

# Privacy Notice (How we use your information)

This notice sets out how we use your personal information as your employer or when you apply for a job with us and in particular:

- what personal information we collect;
- what we do with your personal information;
- the legal basis on which we collect and use your personal information;
- how long we keep your personal information;
- how we share your personal information including whether we transfer your personal information outside of the European Economic Area (“EEA”); and
- your rights over your personal information.

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

- personal information (such as name, date of birth, employee or teacher number, National Insurance number);
- special categories of data including characteristics information such as gender, race, ethnic origin, trade union membership;
- contract information (such as start dates, hours worked, post, roles and salary information);
- work absence information (such as number of absences and reasons);
- qualifications (and, where relevant, subjects taught); and
- CCTV images and your photo for your pass

## Why we collect and use this information

We use this data:

- for the recruitment process and for carrying out pre-employment checks;
- for checking your identity and right to work in the UK;
- for checking your qualifications;
- for carrying out our role as your employer or potential employer;
- to support and manage employees;
- to enable the development of a comprehensive picture of the workforce and how it is deployed;
- to process payroll, pensions, expenses claims and other financial transactions;
- to maintain the College’s accounts and for insurance purposes;
- for dealing with HMRC;
- to allow for better financial modelling and planning;
- to inform the development of recruitment and retention policies;
- for safeguarding students;
- to maintain accident records and to otherwise comply with health and safety legislation;
- for communicating with you and for marketing purposes;
- and to otherwise fulfil the College’s statutory obligations as an educational institution under the Further and Higher Education Act 1992, the Education Act 1996 and other applicable legislation.

## The lawful basis on which we process this information

We are subject to statutory and legal obligations requiring us to process this information. We are also required to process this information to enable us to perform our contractual obligations to you as your employer. In some instances, we are required to process this information as we as a College are performing a task in the public interest (provision of education). In some instances, we may decide to process this information because it is in our legitimate (commercial) interests to do so.

For some non-core purposes, ie not directly related to your employment with us, such as staff surveys, marketing, etc. we require your consent to process your personal information. You can withdraw your consent for this processing at any time; but this could have consequences in terms of us being able to provide those non-core services to you.

## Collecting this information

Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with data protection legislation, we will inform you whether you are required to provide certain information to us or if you have a choice in this.

## Storing this information

How long we hold this information for will depend on the type of information. For instance:

Type of Data	Retention Period	Reason for retention
Interview notes – successful	Permanent	Statutory/legal obligation, performance of a contract, performance and College's legitimate interests including safeguarding of students
Interview notes – unsuccessful	Six months after interview + 1 year	
Application	Six months from date of leaving + 1 year	
Offer letter	Six months from date of leaving + 1 year	
Starter data such as copied ID, driving licence, etc	Six months from date of leaving + 1 year	
DBS application	Six months from date of leaving + 1 year	
Staff Risk Assessment	Six months from date of leaving + 1 year	
Criminal Convictions Declaration (if completed)	Six months from date of leaving + 1 year	

References	Six months from date of leaving + 1 year	Statutory/legal obligation, performance of a contract, performance and College's legitimate interests	
Health Declarations	Six months from date of leaving + 1 year		
Right to work, etc	Six months from date of leaving + 1 year		
Bank details	Six months from date of leaving + 1 year		
CV – successful	Six months from date of leaving + 1 year		
CV - unsuccessful	1 year after receipt + 1 year		
Proof of qualifications obtained	Six months from date of leaving + 1 year		
Further Information form	Six months after interview + 1 year		
Probationary Review	Six months from date of leaving + 1 year		
Appraisal	Six months from date of leaving + 1 year		
Disciplinary	Permanent		College's legitimate interests including safeguarding of students
Grievance	Six months after interview + 1 year		
Sickness/sick notes/any other documents relating to return to work after sickness	Six months from date of leaving + 1 year		
Maternity/Paternity/Adoption and flexible working/compassionate leave, etc	Six months from date of leaving + 1 year		

Occupational Health referrals, reports, etc	Permanent	Statutory/legal obligation, performance of a contract, performance and College's legitimate interests
Occupational Health records	Permanent	
Leaver Information – resignation, forms, etc	Six months from date of leaving + 1 year	
Redundancy information	Six months from date of leaving + 1 year	
Details of any settlements, employment tribunal claims, etc	Permanent	
TUPE	Permanent	
P45	7 years + 1 year	
Staff Contract	Permanent	
Part-time variable contract	Permanent	
Staff Development – short courses	2 years from date of leaving + 1 year	
Staff Development – long courses	2 years from date of leaving + 1 year	
E-learning certificates	Six months from date of leaving + 1 year	
Payroll	7 years from payroll date + 1 years	Statutory/legal obligation, performance of a contract and in the College's legitimate interests
Pensions	Permanent	Statutory/legal obligation and in the College's legitimate interests

For further details, the College's Data Retention Policy is available at <https://able.askham-bryan.ac.uk/staff/>

## Who we share this information with

We routinely share this information with:

- current, past and prospective employers;
- trade unions and staff associations;
- our local education authority;
- HMRC;
- ESFA;
- the Department for Education (DfE);
- Access (a private company, to process payroll); and
- Toucan storage (a private company, archival storage).

### ESFA and Department for Education (DfE)

We share personal data with the Department for Education (“DfE”) on a statutory basis. This data sharing underpins workforce policy monitoring, evaluation, and links to school funding/expenditure and the assessment educational attainment.

### Data collection requirements

The DfE may share information about College employees with third parties who promote the education or well-being of children or the effective deployment of school staff in England by:

- conducting research or analysis;
- producing statistics; and by
- providing information, advice or guidance.

The DfE has robust processes in place to ensure that the confidentiality of personal data is maintained and there are stringent controls in place regarding access to it and its use. Decisions on whether the DfE releases personal data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data;
- the purpose for which it is required;
- the level and sensitivity of data requested; and
- the arrangements in place to securely store and handle the data.

To be granted access to this information, organisations must comply with its strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the DfE’s data sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

To contact the DfE, please go to <https://www.gov.uk/contact-dfe>

## Why we share your information

We do not share information about workforce members with anyone without consent unless the law and our policies allow us to do so.

## Transferring your personal data outside of Europe

Your information will remain at all times within the UK and or European Economic Area (“EEA”).

If we have to transfer your personal data outside the EEA, we will only do so where:

- the recipient or recipient country ensures an adequate level of protection for your personal data;
- the recipient or recipient country is subject to an approved certification scheme or code of conduct with binding and enforceable commitments which amount to appropriate safeguards for your personal data, such as the EU-US Privacy Shield that enables the secure transfer of personal data to the United States;
- we have put in appropriate safeguards with the recipient or recipient country to protect your personal data such as a data sharing agreement;
- the transfer is permitted by law; or
- you expressly consent to that transfer.

## Requesting access to your personal data

Under data protection legislation, you have the right to request access to information about you that we hold.

To make a request for your personal information, contact the College’s Data Protection Officer, Judith Clapham, either by contacting Judith at [judith.clapham@askham-bryan.ac.uk](mailto:judith.clapham@askham-bryan.ac.uk) or at [DataProtection@askham-bryan.ac.uk](mailto:DataProtection@askham-bryan.ac.uk)

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress;

**in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and**

- claim compensation for damages caused by a breach of the Data Protection regulations.

For further details please visit the ICO’s website <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

If you have a concern about the way we are collecting or using your personal data, we ask that you raise your concern with us in the first instance by contacting Judith Clapham, either at [judith.clapham@askham-bryan.ac.uk](mailto:judith.clapham@askham-bryan.ac.uk) or at [DataProtection@askham-bryan.ac.uk](mailto:DataProtection@askham-bryan.ac.uk).

Alternatively, you can contact the Information Commissioner’s Office at <https://ico.org.uk/concerns/>

## Further information

If you would like to discuss anything in this privacy notice, please contact Judith Clapham, either at [judith.clapham@askham-bryan.ac.uk](mailto:judith.clapham@askham-bryan.ac.uk) or at [DataProtection@askham-bryan.ac.uk](mailto:DataProtection@askham-bryan.ac.uk)