Novalis Trust

# Staff Privacy Notice

## Introduction

This Privacy Notice describes how Novalis Trust collects and uses your Personal Data in accordance with the UK General Data Protection Regulation (GDPR). It is important that you read this Notice so that you are aware of how and why the Trust is using such information.

The Trust is committed to protecting the privacy and security of your Personal Data. This Notice tells you what Personal Data the Trust collects, why it is needed, how it is used and what protections are in place to keep it secure.

This Notice applies to all prospective, current and former employees, consultants and trustees of the Trust. This Notice does not form part of any contract of employment or other contract to provide services.

Further information about the Trust's policy and procedures in relation to data protection, security and retention is set out in the Data Protection Policy and Information Security Policy in the Staff Handbook.

The Trust is not required under the GDPR to appoint a Data Protection Officer. However, the Trust has appointed Marcus Rowland (the Trust's Legal & Compliance Consultant) as its Information Protection Manager (IPM) who is responsible for overseeing the Trust's compliance with the GDPR and any other applicable data protection legislation and regulation.

The Trust may update this Notice at any time.

## Key Terms

The Trust means Novalis Trust.

The Trust is a data controller meaning that it is responsible for deciding how it holds and uses the Personal Data that it collects from and about you.

Novalis Personnel and you mean the Trust's prospective, present and past employees, trustees, consultants and agency staff, and people connected to such persons.

Personal Data means information about individuals (including you), and information from which such individuals could be identified.

## How does the Trust obtain your Personal Data?

In most circumstances, the Trust will obtain your Personal Data from you directly. However, it will also obtain your Personal Data from third-party sources such as former employers, Teacher Services or the Disclosure and Barring Service (DBS).

## What Personal Data does the Trust collect from and about you?

The Trust collects and uses different types of Personal Data about you, which will vary in type and detail depending on your circumstances, your role and any legal requirements. The different types of Personal Data may include the following:

| Type of Personal Data | Information collected |
|---|---|
| Your contact details | your name, address, telephone number(s) and email address(es) |
| Personal details | your date of birth, gender, previous salary, and possibly personal data about your family/dependents |
| ID information | photographs, passport, birth certificate, marriage certificate, proof of address and/or driving licence details |
| Emergency contact information | their name, address, telephone, e-mail addresses and their relationship to you |
| Information about your suitability for employment | references, interview notes, work visas and other right to work documentation, records/results of pre-employment checks and DBS checks |
| Your skills and experience | application forms and/or CVs, references, records of qualifications, experience, skills, professional memberships and interests |
| Your terms and conditions | letters of offer and acceptance of employment, your employment contract/service contract |
| Payroll information | bank account details, national insurance number, PAYE and HMRC numbers and references (where applicable), payroll records and timesheets |
| Benefits information | pension information, length of service information, leave requests and associated correspondence |
| Access details | key fob records, IT account details and identification codes |
| Information about your performance | supervision notes, appraisal records, records and/or notes of performance-related meetings and associated correspondence |
| Information about your health and fitness for work | details of any medical conditions, medication, work restrictions and/or required accommodations, attendance records, fit notes, medical reports, records and/or notes of sickness absence meetings and associated correspondence |
| Discipline and grievance information | interview/meeting notes and associated correspondence |
| Work-related travel | driving licence information (including endorsements), vehicle registration and insurance details |
| Information used for marketing/publicity | your name, qualifications, expertise and photographs for the Trust's website or other publications |
| Information for compliance and/or security purposes | training records, risk assessments, records and/or notes of safeguarding investigations, CCTV recordings, key fob records and information about your use of the Trust's telephone and IT system |

## Why does the Trust need to collect and use your Personal Data?

The Trust needs to collect and use your Personal Data for a number of different purposes. In most cases, the purpose and reason for doing so will be one of the following:

| Purpose | Reason for collecting and processing Personal Data |
|---|---|
| Recruitment | - to assess your suitability to work for the Trust<br>- to conduct assessments and interviews<br>- to make offers and provide contracts of employment<br>- to conduct pre-employment checks, including reference requests, DBS checks and checks to determine your legal right to work |
| Employment/contract administration | - to provide you with remuneration including salary, pension, sick pay and other benefits<br>- to communicate with you and to facilitate communication between you and other people<br>- to assess any injury and illness for the management of sickness absence, health & safety and to accommodate any disabilities<br>- for the administration of holidays, flexible working arrangements |
| Management and compliance | - to assess your performance and fitness for work<br>- for training and education<br>- to carry out internal reviews, grievances, investigations and audits<br>- to carry out quality assurance checks<br>- for quality and compliance reporting, including reporting to Ofsted, CQC, local authorities and family members of young people, students or residents<br>- to provide references to future employers |
| Security | - to authorise, administer, monitor and terminate access to or use of the Trust's facilities, records and property including services such as telephones and email/internet use<br>- for the prevention and detection of crime |
| Safeguarding | - to carry out safeguarding investigations<br>- to report safeguarding issues to the relevant authorities |
| Information Technology | - IT systems access control and use monitoring (see further information below)<br>- IT fault reporting, management and resolution<br>- systems administration, support, development, management and maintenance |

## IT Monitoring

You should always bear in mind that your use of the Trust's IT systems may be monitored. This means that other Novalis Personnel will, from time to time, have access to your systems, including your Trust email account, and any Personal Data, or may actively oversee what you are doing. The Trust undertakes to use this right reasonably, when necessary, in a targeted manner and for legitimate reasons (see below), but it

is important that you are aware that communication and activities on Trust premises and through the Trust's IT systems cannot be presumed to be private.

If the monitoring reveals information that the Trust cannot reasonably be expected to ignore (e.g. criminal activity, safeguarding concerns, gross misconduct etc.) then that information might be used against you or disclosed by the Trust to relevant authorities.

Any such monitoring will be carried out in accordance with the law, the GDPR and any applicable data protection legislation and guidance issued by the Information Commissioner.

## What is the Trust's legal basis for processing your Personal Data?

Under the GDPR, the Trust must identify a lawful basis for processing your Personal Data which may vary according to the type of Personal Data processed. The different lawful bases on which the Trust processes your personal data are set out below.

| Legal basis | Further details |
|---|---|
| Performance of your employment contract or contract for services | The Trust is entitled to process the Personal Data it requires in order to fulfil its obligations under its contract with you. Such Personal Data, most of which is detailed above, includes but is not limited to your name, contact details, bank account details, benefits entitlement and national insurance number. |
| Legitimate interests of the Trust | The Trust processes some of your Personal Data on the basis that it is within its legitimate interests to do so. Such Personal Data, most of which is detailed above, includes but is not necessarily limited to:<br><br>- Personal Data relating to your skills, qualifications, experience and performance (the legitimate interest being the effectiveness and suitability of the Trust's workforce)<br>- Personal Data necessary to provide you with training and education (the legitimate interest being the enhancement and improvement of the Trust's workforce and ultimately the care and education it provides to its young people, students and residents)<br>- Personal Data necessary to actively monitor the use of the Trust's IT systems and the email accounts of Novalis Personnel (the legitimate interests being the security of the Tribunal's IT system and information and the ability to ensure that Novalis Personnel conduct themselves in an appropriate manner and within the parameters of the law)<br>- Personal Data necessary in order for you to access the Trust's property and systems (the legitimate interest being in the efficiency and productivity of the Trust and the security of its property and systems)<br><br>The Trust does not consider that the processing of your Personal Data on the basis of the Trust's legitimate interests as described above is likely to result in any prejudicial effect on your rights and freedoms or your own legitimate interests. |

| | |
|---|---|
| Compliance with a legal obligation to which the Trust is subject | In certain circumstances, the Trust must process your Personal Data in order to comply with its legal obligations. This might include (but is not limited to) Personal Data required:<br><br>- for tax purposes (e.g. PAYE)<br>- to provide you with a workplace pension<br>- to assess whether you require any reasonable adjustments to perform your duties<br>- to assess health and safety requirements<br>- to comply with safeguarding responsibilities (e.g. DBS checks)<br>- to comply with any requirements of regulatory bodies (e.g. Ofsted or the Care Quality Commission). |

More information relating to legal bases for processing can be found on the Information Commissioner's website (see details below) or by contacting the IPM.

## Special category and criminal records Personal Data

"Special categories" of sensitive personal information require higher levels of protection. The Trust needs to have further justification for collecting, storing and using this type of personal information.

The Trust may process special categories of personal information in the following circumstances:

- with your explicit written consent
- where the Trust needs to exercise its rights or to carry out its legal obligations as an employer, or where it needs to allow you to exercise your rights
- where it is needed in the public interest (e.g. for safeguarding purposes) and in line with this Notice or the Trust's Data Protection Policy
- where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards
- where it is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on the Trust or you in connection with employment, social security, social protection or any collective agreement
- where you manifestly make this available to the Trust.

Less commonly, the Trust may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

The Trust may also process such information about existing or former staff members in the course of legitimate business activities with the appropriate safeguards.

The Trust may use your sensitive personal information in the following ways:

- information about any criminal convictions which are revealed during the course of a DBS check will be used in order to assess your suitability for employment

- information relating to leaves of absence (which may include sickness absence or family related leave) will be used to comply with employment and other laws
- information about your physical or mental health, or disability status will be used to ensure your health and safety in the workplace, to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits.

## Does the Trust need your consent?

The Trust does not need your consent if it uses your sensitive personal information in accordance with our written policy, to carry out its legal obligations or to exercise specific rights in the field of employment law.

In limited circumstances, the Trust may ask for your written consent to allow it to process certain particularly sensitive data. In this situation, you will be provided with full details of the information that the Trust would like and the reason it is needed so that you can consider whether you wish to consent. You should be aware that it is not a condition of your contract with the Trust that you must agree to any request by the Trust for consent.

## Who receives your Personal Data?

The Trust may disclose your Personal Data to third parties when it is necessary to do so. Such third parties include but are not limited to the following:

- the Trust's payroll and benefits providers
- the Trust's insurance brokers and underwriters
- the Trust's auditors, accountants, solicitors or other professional advisors
- the Trust's IT and other suppliers
- external training providers (e.g. Team Teach)
- HMRC
- other public authorities such as the Department for Education and the Office for National Statistics
- regulators such as Ofsted and the Care Quality Commission
- your bank, mortgage company, landlord or letting agency
- healthcare and other welfare practitioners
- your current, past or prospective employers
- local authorities who place young people/residents/students at Cotswold Chine School/Paradise House/William Morris College
- family members/representatives of the young people/residents/students at Cotswold Chine School/Paradise House/William Morris College

## How does the Trust protect your Personal Data?

The Trust has security arrangements in place to guard against unauthorised access, improper use, alteration, destruction or accidental loss of your Personal Data. You are required to help with this by ensuring that your Personal Data and that of your colleagues and third parties are kept secure. You should not share your Personal Data (or the Personal Data of others) unless there is a genuine reason for doing so.

The Trust takes appropriate organisational and technical security measures and has rules and procedures in place to ensure that any Personal Data that it holds is not accessed by anyone unauthorised to access it. Information about the measures used to protect your personal information can be found in the Trust's Information Security Policy.

When the Trust uses third party organisations to process your Personal Data on its behalf, it requires them to demonstrate their compliance with the Trust's security requirements, and any instructions that the Trust may give them and it obliges them to ensure their compliance with the GDPR and any other relevant data protection legislation.

## Is your Personal Data transferred to "third countries" and, if so, what safeguards are in place?

The Trust currently engages advisers/consultants based in the US and it is therefore possible that certain limited types of your Personal Data may be transferred to such advisers/consultants where it is necessary to do so. Otherwise, the Trust does not expect that it will be necessary to transfer your Personal Data to organisations located in countries outside the UK.

In the event that it becomes necessary to transfer your Personal Data to a country outside the UK, the Trust will ensure that your Personal Data is adequately protected, for example, by putting in place contractual protections which require the recipient of the Personal Data to treat the information in a way which is consistent with UK laws on data protection. You can request a copy of any such contracts from the IPM.

## How long will your Personal Data be held?

It is the Trust's policy to retain your Personal Data for no more than the length of time required for the specific purposes for which it is processed by the Trust and which are set out in this Notice. However, the Trust may be obliged to keep your Personal Data for a longer period, for example, where required by legal and/or regulatory obligations or in order to ensure that the Trust has effective back-up systems. In such cases, the Trust will ensure that your Personal Data will continue to be treated in accordance with this Notice, will restrict access to any archived Personal Data and will ensure that all Personal Data is held securely and kept confidential.

## What are your rights?

You have various rights in relation to your Personal Data under the GDPR:

- the right of access to a copy of the Personal Data that the Trust holds about you

- the right to require the Trust to correct any inaccuracies in your Personal Data
- the right to object to decisions about you being taken by automated means (although the Trust does not make any decisions by automated means)
- where the Trust has sought your consent, the right to withdraw your consent at any time
- the right to ask the Trust not to process your Personal Data for direct marketing purposes.

You may also have the following rights at law in relation to your Personal Data in certain circumstances:

- the right to restrict or object to the Trust's use of your Personal Data
- the right to require the Trust to provide a copy of your Personal Data to others
- the right to require the Trust to erase your Personal Data.

Any questions or requests to exercise your rights should be put in writing to the IPM.

## How to make a complaint

If you are unhappy with the way in which the Trust processes your Personal Data please contact the Trust's IPM the first instance. In any event, you have the right to address a complaint to the Information Commissioner who can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (website: *www.ico.org.uk).*