and use employee information under the Education Act 2002 and UK employment laws. As Data Controllers, we also comply with the below Articles from the General Data Protection Regulation (UK GDPR).

Legal basis for processing

In order for the processing of personal data to be lawful under the UK General Data Protection Regulations, a valid condition from Article 6 of the Regulations must be identified, which is outlined below:

| Lawful basis under Article 6 of the UK GDPR | Examples of how personal data is used |
|---|--|
| <i>1a. the data subject has given consent to the processing of his or her personal data for one or more specific purposes</i> | Where you have asked to provide information about you to another organisation, such as mortgage companies, employee references, landlord references. Please note that this is not an exclusive or exhaustive list. |
| <i>1b. processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract</i> | Each individual school undertakes performance management with school-based staff and are supported by CCBC People Services when implementing policies and procedures. CCBC process information in relation to contracts of employment alongside your bank, tax, and payroll details in order to pay you. |
| <i>1c. processing is necessary for compliance with a legal obligation to which the controller is subject;</i> | Caerphilly County Borough Council have a legal duty to share information about you with organisations such as the Department for Work and Pensions, etc. |
| <i>1f. processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.</i> | Our legitimate interests include maintaining your training records and retaining your photograph for ID Cards. Personal data, such as contact details, may be used to communicate with staff working remotely regarding volunteer rotas for childcare hubs and to monitor staff wellbeing. |

Data Protection legislation provides extra protection for certain classes of information called 'special personal data', which includes:

- Racial or ethnic origin
- Religious or other beliefs of a similar nature
- Political opinion
- Physical or mental health or condition
- Genetic data
- Biometric data (where used for identification purposes)
- Sexual life or orientation
- Trade union membership

If any information falls within the definition of special personal data then an additional condition from Article 9 of the Regulations must be identified, as outlined below:

1(1)(a) the processing is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on the controller or the data subject in connection with employment, social security or social protection.

6 (1) *This condition is met if the processing—*

- (a) is necessary for a purpose listed in sub-paragraph (2), and*
- (b) is necessary for reasons of substantial public interest.*

(2) Those purposes are—

- (a) the exercise of a function conferred on a person by an enactment or rule of law;*
- (b) the exercise of a function of the Crown, a Minister of the Crown or a government department*

8 (1) *This condition is met if the processing—*

- (a) is of a specified category of personal data, and*
- (b) is necessary for the purposes of identifying or keeping under review the existence or absence of equality of opportunity or treatment between groups of people specified in relation to that category with a view to enabling such equality to be promoted or maintained*

Data Protection legislation also provides extra protection for personal data in relation to criminal allegations, proceedings, outcomes and sentences. If any personal data falls within this category then an additional condition from Article 10 of the Regulations must be identified. For the purposes of employment, this would be as follows:

1(1)(a) the processing is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on the controller or the data subject in connection with employment, social security or social protection.

The above is both an Article 9 and Article 10 condition for processing.

The right to withdraw consent

You have the right to withdraw your consent where the legal basis of processing is consent. To withdraw your consent, please contact Caerphilly County Borough Council People Services or the school directly using the link at the top of this document.

Who will have access to your information?

Identity of Data Controller and Data Protection Officer

The Data Controller for your information is Caerphilly County Borough Council and the school(s) you are, or have been, employed in.

You can contact the Data Protection Officer on 01443 864049, or by email at dataprotection@caerphilly.gov.uk

Details of main users of your information

The main users of your information will be Caerphilly County Borough Council (who employ school-based staff to work in individual schools*) and the school(s) you are employed in. These include:

- ❖ School-based managers and supervisors relevant to position (i.e. the Headteacher, childcare hub leader, or officer in charge) for performance management purposes.
- ❖ Caerphilly County Borough Council People Services Department staff (including Payroll, Health & Safety, and Occupational Health)
- ❖ Special category personal data is collected for equalities monitoring and is seen by Caerphilly County Borough Council People Services Department staff and the Senior Management Team at each school. Any reports containing equalities data will not identify individual applicants or employees.
- ❖ Special category personal data relating to a disability is seen by Caerphilly County Borough Council People Services Department staff and the Senior Management Team based at each school. Other staff (e.g. at a childcare hub) may be notified if there is a requirement to make reasonable adjustments within the workplace.

* Please note that due to the Covid-19 pandemic crisis school-based staff may be redeployed to other areas of Caerphilly County Borough Council to support critical services.

Details of sharing your information with other organisations

We may be required to share certain employee information with internal services and/or specific external organisations, but only with a clearly defined reason and an appropriate legal basis under data protection law.

We always ensure that the sharing of personal information is securely undertaken.

| Organisation | Reason | Lawful Basis |
|-----------------------------------|---|---|
| Caerphilly County Borough Council | To redeploy staff to other critical services, such as childcare provision for keyworkers. | Processing necessary for performance of a public task. Local Authorities are responsible for delivery of childcare provision for keyworkers and ensuring hubs are staffed consistently according to <i>Guidance for hubs and schools: provision for children of critical workers and vulnerable children</i> from Welsh Government. |
| | To provide IT support digital systems used for the administration of HR and Payroll services. | Processing necessary for performance of a legitimate interest (Art 6 UK GDPR) |

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| | To support internal audits conducted of the school's records under the Accounts and Audit Regulations. | Compliance with a legal obligation (Art 6 UK GDPR) |
| | To defend insurance claims. These are dealt with by the Insurance Section at CCBC who may need access to information about you for the purposes of administering or defending the claim. | Processing necessary for legitimate interests (Art 6 UK GDPR) and legal proceedings (Art 9 UK GDPR) |
| Aneurin Bevan University Health Board | To administer anti-body testing to critical workers, including education and childcare staff. | Processing necessary for performance of a public task (Art 6 UK GDPR) underpinned by employment and public health law [e.g. Part 2A of the <i>Public Health (Control of Disease) Act 1984</i>]. |
| | To support the NHS Wales Test, Trace, Protect service in containing the spread of coronavirus. The service is delivered by a number of public sector partners working together, including Public Health Wales, Local Health Boards, Local Authorities, and the NHS Wales Informatics Service (NWIS). We are required to share your name, date of birth, and contact details (including address). | Compliance with a legal obligation (Art 6 UK GDPR) under the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 that requires reasonable measures to be taken to minimise the risk of exposure to coronavirus on premises open to the public and on any premises where work takes place, as well as to minimise the spread of coronavirus by those who have been on the premises. www.gov.wales/taking-all-reasonable-measures-minimise-risk-exposure-coronavirus-workplaces-and-premises-open |
| Welsh Government (further details below) | Provision of statistics to monitor school workforce | Compliance with a legal obligation (Art 6 UK GDPR) |
| | For the School Workforce Annual Census (SWAC) which is an annual statutory data collection of information about the workforce in maintained schools in Wales. | Compliance with a legal obligation (Art 6 UK GDPR) under the Education (Supply of Information about the School Workforce) (Wales) Regulations 2017 & Section 113(2) and (3) of the Education Act 2005. |

| | | |
|--|--|--|
| HMRC | For Income Tax and National Insurance purposes. | Compliance with a legal obligation (Art 6 UK GDPR) |
| Law enforcement agencies (e.g. the Police) | For the purpose of the detection or prevention of crime (if in compliance with data protection requirements). | Compliance with a legal obligation (Art 6 UK GDPR) |
| National Fraud Initiative | To prevent fraudulent and unlawful activity or error. The National Fraud Initiative involves comparing sets of electronic data held by one organisation against data held by the same or another organisation to see how far they match. A separate Privacy notice relating to the National Fraud Initiative can be found here: https://www.caerphilly.gov.uk/CaerphillyDocs/FOI/PrivacyNotices/PrivacyNoticeNFISept2018.aspx | Compliance with a legal obligation (Art 6 UK GDPR) |
| Professional standards associations (e.g. Education Workforce Council, etc.) | To monitor standards of a profession (i.e. teaching) and professional conduct to contribute to improving standards. | Compliance with a legal obligation (Art 6 UK GDPR) |

Sharing information with Welsh Government

In addition, the **Welsh Government** receives information on the school workforce directly from schools and local authorities as part of the SWAC. The Local Authority in this instance collects the personal data outlined below from Caerphilly schools to share the information via a secure portal with Welsh Government.

The SWAC covers all maintained school settings in Wales, including:

- maintained nursery schools;
- maintained primary schools;
- maintained middle schools (through age schools);
- maintained secondary schools;
- maintained special schools; and
- pupil referral units (PRUs).

For a full list of staff to be included please visit

https://gov.wales/sites/default/files/publications/2019-06/school-workforce-annual-census-data-items-collected_0.pdf

Upon receipt of the information from the school and local authority, the Welsh Government becomes the data controller.

The categories of school workforce information that will be collected and held include:

- ✓ Personal and special category information about you, such as:

- Teacher reference number (TRN);
 - First name;
 - Middle name(s);
 - Surname;
 - Date of birth;
 - Gender;
 - Ethnic group;
 - Disability status; and
 - National insurance number.
- ✓ Information on your pay and contracts (such as pay scales, allowances, remuneration, and reason for leaving).
 - ✓ Information on your absences (including absence length and type)
 - ✓ Information on Welsh language skills
 - ✓ Information on the subjects you teach, post type and associated roles.

The Welsh Government uses the information received to carry out data processing necessary for the performance of tasks carried out in the public interest and in the exercise of official authority.

Data will be used for:

- ✓ Statistical and research purposes to support the formation of education policy, through the building of a comprehensive evidence base to inform, influence and improve the planning of services for people in Wales.
- ✓ Supporting robust forecasting of teachers' pay in Wales, informing negotiations and decisions on pay and conditions and providing greater evidence to support future workforce planning.
- ✓ The production of school and local authority level analysis for schools, local authorities and regional consortia.
- ✓ Identifying and reducing causes of employment, skills and pay inequalities related to gender, ethnicity, age and disability.
- ✓ Linking with other datasets, including non-educational data in order to inform wider education, health and social policies. Examples of data sets that we may link include student and graduate data from the Higher Education Statistics Agency (HESA) or employment and welfare data from The Department of Work and Pensions (DWP). We will only link data sets where the law allows us to do so.

Use of data for statistical purposes by Welsh Government is also managed in accordance with the Code of Practice for Statistics ("the Code") in addition to data protection legislation. Principle T6 of the Code covers data governance.

Please visit <https://gov.wales/school-workforce-annual-census-swac-privacy-notice> for more information on how Welsh Government processes your personal data.

Requests for information

All recorded information held by Caerphilly County Borough Council and the school(s) you are, or have been, employed in may be subject to requests under the Freedom of Information Act 2000, Environmental Information Regulations 2004, and Data Protection legislation (UK General Data Protection Regulations and Data Protection Act 2018).

If the information you provide is subject to such a request, where possible, Caerphilly County Borough Council and the school will consult with you on its release. If you object to the release of your information, we will withhold your information if the relevant legislation allows.

How long will we retain your information

Details of retention period

We hold school-based employee data securely for the set amount of time documented in our data retention schedule. Caerphilly County Borough Council and the school will retain information in line with guidance from the *IRMS Schools Toolkit* available to view at <https://irms.org.uk/page/SchoolsToolkit>

Your Rights (including Complaints Procedure)

Your rights under data protection law

Data Protection laws give data subjects (those who the information is about) a number of rights, which include:

- **Right to be informed** how personal data is collected, stored, managed, protected, and processed.
- **Right of access** to request a copy of personal information held of yourself. However, please be aware that information can sometimes be legitimately withheld.
- **Right to rectification** of inaccurate or incomplete personal data.
- **Right to erasure** where you have the right to have your personal data erased in certain circumstances. This does not include any personal data that must be retained by law.
- **Right to restriction**, which allows you to limit the way we use your personal data in some circumstances.
- **Right to portability** gives an individual the right to receive copies of data provided to a controller in a portable format.
- **Right to object** to the processing of one's personal data; and the final one is the
- **Rights in relation to automated decision making and profiling.**

To enact your rights, please contact Caerphilly County Borough Council or the school directly as detailed at the top of this document. A copy of any individual right request and your response will be kept for 3 years.

Complaints Procedure

If you are unhappy with the way we have handled your request / information, you have the right of complaint. Please contact the Data Controller responsible for processing your information in the first instance and outline your concerns.

Examples that describe which Data Controller to contact if you are unhappy with the way we have handled your request / information:

- ❖ Any concerns relating to a request submitted to either Caerphilly County Borough Council People Services or the school directly for a copy of personal data held about you should be sent to the Data Controller who processed the request.
- ❖ Any concerns relating to the way we have handled your personal information should be sent to the Data Controller responsible for the information (please see below).

Caerphilly County Borough Council People Services

- Information relating to employment contracts, payroll, and/or tax.

The school(s) you are employed in

- Information relating to performance management (i.e. absence / training records, Professional Development Reviews, etc.)

If you remain unhappy, you can contact the Data Protection Officer on 01443 864322 / dataprotection@caerphilly.gov.uk

You also have the right to ask the Information Commissioner, who enforces and oversees the Data Protection Act in the UK, to assess whether or not the processing of personal information is likely to comply with the provisions of our legislative responsibilities. Further information on your rights is available from: www.ico.org.uk.