

EA PRIVACY NOTICE

Employees, Workers and Contractors at the Education Authority

Please note that this is an interim precedent document and may be subject to amendment by the Education Authority in due course.

ABOUT US

The Education Authority (EA) is the data controller of the personal information we hold about you as an individual employed or engaged at EA. This means EA will determine the purposes for which and the manner in which any personal information relating to those employed or engaged by EA is to be processed.

We are required under the General Data Protection Regulation (GDPR) to notify you of the information contained in this privacy notice.

This privacy notice describes how we collect and use personal information about you during and after your working relationship with us, in accordance with the GDPR.

It applies to all employees, workers and contractors. This notice does not form part of any contract of employment or other contract to provide services. We may update this notice at any time but if we do so, we will provide you with access to an updated copy of this notice as soon as reasonably practicable.

It is important that you read and retain this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information and what your rights are under the GDPR.

If you have any questions about this privacy notice or how we handle personal information, please contact our Data Protection Officer (DPO) who monitors EA's data protection procedures to ensure they meet the standards and requirements of the GDPR. The DPO can be contacted at the Education Authority, 40 Academy Street, Belfast, BT1 2NQ, by telephone at 028 8241 1300 or by email at dpo@eani.org.uk.

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues. The ICO's details are as follows:

The Information Commissioner's Office – Northern Ireland

3rd Floor
14 Cromac Place,
Belfast
BT7 2JB

Telephone: 028 9027 8757 / 0303 123 1114
Email: ni@ico.org.uk

HOW IS YOUR PERSONAL INFORMATION COLLECTED?

We collect personal information about employees, workers and contractors through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. We may also collect personal information through the procurement process when we engage a contractor to provide services to EA.

We may sometimes collect additional information from third parties including former employers and background check agencies.

We will collect additional personal information in the course of job-related activities throughout the period of you working for us.

If you fail to provide certain information when requested, we may not be able to comply with our legal obligations (such as to ensure health and safety of our workforce).

THE CATEGORIES OF EMPLOYEE, WORKER AND CONTRACTOR INFORMATION THAT WE COLLECT, HOLD AND SHARE INCLUDE:

- personal information (such as name, employee or teacher number, national insurance number, next of kin details and emergency contact information, photographs, bank account details and tax status information)
- special categories of data including characteristics information (such as gender, age, ethnic group, trade union membership, information regarding your health, AccessNI Enhanced Disclosure application and outcome)
- recruitment information (such as references, information included in a CV or letter as part of the application process, evidence of eligibility to work information, copy of driving licence)
- contract information (such as start dates, hours worked, post, roles and salary information, benefit information, annual leave, leaving date and your reasons for leaving)
- performance information (including training records and professional memberships)
- disciplinary and grievance information
- work absence information (such as number of absences and reasons, including in respect of parental leave)
- qualifications (and, where relevant, subjects taught)
- CCTV footage and other information obtained through electronic means (such as swipe card records)
- information about your use of our information and communications systems

WHY DO WE COLLECT AND USE THIS INFORMATION?

EA collects and uses your personal information primarily to allow us to perform our contract with you. For example:

- making a decision about your recruitment or appointment
- determining the terms on which you work for us
- checking you are legally entitled to work in the UK
- paying you and, if you are an employee or deemed employee for tax purposes, deducting tax and National Insurance contributions (NICs)
- enrolling you in a pension arrangement in accordance with our statutory automatic enrolment duties
- administering the contract we have entered into with you
- business management and planning, including accounting and auditing
- conducting performance reviews, managing performance and determining performance requirements

- making decisions about salary reviews and compensation
- assessing qualifications for a particular job or task, including decisions about promotions
- gathering evidence for possible grievance or disciplinary hearings
- making decisions about your continued employment or engagement
- making arrangements for the termination of our working relationship
- education, training and development requirements
- dealing with legal disputes involving you, or other employees, workers or contractors, including accidents at work
- ascertaining your fitness to work
- managing sickness absence
- for the prevention of fraud
- complying with health and safety obligations
- to monitor your use of our information and communication systems to ensure compliance with our IT policies
- to ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution
- to conduct data analytics studies to review and better understand employee retention and attrition rates
- equal opportunities monitoring and reporting
- managing work placement schemes and/or work experience programmes

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

We have a legal right to collect and use personal data relating to our staff, for example:

- to enable the development of a comprehensive picture of our staff and how it is deployed
- to inform the development of recruitment and retention policies
- to administer EA property
- to enable individuals to be paid
- to maintain our own accounts and records
- to support staff training
- to assess the quality of our operations
- to comply with the law regarding data sharing

We may also collect and use your personal data in order to meet legal requirements set out in the General Data Protection Regulation and UK law, including:

- Education and Libraries (NI) Order 1986
- Education (NI) Order 1998
- Education Act (NI) 2014

CONSENT

Whilst the majority of the personal information you provide to EA is required for us to comply with our legal obligations, some of that information is provided on a voluntary basis. When collecting data, we will inform you whether you are required to provide this information or if your consent is needed. Where consent is required, we will provide you with specific and explicit information with regards to the reasons the data is being collected and how the data will be used.

You have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the DPO using the contact details above. Once we have received notification that you have withdrawn your consent, we will no longer process your personal information for the purpose you originally agreed to, unless we have another legitimate basis for doing so in law.

HOW LONG IS YOUR PERSONAL INFORMATION STORED FOR?

Personal information relating to employees, workers and contractors of EA is stored in line with the Public Record Office (NI) record management good practice guidance and our retention and disposal of records schedule. If you would like further information, please contact the DPO using the contact details above.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer an employee, worker or contractor of the EA we will retain and securely destroy your personal information in accordance with Public Record Office (NI) record management good practice guidance and our retention and disposal of records schedule.

WHO WE SHARE EDUCATION AUTHORITY WORKFORCE INFORMATION WITH

We may have to share your data with third parties, including third-party service providers and other bodies such as:

- The School at which you are engaged, including the Board of Governors
- The Department of Education
- General Teaching Council for Northern Ireland
- Northern Ireland Social Care Council
- Comhairle na Gaelscolaíochta
- Council for Catholic Maintained Schools
- NI Council for Integrated Education
- Council for Curriculum, Examinations and Assessment
- Equality Commission
- Labour Relations Agency
- Health & Safety Executive
- Trade Unions and their representatives
- PSNI
- Crown Prosecution Service
- Legal representatives
- Social Services
- Employers for Childcare
- HMRC
- NI Audit Office
- Occupational Health Providers
- Northern Ireland Local Government Officers' Superannuation Committee
- Northern Ireland Substitute Teacher Register Operator (Eteach)
- HR Associates
- Capita Managed IT Solutions
- Northgate
- Fujitsu

DATA SECURITY

We have put in place appropriate security measures to prevent personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a need to know. They will only process personal information on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator (currently the Information Commissioner's Office) of a suspected breach where we are legally required to do so.

WHY WE SHARE EA WORKFORCE INFORMATION

We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.

To be granted access to EA workforce information, organisations must comply with EA's strict terms and conditions covering the confidentiality and handling of the personal information, security arrangements and retention and use of the personal information.

TRANSFERRING INFORMATION OUTSIDE THE EEA

We will not transfer the personal information we collect about you to any country outside the EEA without telling you in advance that we intend to do so and what steps we have taken to ensure adequate protection for your personal information in those circumstances.

YOUR DUTY TO INFORM US OF CHANGES

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

WHAT ARE YOUR RIGHTS?

Under GDPR, employees, workers and contractors have the right to request access to information about you that we hold. To make a request for your personal information, contact the DPO using the contact details stated above.

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

You also have the right to:

- **Request access** to personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it. You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it.

You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).

- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.