

Privacy Notice for Employees and Contractors



Data controller: Chard School (registered charity number 310219)

1. Introduction

Chard School is a “data controller”. This means that we are responsible for deciding how we hold and use personal information about you.

Chard School, collects, stores and processes personal data relating to its employees in order to manage the employment relationship. This privacy notice sets down how Chard School collects and uses personal information about you prior to, during and after your working relationship with us. The personal information may be held by Chard School on paper or in electronic format.

This privacy notice applies to current and former employees, workers and contractors. This notice does not form part of a contract of employment or any contract to provide services and may be updated at any time.

Chard School is committed to protecting the privacy and security of your personal information and to meeting its data protection obligations under the General Data Protection Regulation (“GDPR”). Chard School is committed to being clear and transparent about how it collects and uses that data and to meeting its data protection obligations.

The purpose of this Privacy Notice is to make you aware of how and why we will collect and use your personal information both during and after your working relationship with Chard School.

2. Data Protection Principles

Chard School complies with data protection law. This means that the personal information we hold about you must be:

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

3. What Information Does Chard School Collect and Process?

Chard School collects and processes a range of personal information (personal data) about you. Personal data means any information about an individual from which the person can be identified. This includes information set out at Schedule 1 of this Notice.

We may also collect, store and use the special categories of more sensitive personal information which is set out at Schedule 2 of this Notice.

Privacy Notice for Employees and Contractors



Data controller: Chard School (registered charity number 310219)

Chard School collects this information in a variety of ways. For example, data is collected through the application and recruitment process and during work-related activities throughout the period of working for us.

In some cases, Chard School collects personal data about you from third parties, such as references supplied by former employers, information from employment background check providers and information from criminal records checks permitted by law.

We will collect additional personal information throughout your period of employment with us which may be collected during the course of your work-related activities.

Whilst some of the personal information you provide to us is statutory and/or mandatory or a contractual requirement, some of it you may be asked to provide us on a voluntary basis. We will inform you whether you are required to provide certain personal information to us or if you have a choice in this.

Data is stored in a range of different places, including in your personnel file, in Chard School's HR systems and in other IT systems (including Chard School's email system) so that we and Chard Independent School can look after your employment relationship with us.

4. Why Does Chard School Process Personal Data?

Chard School needs to process data to enter into an employment contract with you and for both parties to meet their obligations under the employment contract.

In addition, Chard School needs to process data to ensure that we are complying with our legal obligations, for example, we are required to check an employee's entitlement to work in the UK. For certain positions, it is necessary to carry out criminal records checks to ensure that individuals are permitted to undertake a particular role given we are an educational establishment for children.

In other cases, Chard School has a legitimate interest in processing personal data before, during and after the end of the employment relationship.

We will process your personal information relying on one or more of the following grounds:

- 1) Where we need to do so to perform the employment contract, casual worker agreement, consultancy agreement or contract for services we have entered into with you;
- 2) Where we need to comply with a legal obligation such as where laws or regulations may require us to use your personal information in certain ways;
- 3) Where it is necessary for our legitimate interests (or those of a third party), and your interests or your fundamental rights and freedoms do not override our interests. When relying on this ground we will carry out a balancing test of our interests in using your personal information against the interests you have as an employee and the rights you have under data protection laws;
- 4) Where it is necessary to establish, exercise or defend a legal claim including if you, we or parent of or child we educate brings a legal claim against the other we may use your information in either establishing our position or defending ourselves in relation to that legal claim;

Privacy Notice for Employees and Contractors



Data controller: Chard School (registered charity number 310219)

- 5) In certain circumstances we may need your consent unless authorised by law in order to use personal information about you which is classed as special categories of data.

We may occasionally use your personal information where we need to protect your vital interests or someone else's such as the children we are educating or have educated.

5. Situations in Which We Will Use Your Personal Information

Situations in which we will process your personal information are set out at Schedule 3 of this Notice:

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

6. If You fail to Provide Personal Information

If you do not provide certain information when requested, Chard School may not be able to perform the contract we have entered into with you, such as paying you or providing a benefit. You may also have to provide Chard School with data in order to exercise statutory rights, for example in relation to statutory leave entitlements. You may also be unable to exercise your statutory or contractual rights.

7. Change of Purpose

Chard School will only use your personal information for the purpose for which it was collected 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 advise you of this and explain the legal basis which allows us to do so.

You should be aware that we may process your personal information without your knowledge or consent where this is required or permitted by law. We may also issue a new Privacy Notice to you.

8. How We Use Sensitive Personal Information

Some special categories of personal data, such as information about health or medical conditions, is processed to carry out employment law obligations (for example, in relation to employees with disabilities and for health and safety purposes).

Chard School uses other special categories of personal data, such as information about ethnic origin, sexual orientation, health or religion or philosophical belief, this is done for the purposes of processing are set out at Schedule 4 of this Notice.

Where data is used for the purposes of equal opportunities reporting, recording and monitoring, data used by Chard School for these purposes is anonymised or is collected with the express consent of employees, which can be withdrawn at any time. Employees are entirely free to decide whether or not to provide such data and there are no consequences of failing to do so.

Privacy Notice for Employees and Contractors



Data controller: Chard School (registered charity number 310219)

Staff photographs are used on the Chard School website, in our newsletter and in our marketing information and promotional material.

Chard School is required to obtain details about past criminal convictions as a condition of employment. Home from Home Care also undertakes DBS checks on all staff due to the nature of working with vulnerable adults.

There are occasions when Chard School will need to share special data with work colleagues within Chard School for example Occupational Health Services may seek information from departments or share information with the Human Resources Department about fitness to work. Chard School will only process this data with your explicit consent; this means you will be actively requested to consent to disclosure of your special data.

Circumstances may also arise where special data is share within Chard School without first obtaining your explicit consent these are set out at Schedule 5 of this document.

Information About Criminal Convictions

We envisage that we may hold information about criminal convictions to the extent necessary to confirm whether a DBS criminal record check has returned a satisfactory or unsatisfactory result unless in exceptional circumstances the information in the criminal record check has been assessed by Chard School or Chard School's regulatory body, the Independent Schools Inspectorate, the Independent Association of Preparatory Schools and the Department of Education as relevant to the ongoing working relationship.

If it has been assessed as relevant to the ongoing working relationship, a DBS criminal record check will be deleted following the next regulatory body's inspection or once the conviction is "spent" if earlier (unless information about spent convictions may be retained because the role is an excluded occupation or profession).

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. We will use information about criminal convictions in the following ways:

- In compliance with the requirements of Department of Education, the Independent Schools Inspectorate and the Independent Association of Preparatory Schools to check the suitability of all staff ensuring recruitment practices are effective and safe;
- In compliance with the requirements of Department of Education, the Independent Schools Inspectorate and the Independent Association of Preparatory Schools to ensure renewal of the DBS check to maintain assurances as to the suitability of staff.

Privacy Notice for Employees and Contractors



Data controller: Chard School (registered charity number 310219)

9. **Automated Decision-Making**

Our employment decisions are not based solely on automated decision-making.

10. **For How Long Do You Keep Data?**

Chard School will only hold your personal data for as long as is necessary to fulfil the purposes we collected it for, including any legal, accounting or reporting requirements. The periods for which your data is held after the end of employment are generally 6 years although further guidance on retention periods is set out in our Retention Policy.

11. **Who Has Access to Data?**

Chard School is part of a group structure and we will share information (including personal data) with Chard Independent School on a need to know basis; this may include sharing your personal data with functions such as legal, accounting and internal audit. Your information will be shared internally as set out at Schedule 6 of this Privacy Notice.

Chard School shares your data with third parties where required by law, where it is necessary in order to administer the working relationship with you or where we have another legitimate interest in doing so. Services carried out by third party service providers are set out at Schedule 7 of this Privacy Notice.

Chard School may also share your data with other third parties, for example, in the context of a sale of some or all of its business. In those circumstances the data will be subject to confidentiality arrangements.

Chard School may also disclose data to auditors undertaking investigations or to selected individuals acting on behalf of Chard School such as organisations undertaking market or academic research provided no personal data is published.

Chard School will often confirm dates and the nature of an individual's employment to a prospective employer in a reference.

In certain circumstances Chard School may pass data of staff debtors to an external debt collection agency if Chard School has been unable to recover any debts by normal internal financial or HR processes.

Chard School will not transfer your data to countries outside the European Economic Area.

12. **How Does Chard School Protect Data?**

Chard School takes the security of your data seriously. Chard School has internal policies, procedures and controls in place to prevent your data being lost, accidentally destroyed, misused or disclosed, and is not accessed except by its employees in the performance of their duties. In addition, we limit access to your personal information to those employees, workers, agents, contractors and other third parties who have a business need to know in order to perform their duties and responsibilities.

Privacy Notice for Employees and Contractors



Data controller: Chard School (registered charity number 310219)

When Chard School engages third parties to process personal data on its behalf, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data. We only allow them to process your personal information for specified purposes and in accordance with our own written instructions and we do not allow them to use your personal information for their own purposes.

Chard School also has in place procedures to deal with a suspected data security breach and we will notify the Information Commissioner's Office (or any other applicable supervisory authority or regulator) and you of a suspected breach where we are required to do so.

13. Your Duty to Inform Us of Changes

It is important that the personal information we hold about you is accurate, relevant and current. Please be sure to keep us informed if your personal information changes during your time working with us.

14. Your Rights

As a data subject, you have a number of rights. You can:

- access and obtain a copy of your data on request (known as a “data subject access request”);
- require Chard School to change incorrect or incomplete data;
- request erasure of your personal information. This enables you to ask Chard School to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing;
- object to the processing of your data where Chard School is relying on its legitimate interests as the legal ground for processing; and
- ask Chard School to suspend the processing of your personal data for a period of time if data is inaccurate or there is a dispute about its accuracy or the reason for processing it.

If you would like to exercise any of these rights, or you have any questions about the privacy notice, please contact the Bursar.

If you believe that Chard School has not complied with your data protection rights, you have the right to make a complaint to the Information Commissioner's Office.

I acknowledge receipt of the Privacy Notice for employees and contractors and confirm that I have read and understood it.

Name.....

Signature.....

Date.....

Privacy Notice for Employees and Contractors



Data controller: Chard School (registered charity number 310219)

Schedule 1

What personal information will we process?

- Personal contact details, such as your name, title, address and contact details, including email address and telephone number;
- date of birth;
- gender;
- the terms and conditions of your employment;
- Recruitment records including personal information included in a CV, cover letter, interview notes, references, history with previous employers, information about your nationality, copies of proof of right to work in the UK documentation, copies of qualification certificates, copy of driving licence and other background information
- Details of professional memberships
- Your salary, entitlement to benefits and pension information
- details of your bank account, tax status and national insurance number;
- information about your marital status, next of kin, dependants and emergency contacts;
- details of periods of leave taken by you, including holiday, sickness absence, family leave and sabbaticals, and the reasons for the leave;
- details of any disciplinary or grievance procedures in which you have been involved, including any warnings issued to you and related correspondence;
- assessments of your performance, including appraisals, training you have participated in, performance improvement plans and related correspondence;
- CCTV footage and other information obtained through electronic means e.g. logon information to the Chard School IT system
- Training records
- Information about your use of our IT systems including use of telephones, emails and the internet
- Photographs

Privacy Notice for Employees and Contractors



Data controller: Chard School (registered charity number 310219)

Schedule 2

What special information will we process?

- information about medical or health conditions, including whether or not you have a disability for which Chard School needs to make reasonable adjustments;
- sickness absence records (including details of the reasons for sickness absence being taken)
- medical reports and related correspondence
- details of trade union membership;
- information about your criminal record; and
- equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief.

Privacy Notice for Employees and Contractors



Data controller: Chard School (registered charity number 310219)

Schedule 3

Situations in which we will process your personal information

In order to:

- make decisions about recruitment and promotion processes;
- maintain accurate and up-to-date employment records and contact details (including details of whom to contact in the event of an emergency), and records of employee contractual and statutory rights;
- check you are legally entitled to work in the UK;
- gather evidence for, and keep a record of, disciplinary and grievance processes, to ensure acceptable conduct within the workplace;
- pay you and, in the case of employees, make deductions for tax and National Insurance including liaising with any external benefits, pension providers, insurers, student loan providers and childcare voucher providers
- administer the contract we have entered into with you;
- ensure compliance with your statutory and contractual rights;
- ensure compliance with the requirements of our regulator; the Independent Schools Inspectorate, the Independent Association of Preparatory Schools and the Department of Education;
- maintain effective systems and control in respect of employee identification and security;
- make decisions about salary reviews and compensation;
- make decisions about secondment arrangements;
- operate and keep a record of employee performance and related processes;
- manage, plan and organise work including your rota (if applicable);
- enable effective workforce management;
- keep records of training and development requirements;
- operate and keep a record of absence and absence management procedures, to allow effective workforce management and ensure that employees are receiving the pay or other benefits to which they are entitled;
- ascertain your fitness to work;
- operate and keep a record of other types of leave (such as maternity, paternity, adoption, parental and shared parental leave), to allow effective workforce management, to ensure that the organisation complies with duties in relation to leave entitlement, and to ensure that employees are receiving the pay or other benefits to which they are entitled;
- meet our obligations under Health and Safety Laws and other statutory obligations such as Gender Pay Reporting;
- ensure effective general HR and business administration;
- provide references on request for current or former employees;
- deal with legal disputes involving you or other employees, workers and contractors; and
- facilitate equal opportunities monitoring in the workplace.
- provide facilities such as access to locations, IT service, staff survey and car park provision
- preventing and detecting crime such as using CCTV
- providing communication about Chard School news and events such as through the newsletters
- maintaining contact with past employees
- fundraising and marketing
- provision of wellbeing and support services
- provision of Occupational Health and Wellbeing services to individuals
- ensure adherence to our rules, policies and procedures;
- protect the vital interests of the pupils; and,
- prevent fraud

Privacy Notice for Employees and Contractors



Data controller: Chard School (registered charity number 310219)

Schedule 4

Situations in which we will process your sensitive personal information

In order to:

- assess your suitability for employment, engagement or promotion;
- comply with statutory and/or regulatory requirements and obligations such as carrying out DBS checks;
- comply with the duty to make reasonable adjustments for disabled employees and workers and with other disability discrimination objectives;
- administer the contract we have entered into with you;
- maintain effective systems and control in respect of employee identification and security;
- ensure compliance with your statutory and contractual rights;
- operate and maintain a record of sickness absence procedures;
- ascertain your fitness to work;
- manage, plan and organise work including your rota;
- enable effective workforce management;
- make decisions about secondment arrangements;
- ensure payment of SSP;
- meet our obligations under health and safety laws;
- make decisions about continued employment or engagement;
- operate and maintain a record of dismissal procedures;
- ensure effective HR, personnel management and business administration;
- ensure adherence to Company rules, policies and procedures;
- monitor, report and record on equal opportunities including Gender Pay Gap Reporting;
- provision of wellbeing and support services
- provision of Occupational Health and Wellbeing services to individuals
- protect the vital interests of the pupils; and,
- prevent fraud.

Privacy Notice for Employees and Contractors



Data controller: Chard School (registered charity number 310219)

Schedule 5

Circumstances in which we may share special data without your explicit consent

This will only occur if the processing is necessary:

- To protect your vital interests and you cannot give your consent for your consent cannot be reasonably obtained
- To protect another person's vital interest and you have unreasonably withheld your consent
- For the discharge of any function which is designed for the provision of confidential counselling, advice, support or other service
- You consent cannot be given
- We cannot reasonably obtain your explicit consent
- Requiring your explicit consent would prejudice the provision of that counselling, advice, support or other service
- To meet our statutory obligations in relation to equality and diversity monitoring
- The disclosure is made for the purposes of prevention or detection or crime, the apprehension or prosecution of offenders and we have received a notice from the police confirming that disclosure is required for these purposes
- Pursuant to a Court Order requiring disclosure

Privacy Notice for Employees and Contractors



Data controller: Chard School (registered charity number 310219)

Schedule 6

Who has access to data?

- Those carrying on an HR function;
- Those carrying on a Payroll function;
- The Bursar
- The Head
- IT and other Staff (so far as is necessary for the performance of their roles)

Privacy Notice for Employees and Contractors



Data controller: Chard School (registered charity number 310219)

Schedule 7

Services provided by third party providers

- External organisations for the purposes of carrying out pre-employment reference and background checks;
- Payroll providers;
- Pension scheme providers and pension administration;
- Benefits providers and benefits administration including insurers and childcare vouchers;
- Occupational health providers;
- External IT services;
- External auditors;
- Professional advisers such as lawyers and accountants;
- HMRC.