



Privacy Notice (Staff)

Last approved: 25th August 2023

Approved by: Quality Committee

Next review due: August 2026

Safeguarding Statement

BN1 Arts is a post-16 specialist provider, specialising in Music and the Creative and Performing Arts. All staff, volunteers and partners are committed to safeguarding the welfare of every person within BN1 Arts. Our mission is to help young people to engage and achieve within a safe and inclusive environment.

How we use workforce information

Being transparent and providing accessible information to individuals about how we will use their personal data is a key element of the Data Protection Act 2018 (DPA) and the UK General Data Protection Regulation (GDPR). The most common way to provide this information is in a privacy notice. Staff information is essential to ensure that the college is able to manage its employees and to oblige Working Regulations as well as monitor its equal opportunities.

The categories of college information that we process include:

- personal information (such as name, employee or teacher number, national insurance number)
- characteristics information (such as gender, age, ethnic group)
- contract information (such as start date, hours worked, post, roles and salary information)
- work absence information (such as number of absences and reasons)
- qualifications (and, where relevant, subjects taught)
- where necessary, next of kin or emergency contact details
- information relating to Human Resources and Payroll
- performance and management information

Why we collect and use workforce information

We use workforce data to:

- a) enable the development of a comprehensive picture of the workforce and how it is deployed
- b) inform the development of recruitment and retention policies
- c) enable individuals to be paid

Under the General Data Protection Regulation (GDPR), the legal basis/bases we rely on for processing personal information for general purposes are:

a) Article 6(1)(a) - the data subject has given consent to the processing of his or her personal data for one or more specific purposes;

b) Article 6(1)(b) - processing is necessary for the performance of a contract to which the data subject

is party or in order to take steps at the request of the data subject prior to entering into a contract;

c) Article 6(1)(c) - processing is necessary for compliance with a legal obligation to which the controller is subject;

Article 9 of the GDPR refers to 'special category' personal data. Special category data is personal data that needs more protection because it is sensitive and therefore will not be shared by BN1 Arts unless one of the following applies:

- "the data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject" –
 - (i) i.e. if you allow us to share that data and other legislation doesn't prevent us from doing so
- "processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject"
- The data has been made public by the data subject

Processing Special Category Data

- In order to lawfully process special category data, you must identify both a lawful basis under Article 6 of the UK GDPR and a separate condition for processing under Article 9. These do not have to be linked.
- There are 10 conditions for processing special category data in Article 9 of the UK GDPR.
- Five of these require you to meet additional conditions and safeguards set out in UK law, in Schedule 1 of the DPA 2018.
- You must determine your condition for processing special category data before you begin this processing under the UK GDPR, and you should document it.
- You need to complete a data protection impact assessment (DPIA) for any type of processing which is likely to be high risk. You must therefore be aware of the risks of processing the special category data.

Collecting workforce information

We collect personal information via application forms, on the job documentation of performance and ongoing communication/liaison with the employee.

Workforce data is essential for the college's/local authority's operational use. Whilst the majority of personal information you provide to us is mandatory, some of it is requested on a voluntary basis. In order to comply with GDPR, we will inform you at the point of collection whether you are required to provide certain information to us or if you have a choice in this.

Storing workforce information

We hold data securely for the set amount of time shown in our data retention schedule. For more information on our data retention schedule and how we keep your data safe, please view our Data Protection Policy.

Who we share workforce information with

We routinely share this information with:

- our local authority (where applicable)
- the Department for Education (DfE)
- Academic partners (Funding, AO)
- partner agencies for employment obligations – i.e. Human Resources, Payroll, IT who will provide data to HM Revenue & Customs for tax purposes
- Disclosure and Barring Services

This data must be shared in order to demonstrate to the authorities who is working with BN1 Arts and to comply with legislation and policy around safeguarding young people in education.

Additional sharing

- We may also share your personal data with training providers in order to enrol you onto training and qualification services.

Why we share school workforce information

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

We have an obligation to ensure that our staff are eligible and fit to work as well as have no previous convictions which prevent them from working with young people.

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, please contact the Data Protection Lead as outlined in the Data Protection Policy.

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- a right to seek redress, either through the ICO, or through the courts

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

Contact

If you would like to discuss anything in this privacy notice, please contact:

Senior Leadership Team
BN1 Arts
Vantage Point,
Brighton
BN1 4GW

Or via email: info@bn1arts.co.uk

How Government uses your data

The workforce data that we lawfully share with the DfE through data collections:

- informs departmental policy on pay and the monitoring of the effectiveness and diversity of the school workforce
- links to school funding and expenditure
- supports 'longer term' research and monitoring of educational policy

Data collection requirements

To find out more about the data collection requirements placed on us by the Department for Education including the data that we share with them, go to

<https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

Sharing by the Department

The Department may share information about school 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
- providing information, advice or guidance

The Department 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 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 school workforce 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.

To contact the department: <https://www.gov.uk/contact-dfe>