Privacy Notice for Staff

Introduction

This Privacy Notice is to help you understand **how** and **why** we collect personal information about you and **what** we do with that information. It also explains the decisions that you can make about your own information.

This notice is aimed at all College staff (including employees, Governors, work experience/placement students, volunteers and certain contractors and agency staff) and applicants for employment vacancies. This Notice does not form part of your contract of employment and the College may amend this notice at any time.

If you have any questions about this notice please refer to the section at the end, 'How to get in touch'.

What is personal information?

Personal information is information which is about you and from which you can be identified.

This includes your contact details, next of kin and financial information and any CCTV, photos and video recordings of you.

What personal information does Brighton College hold about you and how is this obtained?

We set out below examples of the personal information the College holds about you and where this personal information comes from.

- Information about you is gathered during the recruitment process for example:
    - information about your education, qualifications and professional achievements;
    - information you have provided to us, for example, on your application form, self-declaration forms and during any interviews;
    - information obtained by us from publicly available sources such as your social media profiles; and
    - information (from you and third parties) received to enable us to carry 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.
- So that we can hear from talented and enthusiastic individuals who would like to work at Brighton College in the future, we have an Expression of Interest (EOI) form. If you complete an EOI form, we will retain the information you provide so that we can contact you about any job opportunities that may be a strong match for your skills and experience.
- Should you be resident in school accommodation, the College will collect the necessary personal data to comply with ISI standards.
    - The College will also collect the necessary data for anyone resident with you in school accommodation that is over the age of 16 and not on the school roll. This includes the data that enables us to carry out DBS checks.
- We will hold information about your job performance. This includes information about skills, achievements, career progression, performance and disciplinary related matters.
- We hold and use your financial information, such as, your bank details, your salary and pension details.

- If you inform us, the College may have information about your religious beliefs and practices or information that may indicate such; for example, if you do not eat certain foods.
- We will hold information about any physical or mental health condition you may have which is disclosed to the College during the recruitment process or at any stage during your employment.
- We hold any ethnicity, sexuality, and gender information you provide, so that we can complete our annual census returns to the DfE and ISC on an aggregated basis, and allow the College to have a greater understanding of the racial and ethnic diversity of the staff body. This information will also be held on your staff profile.
- We will hold information about any protected characteristics you may have (e.g. a disability) which you provide.
- Some of your personal information will be created internally by the College during the course of your employment. An email from the Head to a member of staff complimenting them on class management would be an example of this.
- Some of your personal information may be acquired from outside of the College community such as from occupational health practitioners or from public authorities such as the Police or the Local Authority Designated Officer.
- Pupils can through various means create and provide us with your personal information, for example, if a pupil emails their form teacher to say how much they are helping them with their work.
- Some of your personal information will be held on the College's Single Central Register.
- Personal data will be created in connection with remote learning and online activity, for example: information about your participation in online and remote learning activities; recording and streaming of school activities; filmed INSET presentations and induction videos; assemblies and speeches.
- Wristbands (passive RFID devices) are used to improve the efficiency and accuracy of registers in the case of a fire alarm or a fire emergency. The wristband access to houses in the College is also more secure than keypad access. These wristbands will not track your location, only tell is when you have tapped in or out of the College site/buildings.

Our legal grounds for using your information

This section contains information about the legal basis that we are relying on when handling your information.

Legitimate interests

We will use your information when this is necessary for the College's legitimate interests except when your interests and fundamental rights override our legitimate interests.

Specifically, the College has a legitimate interest in:

- looking after your welfare and development and the welfare and development of others;
- safeguarding and promoting the health and welfare of pupils, staff and others with whom you come into contact;
- providing an education to pupils;
- using photographs of you for promotional purposes (e.g. on the College's website);
- ensuring the security of the school site which may involve issuing you with a photocard;
- promoting the objects and interests of the College. This includes fundraising and using information about you in our publicity material e.g. photographs.

- making sure that you are complying with your employment obligations and that the College is complying with its employment obligations;
- making sure that the College is well managed and that we protect the College's reputation;
- to make use of photographic images and videos of staff in College publications, bespoke marketing brochures, on the College website, and (where appropriate) on the College's social media channels:
    - to let others know about the College and what we do here,
    - to support the promotion and marketing of the College and its family of schools, both here in the UK and overseas
    - to support the development and establishment of prospective new schools overseas, including promoting the College to prospective partners and investors
- using your information in connection with legal disputes. For example, if a parent or former pupil brings a claim against the College;
- facilitating the efficient operation of the College;
- ensuring that all relevant legal obligations of the College are complied with (for example in relation to inspections);
- the smooth operation of the labour market by the sharing of your information when responding to reference requests from prospective employers; and
- Intra-group transmission of personal data necessary for internal administrative purposes. For these purposes, we include each school that makes up the Brighton College family of schools.

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.

Recognised legitimate interests

The College may rely on recognised legitimate interests where one of the following conditions is met:

- Where we share personal data with another organisation which has requested it because they need it for their public task or official functions.
- To respond to, or deal with, an emergency situation.
- To prevent, detect or investigate crimes.
- To protect the physical, mental or emotional well-being of people who need extra support to do this or protect them from harm or neglect.

Necessary for contract

We will need to use your information in order to comply with our contractual obligations and for you to perform your obligations as well. For example:

- we need your name and bank details so that we can pay you your salary;
- we may need to provide your personal information to a pension provider so that you can benefit from your pension entitlement; and
- we may also need to use your personal information to provide contractual benefits.

Privacy Notice for Staff

Legal obligation

This legal basis includes processing we carry out at your request prior to the entry into a contract. It does not apply where we do not have a contract with you, for example if you are a governor or a volunteer.

As a school we have to comply with various laws and this entitles us to use your information where necessary. For example:

- to make sure that you have the right to work in the UK;
- to fulfil our duty of care to you and your colleagues;
- to fulfil our safeguarding duties towards pupils; and
- sometimes we will be legally obliged to disclose your information to third parties such as the DBS, local authorities or the police. When the College responds to a subject access request, we may also need to provide information that relates both to the individual making the request and to you where, after taking into account all relevant circumstances, it is reasonable to do so. More detail of when we will do so is set out below.

Vital interests

We may use your information where this is necessary to protect your vital interests or someone else's. For example, to prevent someone from being seriously harmed or killed.

Performance of a task carried out in the public interest (or carrying out public tasks)

The following are examples of when we use your information to perform tasks in the public interest:

- looking after your welfare and development and the welfare and development of others (including equal opportunities monitoring);
- safeguarding and promoting the health and welfare of our pupils, staff and others with whom you come into contact;
- providing pupils with an education;
- ensuring the security of the school site which may involve issuing you with a photocard;
- making sure that you are complying with your employment obligations;
- carrying out research or statistical work solely for the performance of a public task carried out in the public interest;
- facilitating the efficient operation of the College; and

ensuring that we comply with all of our legal obligations.

The College must also comply with an additional condition where it processes special categories of personal information. These special categories are as follows: personal information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic information, biometric information, health information, and information about sex life or orientation.

Our legal grounds for processing information falling into these categories are listed below.

Employment, social security and social protection

The processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the College and staff in the field of employment, social security or social protection. Social

security and protection is concerned with preventing, managing, and overcoming situations that adversely affect people's wellbeing. For example, sometimes this would allow us to disclose your information to third parties such as the DBS or occupational health services.

Vital interests

To protect the vital interests of any person where that person cannot give consent, for example, if they are seriously hurt and are unconscious.

Legal claims

The processing is necessary for the establishment, exercise or defence of legal claims. This allows us to share information with our legal advisors and insurers.

Medical purposes

This includes medical treatment and the management of healthcare services.

Substantial public interest

The College is also allowed to use special categories of personal information where doing so is necessary in the substantial public interest. This is similar to "Public interest" in the table above

Why does the College use your personal information?

We commonly use personal information for:

- providing education and support to our pupils;
- ensuring that we provide a safe and secure work environment;
- providing employment services (such as payroll);
- providing training and support;
- protecting and promoting the College's interests and objectives (including fundraising);
- personnel, administrative and management purposes and to enable us to meet our legal obligations as an employer. For example, to pay staff and to monitor their performance;
- safeguarding and promoting the welfare of all staff, pupils and others who come into contact with the College; and
- fulfilling our contractual and other legal obligations.

Some specific examples of when the College uses your personal information are set out below:

- We use your personal information to consider your suitability to work in your role at the College.
- We will check that you have the right to work in the UK by reviewing your identification documents and keeping copies on your personnel file.
- We will use your personal information in addressing any performance or disciplinary concerns which arise.
- We will use information relating to any medical condition you may have in order to verify fitness to work, monitor sickness absence and comply with our duty of care towards you.
- We will use additional medical information, and information about your ethnicity, as part of our efforts to mitigate risks to staff as you perform your jobs.
- We will use ethnicity, sexuality, and gender information you provide so that we can complete our annual census returns to the DfE and the ISC on an aggregated basis, and allow the College to have a greater understanding of the ethnic and racial mix of the current staff body, and trace how this evolves over time.

- We will use your information when dealing with complaints and grievances with which you are involved (e.g. from other staff, pupils and parents).
- We will use your information when responding to reference requests from prospective employers.
- We may publish your name and contact details on the College website, intranet and ISAMS so that colleagues, pupils and parents know how to reach you.
- We will create and collect information in connection with remote learning and ionline activity, for example: information about your participation in online and remote learning activities; recording and streaming of school activities; filmed INSET presentations and induction videos; assemblies and speeches.
- We will also add to your record any activities that you carry out on the Staff Hub. This might include quizzes, forms, or surveys you complete. If you use a Brighton College email address and other Microsoft Office 365 services, then we collect log data about your use of the service.
- We may use photographs and video recordings of you for marketing and promotion purposes. This may include College publications, bespoke marketing brochures, social media, and on the College website, to show prospective pupils what we do here and to advertise the College, and to support the promotion and marketing of the College and its family of schools, both here in the UK and overseas. We may continue to use these photographs and videos after you have left the College.
- We may share your information with the UK-based Brighton College family of schools, details of which are on our website. This sharing may include basic personal data with other schools within the wider group for internal administrative purposes, as well as images to be used in school newsletters, social media, websites and prospectuses of members of the wider schools' group.
- In some cases, we may create videos and photographs for use by Brighton College International (a subsidiary company of the College) so that Brighton College affiliated schools overseas can use, for example, images of College staff in their publicity materials, to support the development and establishment of prospective new schools overseas, including promoting the College to prospective partners and investors. Please see the section below on 'Sending information to other countries' for the protections in place.
- We will also allow external publication of certain media where appropriate (for example, a photograph or article in a local newspaper).
- We may also make recordings for teaching purposes, for example, recording a drama lesson to provide feedback to you or pupils. We may also record lessons for pupils who were not able to attend in person.
- We use CCTV recordings for the purposes of crime prevention and investigation and also in connection with our obligation to safeguard the welfare of pupils, staff and visitors to the College site. Further information about the use of CCTV can be found in the College's CCTV policy (a copy of which is published on the Staff Hub).
- We use a management system to control access across the College, ensuring security across the site. The system uses FOBs that can track your location when used.
- We use a school tracking and registration system for the home to school bus service, which will track your location if you work on or use the College buses.
- The College uses a self-service system for you and your managers, which allows you to access and edit some of your personal information (such as contact and bank details). Your managers will only be able to access personal data appropriate for their role.

Privacy Notice for Staff

- The College regularly monitors and accesses its IT system for purposes connected with the operation of the College. The College IT system includes any hardware, software, email account, computer, device or telephone provided by the College or used for College business. The College may also monitor staff use of the College telephone system and voicemail messages. Staff should be aware that the College may monitor the contents of a communication (such as the contents of an email). The purposes of such monitoring and accessing include:
    - to help the College with its day-to-day operations. For example, if a member of staff is on holiday or is off sick, their email account may be monitored in case any urgent emails are received; and
    - to check staff compliance with the College's policies and procedures and to help the College fulfil its legal obligations. For example, to investigate allegations that a member of staff has been using their email account to send abusive or inappropriate messages.
- Monitoring may be carried out on a random basis and it may be carried out in response to a specific incident or concern.
- The College also uses software which automatically monitors the College IT system (for example, it would raise an alert if a member of Staff visited a blocked website or sent an email containing an inappropriate word or phrase).
- Monitoring is carried out by the College's IT department. If anything of concern is revealed as a result of such monitoring then this information may be shared internally in line with the College's policies and may result in disciplinary action. In exceptional circumstances concerns will need to be referred to external agencies such as the Police.
- We may use your information when ensuring network and information security, for example, our anti-virus software might scan files containing information about you.
- We will send you information about how to support the College, for example fundraising opportunities.
- We will keep details of your address when you leave our employment so we can send you College magazines and publications and keep in touch.
- If we provide you with accommodation under your contract of employment we will use your personal information as part of this provision.
- We can keep information about you for a very long time or even indefinitely if we need this for historical, research or statistical purposes. For example, if we consider the information might be useful if someone wanted to write a book about the College. Information held in our archive may be made publicly available but this would only be done in compliance with data protection laws.

If you fail to provide certain information when requested, we may not be able to perform our obligations under the contract of employment or agreement we have entered into with you (such as paying you or providing a benefit). Alternatively, we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers).

How does the College share staff personal information with third parties?

- We will need to share your information with:

  - the Disclosure and Barring Service and/or the Teaching Regulation Agency (if applicable) when complying with our legal duty to carry out pre-appointment suitability checks; and
  - the DBS and/or Teaching Regulation Agency (if applicable) if circumstances arise in which we are required to make a referral to either or both of these bodies.
- 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.
- Occasionally we may use consultants, experts and other advisors (including legal advisors and accountants) to assist us in fulfilling our obligations and to help and improve the running of the College. We will share your information with them if this is relevant to the work they carry out.
- In accordance with our legal obligations, we will share information with the Independent Schools Inspectorate, for example, during the course of an inspection, and may need to share your information with the Department for Education.
- 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.
- We may share some of your information with our insurance company, for example, where there is a serious incident at the College.
- We may share your information with benefits providers, for example, to ensure that you are able to take advantage of the benefit.
- 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 College.
- The College is a charity which means that in certain circumstances we may need to share your information with the Charity Commission e.g. in the event of a serious incident.
- If the College is dealing with a complaint or grievance (e.g. 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 College, the colleague or parents making the complaint and anyone appointed to a disciplinary panel.
- If appropriate, we will share your information with individuals connected to the College 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 appropriate, we will share your information with parents and pupils where this is related to your professional duties, such as information about the subjects you teach.
- We may need to share your information if there is an emergency, for example, if you are hurt in an accident.
- We will share your information when responding to reference requests from prospective employers.

Privacy Notice for Staff

- We may share your information with Brighton College International and Brighton College affiliated schools overseas – please see the section below on 'Sending information to other countries'.
- We may share images of you with Brighton College International and overseas affiliate schools to:
    - show prospective pupils what we do here
    - to advertise the College
    - to support the promotion and marketing of the College and its family of schools, both here in the UK and overseas
    - to support the development and establishment of prospective new schools overseas, including promoting the College to prospective partners and investors.
- We may share your information with the UK-based Brighton College family of schools, details of which are on our website. This sharing may include basic personal data with other schools within the wider group to aid integration, as well as images to be used in school newsletters, social media, websites and prospectuses of members of the wider schools' group.
- We sometimes use contractors to handle personal information on our behalf. The following are examples:
    - our payroll provider;
    - IT consultants who might access information about you when checking the security of our IT network; and
    - we use third party "cloud computing" services to store some information rather than the information being stored on hard drives located on the College site.
- We may share your information with Governors if it concerns something they should know about.
- We will share anonymised ethnicity, sexuality, and gender information you provide as part of our annual census returns to the DfE and the ISC, and for other statistical analysis, which may include sharing this anonymised data with other approved organisations.

Keeping in touch and supporting the College

The College is more than just a school – it is a community. The Development and Engagement Office offers a thriving programme of activity which you can participate in. We may use your contact details to keep you updated about the activities of the College and events of interest, including by sending updates and newsletters, by email and by post.

Our Development and Engagement Office has produced a fuller Privacy Notice addressed to current and former pupils, parents, staff and donors which explains the College's activities in this area and the use of your information to further those activities. You can access it here.

You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising: please contact development@brightoncollege.net. Please be aware that the College may need nonetheless to retain some of your details (not least to ensure that no more communications are sent to that particular address, email or telephone number).

Criminal offence information

We will collect information about your criminal convictions history where we are required or entitled to carry out a criminal records check in order to satisfy ourselves that there is nothing in your criminal convictions history which makes your relationship with the College unsuitable.

We may also ask you to provide information about your suitability to work with children by completing a self-declaration form. In this form you will be required to provide details of all spent and unspent convictions and cautions which are not filtered in accordance with DBS filtering rules.

Any criminal records information that is disclosed will be handled in accordance with any guidance and/or code of practice published by the DBS and with reference to the College's policy on the recruitment of ex-offenders.

Less commonly, we may use information relating to criminal convictions and offences where it is necessary in relation to legal claims, where it is necessary 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.

Consent

We may ask for your consent to use your information in certain ways as an alternative to relying on any of the bases in this Notice. For example, we may ask for your consent before taking or using some photographs and videos if the photograph or video is more intrusive and we cannot rely on legitimate interests. We may also ask for your explicit consent before processing certain types of special category data. If we ask for your consent to use your personal information you can take back this consent at any time. Any use of your information before you withdraw your consent and receive an acknowledgement of receipt of this by the College remains valid. You can speak to the Bursar, or in their absence, the Assistant Bursar, if you would like to withdraw any consent given.

More than one basis

In many cases we will rely on more than one legal basis above for a particular use of your information. For example we will rely on legitimate interests and public interest bases when using your information in connection with educating our pupils.

The basis that we will rely on for a particular purpose may vary depending on the circumstances. For example, if we decide to tell the local authority something about a safeguarding concern, sometimes this will be because we have a legal obligation to do so but on other occasions we may tell the local authority because we have concerns even if we don't have a legal obligation to report something (in which case we would be relying on legitimate interests and public interests).

Sending information to other countries

There are some circumstances in which we may need to send your information outside the UK. For example, this might arise where:

- We store information on servers based overseas.
- Third parties with whom we have a contractual arrangement store information on servers based overseas.
- We communicate with you or your family when you are overseas (for example, during the summer holidays if you live or are travelling overseas).

The level of protection for personal information varies from country to country, particularly those outside the EU or EEA. We are permitted to transfer personal data into countries covered by UK adequacy regulations. For other countries, we will only transfer personal data where there are appropriate safeguards in place and after we have carried out a transfer risk assessment, or where there is an exception under UK GDPR permitting the transfer.

If you have any questions about the safeguards that are in place, please write to the Bursar.

How long do we keep your information for?

We keep your information for as long as we need to in relation to your employment. We will keep some information after you have left the College in case this is needed, for example, in relation to our legal obligations.

In exceptional circumstances we may keep your information for a longer time than usual but we would only do so if we had a good reason and only if we are allowed to do so under data protection law.

The College has a Retention and Deletion Schedule that sets out how long we keep your personal data.

What decisions can you make about your information?

Data protection legislation gives you a number of rights regarding your information. We have summarised these below but please note that the legislation is complex and your rights are often not absolute and/or may be subject to other overriding considerations. In summary, your rights are as follows:

- Rectification: if information the College holds about you is incorrect you can ask us to correct it.
- Access: you can also ask what information we hold about you and be provided with a copy of it. This is commonly known as making a subject access request. You may also ask for other supplementary information, such as why we use this information about you, where it came from and what types of people we have sent it to. Please note that the College will make reasonable and proportionate searches for your data and we may ask you to clarify your request if it appears overly-broad, to ensure that we are searching for the right categories of data.
- Deletion: you can ask us to delete the information that we hold about you in certain circumstances. For example, where we no longer need the information.
- Portability: you can request the transfer of your information to you or to a third party in a format that can be read by computer. This applies where (a) the information has been provided by you; (b) the basis that we are relying on to process your information is consent or contract; and (c) the information is being processed by us on computer.
- Object: you may object to us using your information where:
    - we are using it for direct marketing purposes;
    - we are relying on either the legitimate interests or performance of a task carried out in the public interest legal basis to use it; or
    - we are using it for historical or scientific research purposes or archiving purposes, unless the processing is necessary for the performance of a task carried out for reasons of public interest.
- Restriction: our use of information about you may be restricted in some cases. For example, if you tell us that the information is inaccurate we can only use it for limited purposes while we check its accuracy.

To exercise any of your rights you can submit your request in writing to the Bursar.

Privacy Notice for Staff

Further information

This privacy notice does not, and is not intended to, give you any rights which you did not already have. For example, it does not give you any additional employment or contractual rights.

Complaints

You can make a complaint to us if you think we have infringed your rights in your personal data. We have a data protection complaints policy which is available on request. To make a complaint, you can do any of the following:

- Ask for a complaint form: email GDPR@brightoncollege.net and we will send you a blank form which you can complete and return to us by email or post
- Write to us: The Bursar, Brighton College, Eastern Road, Brighton, East Sussex, BN2 0AL
- Email us: GDPR@brightoncollege.net

We aim to respond to all complaints without undue delay and will acknowledge a complaint within 30 days from the date on which we received them.

We are committed to dealing with all data protection complaints in a timely and courteous manner. However, we understand that there may be occasions where individuals are unhappy with our process or the outcome. You have the right to complain to, or seek advice from, the ICO. Further details are available at: www.ico.org.uk. It is important to note that the ICO may decline to deal with a complaint unless our internal complaints process set out above has been followed first.

How to get in touch:

- Call and set up a time to speak with the Bursar via their PA on: 01273 704260
- Email: bursar@brightoncollege.net (and please note this is a group email address that includes both the Bursar and their PA and may be accessed by the Assistant Bursar when the Bursar is away)
- Write to: The Bursar, Brighton College, Eastern Road, Brighton, East Sussex, BN2 0AL

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