



Colleagues and Volunteers

Privacy notice 2022

This privacy notice describes how we collect and use personal information about you during and after your work or volunteer relationship with us, in accordance with the UK General Data Protection Regulations (UK GDPR).

Regulation (EU) 2016/679, General Data Protection Regulation (GDPR) is retained EU law and known as UK GDPR. The UK GDPR sits alongside an amended version of the Data Protection Act 2018 that relates to general personal data processing, the powers of the Information Commissioner and sanctions and enforcement. The GDPR as it continues to apply in the EU is known as EU GDPR.

It applies to all current and former employees, workers, contractors and volunteers.

Who collects this information?

Red Kite Learning Trust is a 'data controller.' This means we are responsible for deciding how we hold and use personal information about you.

We are required under the data protection legislation to notify you of the information contained in this privacy notice. This notice does not form part of any contract of employment or other contract to provide services and we may update this notice at any time.

It is important that you read this notice with any other policies mentioned within this privacy notice, so that you understand how we are processing your information and the measures we take to protect your personal data.

Data protection principles

We will comply with the data protection principles when gathering and using personal information, as set out in our data protection policy.

The categories of information that we collect, process, hold and share

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

- Personal information and contact details such as name, title, addresses, date of birth, marital status, phone numbers and personal email addresses
- Emergency contact information such as name, relationship, phone numbers and email addresses
- Information collected during the recruitment process that we retain during your employment including references, proof of right to work in the UK, application form, CV and qualifications

- Employment contract information such as start date, hours worked, post details, tax status information, national insurance number, and pensions and benefits information
 - Details of any dependants
- Your nationality and immigration status and information from related documents such as your passport or other identification and immigration information
- Information in your sickness and absence records such as number of absences and reasons (including sensitive information regarding your physical and mental health)
- Information about medical or health conditions including whether you have a disability for which the organisation needs to make reasonable adjustments
- Criminal records information as required by law to enable you to work with children
- Your trade union membership (through the collection of subscriptions)
- Information on grievances raised by you or involving you
- Information on conduct/disciplinary issues involving you
- Details of performance reviews (appraisals) and capability issues
- Information about professional development including training and CPD records
- Details of your time and attendance records
- Information about the use of our IT, communications and other systems, and other monitoring information
- Details of your business-related social media
- Images captured by the school or Trust CCTV system
- Your use of public social media (only in very limited circumstances, to check specific risks for specific functions within the school or Trust and you will be notified if this is to occur)
- Details in references about you that we give to others
- Recordings of staff from the school/Trust video conferencing platform(s)
- Your racial or ethnic origin, gender, gender identity, sexual orientation, religious or similar beliefs
- Photographs taken during the course of work

How we collect this information

We may collect this information from you for example in your application form and via self service on our HR and payroll system, but we will also collect information in a number of different ways. This could be through the Home Office, our pension providers, medical and occupational health professionals we engage with, your trade union, and even other colleagues. Information is also collected through CCTV, access control systems and any IT system the school has in place.

How we use your information

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

- Where we need to perform the contract we have entered into with you
- Where we need to comply with a legal obligation (such as health and safety legislation, under statutory codes of practice and employment protection legislation)
- Where it is needed in the public interest or for official purposes

- Where it is necessary for our legitimate interests (or those of a third party) and your interests, rights and freedoms do not override those interests
- When you have provided us with consent to process your personal data

We need all the categories of information in the list above primarily to allow us to perform our contract with you and to enable us to comply with legal obligations.

The situations in which we will process your personal information are listed below:

- To determine recruitment and selection decisions on prospective employees
- In order to carry out effective performance of the employees contract of employment and to maintain records
- To comply with regulatory requirements and good employment practice
- To carry out vetting and screening of applicants and current colleagues in accordance with regulatory and legislative requirements
- Enable the development of a comprehensive picture of the workforce and how it is deployed and managed
- To enable management and planning of the workforce, including accounting and auditing
- Management of people matters including retention, sickness and attendance
- Performance reviews, managing performance and determining performance requirements
- In order to manage internal policy and procedure
- HR administration including pensions, payroll and benefits
- To determine qualifications for a particular job or task, including decision about promotions
- Evidence for possible disciplinary or grievance processes
- Comply with legal obligations
- To monitor and manage staff access to our systems and facilities in order to protect our networks, the personal data of our employees and for the purposes of safeguarding
- To monitor and protect the security of our network and information, including preventing unauthorised access to our computer network and communication systems and preventing malicious software distribution
- Education, training and development opportunities
- To monitor compliance with equal opportunities legislation
- To answer questions from insurers in respect of any insurance policies which relate to you
- Determinations about continued employment or engagement
- Arrangements for the termination of the working relationship
- Dealing with post-termination arrangements
- Health and safety obligations
- Prevention and detection of fraud or other criminal offences
- To defend the school or Trust in respect of any investigation or court proceedings and to comply with any court or tribunal order for disclosure
- To support development of policies and procedures as well as monitoring new initiatives and assessing the quality and value for money of our services

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you, or we may be prevented from complying with our legal obligations.

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.

How we use particularly sensitive information

Sensitive personal information (as defined under the UK GDPR as 'special category data') require higher levels of protection and further justification for collecting, storing and using this type of personal information. We may process this data in the following circumstances:

- In limited circumstances, with your explicit written consent.
- Where we need to carry out specific legal obligations in line with our data protection policy.
- Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our pension scheme.
- Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards. Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent.

We will use this information in the following ways:

- Collecting information relating to leave of absence, which may include sickness absence or family related leave.
- To comply with employment and other laws.
- Collecting information about your physical or mental health, or disability status, to ensure your health and welfare in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to manage sickness absence and to administer benefits.
- Collecting information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or sexual life or sexual orientation to ensure meaningful equal opportunity monitoring and reporting.
- To record trade union membership information to pay trade union premiums and to comply with employment law obligations.

Criminal convictions

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where it is necessary to carry out our legal obligations. We will only

collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so.

Where appropriate we will collect information about criminal convictions as part of the recruitment process or we may be notified of such information directly by you in the course of working for us.

Sharing data

We may need to share your data with third parties, including third party service providers 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. These include the following:

- Department for Education (DfE)
- Ofsted
- Prospective employers
- Welfare services (such as social services)
- Law enforcement officials such as police or HMRC
- Local Authority Designated Officer (LADO)
- Training providers
- Professional advisors such as lawyers and consultants
- Support services (including HR support, insurance, IT support, information security, pensions and payroll)
- Local authority
- Occupational health
- DBS
- Recruitment and supply agencies
- Other schools within the Trust

Information will be provided to those agencies securely or anonymised where possible.

The recipient of the information will be bound by confidentiality obligations, we require them to respect the security of your data and to treat it in accordance with the law.

We may transfer your personal information outside the UK and the EU. If we do, you can expect a similar degree of protection in respect of your personal information.

Retention periods

Except as otherwise permitted or required by applicable law or regulation, the school/Trust only retains personal data as long as necessary to fulfil the purposes they collected it for, as required to satisfy any legal, accounting or reporting obligations, or as necessary to resolve disputes.

Once you are no longer a member of our workforce, we will retain and securely destroy your personal information in accordance with our data retention policy. This can be found on our Trust website or by clicking [Red Kite Learning Trust Policies \(rklt.co.uk\)](https://www.rklt.co.uk/policies).

Security

We have put in place measures to protect the security of your information (i.e. against it being accidentally lost, used or accessed in an unauthorised way). 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.

You can find further details of our security procedures within our Data Protection Policy found on our Trust website or by clicking [Red Kite Learning Trust Policies \(rklt.co.uk\)](https://www.rklt.co.uk/policies).

Your rights of access, correction, erasure and restriction

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.

You can view and manage basic personal information including address, contact and emergency contact details via our [HR and payroll system](#). You can also update your bank details and diversity profile. Click in the top right on your photograph or initials and choose 'My Profile.' For assistance with these matters, please email HR@rklt.co.uk.

Under certain circumstances by law you have the right to:

- Access your personal information (commonly known as a 'subject access request'). This allows you to receive a full copy of the personal information that we hold about you and to check we are lawfully processing it. You will not have to pay a fee to access your personal information. 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
- Correction of the personal information we hold about you. This enables you to have any inaccurate information we hold about you corrected
- Erasure of your personal information. You can ask us to delete or remove personal data if there is no good reason for us continuing to process it
- Restriction of processing your personal information. You can ask us to suspend processing personal information about you in certain circumstances for example, if you want to establish its accuracy before processing it
- To object to processing in certain circumstances (for example, direct marketing purposes)
- To transfer your personal information to another party

If you want to exercise any of the above rights, please contact the Data Protection Lead for your school or office in the first instance.

Should you require further advice from the Trust Office, please contact the team in writing: info@rklt.co.uk or call 01423 574410.

We may need to request specific information from you to help us to confirm your identity and ensure your right to access the information (or to exercise any of your other rights).

Right to 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. To withdraw your

consent, please contact the Data Protection Lead for your school or office in the first instance.

Should you require further advice from the Trust Office, please contact the team in writing: info@rklt.co.uk or call 01423 574410.

Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose(s) you originally agreed to, unless we have another legitimate basis for doing so in law.

How to raise a concern

We hope that the Trust can resolve any query you raise about our use of your information in the first instance.

We have appointed a Data Protection Officer (DPO) to oversee compliance with data protection and this privacy notice. If you have any questions about how we handle your personal information which cannot be resolved by the Trust then you can contact the DPO directly:

Data Protection Officer: HY Education, HY
Education Solicitors Limited
Address: Sandbrook House, Sandbrook Way,
Rochdale, OL11 1RY
Email: dpo@wearehy.com
Telephone: 0161 543 8884
Web: <https://hyeducation.co.uk>

You have a right to make a complaint at any time to the Information Commissioner's Office, the UK supervisory authority for data protection issues.

Changes to this privacy notice

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.

Red Kite Learning Trust (RKLT) January 2022