



Privacy Notice for Staff

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1 Introduction

Haberdashers' Elstree Schools is a "data controller". The Staff Privacy Notice (Notice) is to help you understand **how** and **why** we collect personal information about you and **what** we do with that information and your rights in relation to the personal data we hold.

This Notice applies to all School staff including employees, governors, volunteers, contractors, casual workers, visiting music teachers, and agency staff who may be employed or engaged by the School to work for it in any capacity as well as prospective applicants for employment vacancies.

In the course of your employment, engagement or other basis of work undertaken for the school, we will collect, use and hold ("process") personal data relating to you as a member of our staff. This makes the school a data controller of your personal information, and this Privacy Notice sets out how we will use that information and what your rights are.

This Notice does not form part of your contract of employment and the School may amend this Notice at any time.

2 Data Protection Principles

We will comply with data protection law. This says 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 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.

3 About this Notice

This Notice explains how the School collects, uses and shares personal data of staff, and your rights in relation to the personal data we hold.

This Notice applies in addition to the School's other relevant terms and conditions and policies that may (depending on your role and status) apply to you, including:

- any contract between the School and its staff, such as the terms and conditions of employment, staff code of conduct and any applicable staff handbook
- CCTV Policy and Biometric Policy
- Retention of Data and Erasure of Personal Information Policy
- the School's Disciplinary, Safeguarding, Anti-bullying and Health and Safety policies, including as to how concerns, low-level concerns or incidents are reported or recorded (both by and about staff)
- Data Protection Policy

- the School's Acceptable Use Policy for Staff, e-Safety Policy and Information Security Management Policy

Please note that your contract with the School, including any document or policy forming a part of your contractual obligations to the school, may in particular be relevant to and supplement the information in this Notice, to the extent it will contain details of obligations or rights of the school under contract with you which may require the use of your personal data. However, this Notice is the primary document by which we notify you about the use of your personal data by the School.

This Notice also applies alongside any other information the School may provide about particular uses of personal data, for example when collecting data via an online or paper form.

4 How we collect your information

We may collect your personal data in a number of ways.

- From the information you provide to us before making a job application:
 - information about your education, qualifications and professional achievements
 - when you provide certain information to us, for example, on your application form and during any interviews
 - when we receive your personal information (from you and third parties) in carrying out 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.

More generally, during the course of your employment with us, as a member of staff, we will collect data from or about you, including:

- when you provide or update your contact details
- when you or another member of staff completes paperwork regarding your performance appraisals
- in the course of fulfilling your employment (or equivalent) duties more generally, including by filling reports, note taking, or sending emails on School systems
- in various other ways as you interact with us during your time as a member of staff, and afterwards, where relevant, for the various purposes set out below.

5 The types of information we collect

5.1 Personal data

We may collect the following types of personal data about you (and your family members and 'next of kin', where relevant):

- contact and communications information, including:
 - your contact details (including email address(es), telephone numbers and postal address(es))
 - contact details (through various means, as above) for your family members and 'next of kin', in which case you confirm that you have the right to pass this information to us for use by us in accordance with this Notice

- records of communications and interactions we have had with you.
- biographical, educational and social information, including:
 - your name, title, gender, nationality and date of birth
 - your image and likeness, including as captured in photographs taken for work purposes
 - details of your education and references from your institutions of study
 - lifestyle information and social circumstances
 - your interests and extra-curricular activities.
- financial information, including:
 - your bank account number(s), name(s) and sort code(s) (used for paying your salary or invoices and processing other payments)
 - your tax status (including residence status)
 - information related to pensions, national insurance, or employee benefit schemes.
- work related information, including:
 - details of your work history and references from your previous employer(s)
 - your personal data captured in the work product(s), notes and correspondence you create while employed by or otherwise engaged to work for the School
 - details of your professional activities and interests
 - your involvement with and membership of sector bodies and professional associations
 - information about your employment and professional life after leaving the School, where relevant (for example, where you have asked us to keep in touch with you)
 - nationality and other immigration status information (i.e. about your entitlement to work in the UK), including copies of passport information (if applicable)
 - any other information relevant to your employment or other engagement to work for the School.

5.2 Special categories of data

Depending on your role and status, we process special categories of personal data (such as data concerning health, religious beliefs, racial or ethnic origin, sexual orientation or union membership) or criminal convictions and allegations for the reasons set out below.

We will process this data on the basis that such processing is necessary to carry out obligations and exercise rights (both yours and ours) in relation to your employment or engagement.

In particular, we process the following types of special category personal data for the following reasons:

- your physical or mental health or condition(s) in order to record sick leave and take decisions about your fitness for work, or (in emergencies) act on any medical needs you may have. This may include Covid-19 (or similar) testing: including managing on-site testing and/or processing the results of tests taken by staff, and sharing this information with relevant health authorities
- recording your racial or ethnic origin in order to monitor our compliance with equal opportunities legislation
- trade union membership, in connection with your rights as an employee, agent or contractor and our obligations as an employer or engager of your services

- categories of your personal data which are relevant to investigating complaints made by you or others, for example concerning discrimination, bullying or harassment
- data about any criminal convictions or offences committed by you, for example when conducting criminal background checks with the DBS, or where it is necessary to record or report an allegation (including to police or other authorities, with or without reference to you).
- biometric information, for example where necessary for School security systems.

We will process special categories of personal data for lawful reasons only, including because:

- you have given us your explicit consent to do so, in circumstances where consent is appropriate
- it is necessary to protect your or another person's vital interests, for example, where you have a life-threatening accident or illness in the workplace and we have to process your personal data in order to ensure you receive appropriate medical attention
- it is necessary for the purposes of carrying out rights and obligations of the School in connection with employment law, or some function in the substantial public interest, including the safeguarding of children or vulnerable people, or as part of a process designed to protect others from malpractice, incompetence or unfitness in a role (or to establish the truth of any such allegations)
- to comply with public health requirements (eg in respect of Covid-19 (or in similar circumstances); or
- it is necessary for the establishment, exercise or defense of legal claims, such as where any person has brought a claim or serious complaint against us or you.

However, this will only be undertaken where and to the extent it is necessary for a lawful purpose in connection with your employment or other engagement to work for the School.

6 The bases for processing your personal data, how that data is used and whom it is shared with

6.1 Entering into, or fulfilling our contract with you

We process your personal data because it is necessary for the performance of a contract to which you are a party or in order to take steps at your request prior to entering into a contract, such as a contract of employment or other engagement with us. In this respect, depending on your role and status, we are likely to use your personal data for the following purposes:

- administering job applications and, where relevant, offering you a role with us
- carrying out due diligence checks on you, whether during the application process for a role with us or during your engagement with us, including by checking references in relation to your education and your employment history
- once you are employed or engaged by us in any capacity, for the performance of the contract of employment (or other agreement) between you and us
- to pay you and to administer benefits (including pensions) in connection with your employment or other engagement with us
- monitoring your attendance and your performance in your work, including in performance appraisals
- promoting the School to prospective parents and others, including by publishing the work product(s) you create while employed by or otherwise engaged to work for the School
- for disciplinary purposes, including conducting investigations where required

- for other administrative purposes, for example to update you about changes to your terms and conditions of employment or engagement, or changes to your pension arrangements
- for internal record-keeping, including the management of any staff feedback or complaints and incident reporting; and
- for any other reason or purpose set out in your employment or other contract with us.

6.2 Legitimate interests

We process your personal data because it is necessary for our (or sometimes a third party's) legitimate interests. Our "legitimate interests" include our interests in running the School in a professional, sustainable manner, in accordance with all relevant ethical, educational, charitable, legal and regulatory duties and requirements (whether or not connected directly to data protection law). In this respect, depending on your role and status, we are likely to use your personal data for the following:

- providing you with information about us and what it is like to work for us (where you have asked for this, most obviously before you have made a formal application to work for us)
- for security purposes, including by operating security cameras in various locations on the School's premises. Refer to CCTV Policy
- to safeguard staff and students' health and welfare and provide appropriate pastoral care
- providing an education to students, including where such services are provided remotely (either temporarily or permanently)
- publishing your image and likeness in connection with your employment or engagement with us promoting the objects and interests of the School. This includes fundraising and using information about you in our publicity material, for example, photographs
- making sure that the School is well managed and that we protect the School's reputation in connection with organising events and social engagements for staff
- making travel arrangements on your behalf, where required
- making sure that you are complying with your employment obligations and that the School is complying with its employment obligations
- contacting you or your family members and 'next of kin' for business continuity purposes, to confirm your absence from work, etc.
- to carry out or cooperate with any School or external complaints, disciplinary or investigatory process
- for the purposes of management planning and forecasting, research and statistical analysis
- facilitating the efficient operation of the School
- to enable relevant authorities to monitor the School's performance and to intervene or assist with incidents as appropriate, and
- to monitor (as appropriate) use of the School's IT and communications systems in accordance with the School's *Acceptable Use Policy* for Staff and government guidance such as KCSIE.

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.

6.3 Legal obligations

We also process your personal data for our compliance with our legal obligations, notably those in connection with employment, [charity / company law], tax law and accounting, and child welfare. In this respect, depending on your role and status, we are likely to use your personal data for the following:

- to meet our legal obligations (for example, relating to child welfare, social protection, diversity, equality, and gender pay gap monitoring, employment, immigration / visa sponsorship compliance and health and safety)
- for tax and accounting purposes, including transferring personal data to HM Revenue and Customs to ensure that you have paid appropriate amounts of tax, and in respect of any Gift Aid claims, where relevant
- for the prevention and detection of crime, and in order to assist with investigations (including criminal investigations) carried out by the police and other competent authorities.

7 Low-level concerns about adults

We will process personal data about you, whether or not it constitutes special category data, in accordance with our policy on recording and sharing low-level concerns about adults. This will be processed for the same safeguarding reasons as set out above.

Such records are subject to the rules on retention set out in the School's Low-Level Concerns Policy and Retention of Data and Erasure of Personal Information Policy. You have the same rights in respect of that information, as any other personal data that we hold on you. However, any requests to access, erase or amend personal data we hold in accordance with this policy may be subject to necessary exemptions, for example if we consider that compliance with the request might unreasonably impact the privacy rights of others or give rise to a risk of harm to children.

8 Sharing your information with others

For the purposes referred to in this privacy notice and relying on the bases for processing as set out above, we may share your personal data with certain third parties. We may disclose limited personal data (including in limited cases special category or criminal data) to a variety of recipients including:

- other employees, agents and contractors (e.g. third parties processing data on our behalf as part of administering payroll services, the provision of benefits including pensions, IT etc. – although this is not sharing your data in a legal sense, as these are considered data processors on our behalf)
- as an employer we must check if you can work in the UK before we employ you. Additionally, if you are sponsored by us under Tier 2 or Tier 5 in certain circumstances, we will have to provide information about you to UK Visas and Immigration to comply with our duties as a Tier 2/5 sponsor
- DBS and other **government authorities** (e.g. HMRC, DfE, CAFCASS, police, Home Office, a relevant public health / NHS body and / or local authority) and/or **appropriate regulatory bodies**, e.g. the [Teaching Regulation Agency](#), the [Independent Schools Inspectorate](#), the [Charity Commission](#) etc.
- external auditors or inspectors

- our advisers where it is necessary for us to obtain their advice or assistance, including insurers, lawyers, accountants, or other external consultants
- to fulfil our obligations to you as an employer we will need to share your information with medical professionals, such as occupational health services, where we are making a referral
- we may share some of your information with our insurance company, for example, where there is a serious incident at the School
- we may need to share information about you with the Health and Safety Executive (a government organisation) if there is a health and safety issue at the School
- if the School is dealing with a complaint or grievance, for example, from a colleague or a parent, we will need to share your information with other parties if it is relevant, for example, the appropriate staff at the School, the colleague or parents making the complaint and governors
- if appropriate, we will share your information with individuals connected to the School who are exercising their data protection rights, for example, when responding to a subject access request
- we will share personal information about staff with the relevant statutory agencies if it is appropriate to share this information to investigate allegations of misconduct
- we may need to share your information with the Local Authority Designated Officer in accordance with our safeguarding obligations
- on occasion, we may need to share your information with the Police for the prevention and investigation of crime and the prosecution of offenders. We will only do this in specific circumstances to assist the police with their investigations. In exceptional circumstances CCTV recordings may be disclosed to third parties such as the police
- if ever in the future, we are considering restructuring the charity which operates the School, we may share your information with the other parties involved and with the relevant professional advisors
- when the School is legally required to do so (by a court order, government body, law enforcement agency or other authority of competent jurisdiction), for example HM Revenue and Customs or police.
- we use contractors to handle personal information on our behalf for the following purposes:
 - IT consultants who might access information about you when checking the security of our IT network
 - we use software, apps and websites to help us with teaching, and to help us provide pastoral support to our students and
 - we use third party "cloud computing" services to store some information rather than the information being stored on hard drives located on the School site.

We may also share information about you with other employers in the form of a reference, where we consider it appropriate, or if we are required to do so in compliance with our legal obligations. References given or received in confidence may not be accessible under your UK GDPR rights.

If you have any questions about any of the above, please speak to the Compliance Manager.

9 How long your information is kept

Personal data relating to unsuccessful job applicants is deleted within 3 months (but no more than 1 year) of the end of the application process, except where we have notified you, we intend to keep it for longer (and you have not objected).

For employees, subject to any other notices that we may provide to you, we may retain your personal data for a minimum of 7 years (subject to safeguarding considerations as described within the Retention of Data and Erasure of Personal Information Policy) after your contract has expired or been terminated.

10 Transfers of your personal information overseas

We may send your information to countries which do not have the same level of protection for personal information as there is in the UK.

The ICO has produced a list of countries which have adequate data protection rules. The list can be found here:

<https://ico.org.uk/for-organisations/data-protection-and-the-eu/data-protection-and-the-eu-in-detail/the-uk-gdpr/international-data-transfers/>

If the country that we are sending your information to is not on the list or is not a country within the EEA (which means the European Union, Liechtenstein, Norway and Iceland), then it might not have the same level of protection for personal information as there is in the UK.

We will provide you with details about the safeguards which we have in place outside of this Notice. If you have any questions about the safeguards that are in place, please contact the Compliance Manager.

11 Your rights

Please see our Data Protection Policy which has details of your rights as a 'data subject', which are the same as if you were any member for the public. You can find out more about your rights under applicable data protection legislation from the Information Commissioner's Office website available at www.ico.org.uk.

12 Contacts and complaints

If you have any queries about this privacy notice or how we process your personal data, or if you wish to exercise any of your rights under applicable law, you may contact the Compliance Manager or refer the matter through the staff grievance procedure.

If you are not satisfied with how we are processing your personal data, or how we deal with your complaint, you can make a complaint to the Information Commissioner: www.ico.org.uk.

The ICO does recommend you seek to resolve any issues with the data controller initially prior to any referral.