

Privacy Notice: Third party contract HR (Employee Relations) services for schools

1. Brief introduction

The purpose of this privacy notice is to provide you with information about how we process information regarding your members of staff which we gather in order to deliver our HR (Employee Relations) contract with you.

2. What Information is collected

The personal data we collect will be dependent on the data you share with us. This could include special category data, and data relating to criminal convictions. We will treat any data you share with us on a confidential basis. We will only process data when we have been given express permission by you to do so, and we will take this to include an email from you requesting advice about a case or situation.

We do not hold details of all staff within the school, and only have information about staff you choose to discuss with us. Even with these staff, we will not hold a complete record of their personal information.

3. Who we share the information with

Any information sharing is in accordance with the contract for services with the school. Data will be retained within the HR team for services to schools. It will be shared with governors who are carrying out responsibilities in relation to individual casework, and the school will have provided us with the names of those governors and any clerk who is attending a meeting.

There may be occasions when the school has instructed us to enter into a settlement agreement that we share information with union representatives or with lawyers, but this would be under the express instruction of the school.

In community schools where the LA is the employer of staff, there may be occasions when we share information with either the Director of Education or Croydon Council's HR team. These situations will normally be when the LA is required to dismiss a member of staff.

4. The purposes and legal basis for the processing

The purpose of processing the personal, special category and criminal record information is in order to fulfil the contract you have purchased from the Council for HR (Employee Relations) services.

It is in our legitimate interests to process the data as part of the provision of a service purchased by schools and academies. We have considered whether or not those interests are overridden by the rights and freedoms of individuals and have concluded that they are not.

In regard to special category data, the condition we rely on is vital interests as we need to be able to support schools with issues that are covered under the Equalities Act.

With criminal offence data we rely on the conditions of:

- Employment, social security and social protection
- Safeguarding of children
- Vital interests

We rely on these conditions as it is in our vital interest to be able to perform our contract for services with our customers in matters regarding employment, and because we will be advising about employment and the safeguarding of children.

5. Storing the information

We take the security of personal data seriously. The Council has internal policies and controls in place to ensure your data is not lost, accidentally destroyed, misused or disclosed and to ensure that data is not accessed, except by those who have lawful authority in connection with the proper performance of their duties.

We recognise that the personal data we hold is valuable and must be managed properly as accidental loss, unlawful destruction or damage may cause distress to individuals concerned. Examples of our security processes include:

- Encryption - meaning that information is hidden so that it cannot be read without special knowledge (such as a password). This is done with a secret code or what is called a “cypher”. The hidden information is said to then be “encrypted”.
- Controlling access to systems and networks allows us to stop people who are not allowed to view personal information from getting access to it.
- Regular testing of technology and upgrading security measures including keeping up to date on the latest security updates (commonly called “patches”).
- Training of staff to make them aware of how to handle personal information and how and when to report when something goes wrong.

Where the Council engages third parties to process personal data on its behalf such parties do so on the basis of written instructions and are obliged to implement

appropriate technical and organisational measures to ensure the security of data in accordance with the Council's policies, the outcome of any Data Processing Impact Assessment and the standards required by the 2018 Act.

If we were to engage a sub-processor we would only do so with your prior authorisation and under a written contract.

If you choose to end your contract with us, we will work with you regarding the personal data we currently hold about your staff. Under your direction we will either delete or return your personal data to you. If we do not hear from you we will delete all your personal data within 6 months.

While we were working under our contract with you, we will retain the data for the following time periods:

- Grievance/Disciplinary/Capability (performance and sickness absence) cases, restructures (including those involving redundancies): 9 months after the completion of the matter (i.e. after any related cases and hearings, including appeals have been heard. In sickness absence cases, the completion of review period where the individual does not hit a trigger for 12 months will be deemed to be the completion of the case. If the matter goes to an Employment Tribunal, the completion date would be 9 months after the completion of legal matters.)
- All other employment casework (e.g. probation, flexible working, pay issues): 9 months after the completion of the matter
- Job Evaluation information where the person can be personally identified: 12 months
- Settlement Agreements: 12 months*
- General advice: 2 years

The reason we will retain data for these periods of time is so that we can advise you should there be any subsequent queries and we will not then have to ask you to send us information again.

These retention periods apply to the Council's contract for HR services with you. They do not apply to community schools where the Council is the employer and will retain settlement agreements (to which it is a signatory) and dismissal letters in its role as employer.

6. Requesting access to your personal data

We will assist you in responding to any requests from individuals to exercise their rights under data protection legislation. This will include responding to a subject access request should we receive one directly. In the first instance you should contact the HR consultant assigned to your school should you wish to request access to the school's personal data.

8. Contact details for the Data Protection Officer

If you believe that we have not complied with your data protection rights, you can complain to our Data Protection Officer at DPO@croydon.gov.uk.

9. The right to lodge a complaint with the ICO

If you believe that we have not complied with your data protection rights, after contacting our Data Protection Officer, you can complain to the Information Commissioner via casework@ico.org.uk. Further information can be found on the Information Commissioner website <https://ico.org.uk/>.

10. Council's Corporate Privacy Notice

You can find our corporate privacy notice at www.croydon.gov.uk/council-and-elections/privacy-and-open-data/privacy-notices/corporate-privacy-notice

Version 2.