



Fulston Manor Academies Trust

**Privacy notice for the school workforce, including
staff applicants**

Fulston Manor School South Avenue Primary School

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Member of Staff Responsible:

**Mrs M Smith
GDPR Co-ordinator**

Fulston Manor Academies Trust

Privacy notice for the school workforce, including staff applicants

Fulston Manor Academies Trust has the legal right and a legitimate interest to collect and process personal data relating to those we employ to work at our schools, or those otherwise contracted to work at our schools.

We rely on having a legitimate reason as an employer to collect and use your personal information, and to comply with our statutory obligations, and to carry out tasks in the public interest. If we need to collect special category (sensitive) personal information, we rely upon reasons of substantial public interest (equality of opportunity or treatment).

We process personal data in order to meet the requirements set out in UK employment, academy and safeguarding law, including those in relation to the following:

- Academy Funding Agreement and Articles of Association
- The academy's legal and statutory framework
- Safeguarding Vulnerable Groups Act 2006
- The guidance "Keeping Children Safe in Education"
- The Childcare (Disqualification) Regulations 2009

Lawful basis for processing

The table below summarises the main lawful bases we rely on when processing workforce and applicant information. Where we process special category data or criminal offence information, we must also identify an additional condition under UK data protection law.

Purpose of processing	Examples of information used	UK GDPR Article 6 lawful basis	Additional condition where relevant
Recruitment and selection	Application forms, CVs, covering letters, shortlisting notes, interview notes, assessment results and references	Article 6(1)(b): steps prior to entering into a contract; Article 6(1)(f): legitimate interests in recruiting suitable staff; and, where applicable, Article 6(1)(c): legal obligation	Where special category data is processed, Article 9(2)(b) employment and social protection law or Article 9(2)(g) substantial public interest, with a relevant Data Protection Act 2018 Schedule 1 condition where required
Employment contract administration	Contact details, employment contract details, role information, salary, working hours, absence records and personnel file information	Article 6(1)(b): performance of the employment contract; Article 6(1)(c): legal obligation; and Article 6(1)(e): public task, where applicable	Where health or other special category data is processed, Article 9(2)(b) employment and social protection law may apply

Payroll, tax, pensions and financial administration	Bank details, National Insurance number, salary, pension information, tax information and payroll records	Article 6(1)(b): performance of the employment contract; and Article 6(1)(c): legal obligation	Where special category data is processed, Article 9(2)(b) employment and social protection law may apply
Safeguarding and safer recruitment checks	Identity documents, right to work information, qualifications, professional registration, DBS checks, barred list checks, prohibition checks, section 128 checks, overseas checks and references	Article 6(1)(c): legal obligation; Article 6(1)(e): public task; and, where appropriate, Article 6(1)(f): legitimate interests in protecting pupils, staff and the Trust	Article 10 UK GDPR and Data Protection Act 2018 conditions for criminal offence data, including employment, safeguarding children and individuals at risk, and substantial public interest conditions where applicable
Health, sickness absence, occupational health and reasonable adjustments	Medical information, sickness absence records, occupational health reports, disability information and reasonable adjustment information	Article 6(1)(b): performance of the employment contract; Article 6(1)(c): legal obligation; and Article 6(1)(f): legitimate interests in managing attendance, health and safety, and workforce planning	Article 9(2)(b): employment and social protection law; Article 9(2)(h): occupational medicine; and relevant Data Protection Act 2018 Schedule 1 conditions where required
Equality monitoring and reporting	Equality, diversity and inclusion information, including ethnicity, disability and other monitoring information	Article 6(1)(c): legal obligation; Article 6(1)(e): public task; or Article 6(1)(f): legitimate interests in monitoring equality and diversity	Article 9(2)(g): substantial public interest, including equality of opportunity or treatment, with relevant Data Protection Act 2018 Schedule 1 conditions where required
Performance, conduct, capability, grievance and disciplinary processes	Performance records, appraisal information, conduct records, investigation notes, grievance records, disciplinary records and related correspondence	Article 6(1)(b): performance of the employment contract; Article 6(1)(c): legal obligation; and Article 6(1)(f): legitimate interests in managing staff and maintaining standards	Where special category or criminal offence information is involved, the Trust will identify an appropriate Article 9 or Article 10 condition and any required Data Protection Act 2018 Schedule 1 condition
Statutory returns, audit, regulation and governance	Workforce census information, audit records, governance records, financial records and information required by government	Article 6(1)(c): legal obligation; and Article 6(1)(e): public task	Where special category data is required, Article 9(2)(g): substantial public interest, with relevant Data Protection Act 2018

	departments or regulators		Schedule 1 conditions where required
Emergency contact and welfare purposes	Emergency contact details, next of kin information and information needed to respond to serious incidents or emergencies	Article 6(1)(d): vital interests; Article 6(1)(f): legitimate interests; and Article 6(1)(c): legal obligation where applicable	Where health or other special category data is processed in an emergency, Article 9(2)(c): vital interests, or another appropriate Article 9 condition may apply

Why we collect and use this information

We process personal data for employment purposes to assist in the running of our Trust including:

- Allowing you to apply for a permanent or temporary position of employment with us
- To enable a recruitment interview to be conducted
- To enable individuals to be paid including enabling leave payments (such as sick pay and maternity leave)
- Supporting pension payments and calculations
- Improving the management of workforce data across the sector
- Enabling the development of a comprehensive picture of the workforce and how it is deployed
- Informing the development of recruitment and retention policies
- Allowing better financial modelling and planning, and informing financial audits of the school
- Enabling ethnicity and disability monitoring
- Supporting the work of the School Teachers' Review Body

The categories of school workforce information that we collect, process, hold and share

This personal data includes identifiers such as:

- Names and contact details
- National Insurance numbers
- Employee number, Teacher Reference Number and other professional registration details
- Characteristics such as gender, age and ethnic group
- Employment contract and remuneration details
- Qualifications
- Absence information and relevant medical information
- References in support of a job application

This list is not exhaustive.

Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with data protection legislation, we will inform you whether you are required to provide certain school workforce information to us or if you have a choice in this.

If staff members fail to provide personal data that is required for employment, payroll, safeguarding or legal compliance purposes, there may be significant consequences, including the failure to pay salaries or meet our legal obligations. Staff members' personal data is usually obtained directly from the staff member. However, where necessary and lawful, we may also obtain information from third parties, including referees, previous employers, occupational health providers, professional bodies, the Disclosure and Barring Service, the Teaching Regulation Agency and relevant government departments.

In accordance with the above, staff members' personal data is used for the following reasons:

- Contractual requirements
- Employment checks, e.g. right to work in the UK
- Salary requirements
- Legislative compliance
- Safeguarding and Safer Recruitment requirements
- Monitoring purposes
- Workforce planning
- HR administration and processes

Applicant-specific processing

When you apply for a role with the Trust, we collect and use personal information to manage the recruitment process, assess your suitability for the role, communicate with you about your application, make recruitment decisions, and meet our legal, safeguarding and safer recruitment obligations.

The personal information we may process about applicants includes application forms, covering letters, CVs, contact details, employment history, qualifications, training records, interview notes, assessment results, references, information about professional registrations, right to work documentation, identity documents, and information needed to carry out pre-employment checks.

For roles involving work with children or regulated activity, we may also process information required for safer recruitment and safeguarding checks, including Disclosure and Barring Service checks, barred list checks, prohibition checks, section 128 (Education & Skills Act 2008) checks where relevant, overseas checks where applicable, childcare disqualification information where applicable, and information from references or previous employers.

We may process special category information, such as health information, disability information or equality monitoring information, where this is necessary for recruitment, reasonable adjustments, occupational health, equality monitoring or employment law purposes. Where we process criminal offence information, we do so only where it is necessary and lawful for safeguarding, safer recruitment and employment purposes.

Applicant information may be shared with those involved in recruitment and selection, referees, previous employers, occupational health providers, recruitment platforms or agencies where used, professional bodies, the Disclosure and Barring Service, the Teaching Regulation Agency, the Home Office, and other bodies where this is necessary to meet legal, safeguarding or regulatory requirements.

If your application is successful, relevant recruitment information will form part of your personnel file and will be retained in accordance with the Trust's retention arrangements. If your application is unsuccessful, your personal information will normally be retained for no longer than 6 months after the recruitment process has ended, unless a longer period is required by law or you have agreed that we may retain your details for future suitable vacancies.

Who we share this information with

We will not share information about you with third parties without your consent unless the law allows us to. We are required, by law, to pass on some of this personal data to:

- Kent County Council
- The Department for Education (DfE)
- HMRC
- Other Government Departments in the fulfilment of statutory obligations

Where necessary, third parties may be responsible for processing staff members' personal information. Where this is required, the school places data protection requirements on third party processors to ensure data is processed in line with staff members' privacy rights.

Examples of who we share this data with include:

- Teachers' Pensions and the Local Government Pension Scheme
- The Trust's auditors
- The Trust's occupational health provider
- The Trust's legal advisers

The DfE collects and processes personal data relating to those employed by schools, including multi-academy trusts, and local authorities that work in state-funded schools, including maintained schools, academies, free schools, special schools, pupil referral units and alternative provision. All state-funded schools are required to make a census submission because it is a statutory return under sections 113 and 114 of the Education Act 2005.

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>.

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
- 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.

For more information about the department's data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

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

International data sharing

The Trust does not routinely transfer school workforce or applicant personal data outside the UK and this would be unlikely to happen. If it became necessary to share personal data internationally, we would only do so where this is lawful under UK data protection legislation and where appropriate protections are in place. This may include relying on UK adequacy regulations, appropriate contractual safeguards, or another permitted transfer mechanism. We would also take reasonable steps to ensure that any overseas recipient handles the information securely and only for the purposes for which it was shared.

Storing this information and keeping it secure

Staff members' personal data is retained in line with the Records Management Toolkit for Schools and the Trust's retention arrangements. Different types of employment records may be kept for different

periods depending on legal, employment, safeguarding, payroll, pension, audit or operational requirements. Unsuccessful job applicants' personal data will normally be retained for no more than 6 months after the recruitment process has ended, unless a longer period is required by law or the applicant has agreed that we may retain their details for future suitable vacancies.

Data will only be retained for as long as is necessary to fulfil the purposes for which it was processed, will not be retained indefinitely and complies with the Records Management Toolkit for Schools.

We have appropriate security measures in place to prevent personal information from being accidentally lost, used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine business need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality. We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.

Artificial intelligence and automated decision-making

Current position: The Trust does not currently use artificial intelligence, profiling or solely automated decision-making to make HR or recruitment decisions about staff members, workers, volunteers or applicants. Recruitment, selection, appointment, employment, performance, conduct, capability, absence, safeguarding and dismissal decisions involve appropriate human review and decision-making.

If AI or automated tools are used in future: If the Trust introduces artificial intelligence, profiling or automated tools to support HR or recruitment processes, these tools will not be used to make solely automated decisions with legal or similarly significant effects unless this is permitted by data protection law and appropriate safeguards are in place. The Trust will provide clear information about the use of such tools, the purposes for which they are used, the lawful basis relied upon, any meaningful human involvement, and how individuals may request human intervention, make representations and challenge a decision. The Trust will not use special category data for significant automated decisions unless this is permitted by law and appropriate additional safeguards apply.

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 Mrs Michelle Smith, GDPR Co-ordinator.

You also have the right to:

- Object to processing of personal data that is likely to cause, or is causing, damage or distress
- Have information transferred electronically to yourself or another organisation
- 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.

We will always seek to comply with your request; however, we may be required to hold or use your information to comply with legal duties. Please note that your request may delay or prevent us from delivering a service to you.

Confidential References and Subject Access Requests (SARs)

Under data protection laws, you have the right to submit a Subject Access Request (SAR) to access personal data we hold about you. However, we rely on the confidential references exemption to withhold certain reference-related information from disclosure.

This exemption applies to any reference you give or receive that is provided—or to be provided—in strict confidence for the purposes of:

- Prospective education, training, or employment
- Appointment to office
- Provision of any service

What this means for your data:

- **Withheld Information:** If you make a SAR, we may withhold the personal data contained within references (both inbound and outbound) if disclosure would reveal confidential details about your performance, conduct, or other assessments to a third party without their consent.
- **No Obligation to Disclose:** We are not obligated to provide you with copies of confidential references we have written for you to other employers, nor are we required to share the raw contents of confidential references we receive from your former employers or referees.
- **Reasonableness:** We assess the application of this exemption on a case-by-case basis, balancing your right to access your personal data against the duty of confidence owed to the individuals providing the references.

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/>.

Under the Data (Use and Access) Act 2025, individuals have the right to raise a data protection complaint directly with the Trust if they are concerned about how their personal information has been collected, used, shared, retained or otherwise handled. Data protection complaints should be sent to the GDPR Co-ordinator or the Trust's Data Protection Officer using the contact details below. The Trust will acknowledge receipt of a data protection complaint within 30 days of receiving it, take appropriate steps to investigate it without undue delay, keep the complainant informed where appropriate, and explain the outcome without undue delay. Individuals may still complain to the Information Commissioner's Office if they remain dissatisfied with the Trust's response.

Where the processing of your data is based on your explicit consent, you have the right to withdraw this consent at any time. This will not affect any personal data that has been processed prior to withdrawing consent.

Staff members also have the right to lodge a complaint with the Information Commissioner's Office (ICO) in relation to how the Fulston Manor Academies Trust processes their personal data.

Further information

If you would like to discuss anything in this privacy notice, please contact Mrs Michelle Smith, GDPR Co-ordinator, at msmith@fulstonmanor.kent.sch.uk or the Trust's Data Protection Officer, Peter West, at fergusonwestltd@sky.com.

If you require further information about how we and/or the DfE store and use your personal data, please visit <https://www.gov.uk/guidance/data-protection-how-we-collect-and-share-research-data> and the Records Management Toolkit for Schools.