



# ANGLO EUROPEAN SCHOOL

## Managing employment

### Employee Records

We are required to maintain employee records for our staff. The type of information used in these records includes:

- Name and contact details
- Date of Birth
- Financial details
- Vetting information
- Pensions and payroll data
- References
- Performance data

The records also contain special category personal information, for example:

- Ethnicity
- Religion
- Health information
- Trade Union Membership

This information is generally provided by you, and sometimes it is provided by others, such as:

- Previous employers
- DBS service
- Occupational Health providers

The school is the data controller for this information. Data processors support this activity through the provision of systems. The legal basis we rely on when using this personal information is our employment contract with you and legitimate interests. The legal basis we rely on for the special category personal data is Employment, Social Security and Social Protection, and Substantial Public Interest.

Sometimes we may share this personal information, for example with one or more of the following:

- Central and local government departments
- Health providers
- Other education providers
- Regulatory bodies
- Professional Associations
- Disclosure and Barring service
- Insurance providers

This information will be retained in accordance with our retention schedule.

## **Recruitment Records**

We collect information when recruiting to vacant posts. The information is likely to include:

- Name
- Contact Details
- Education History
- Employment History
- Vetting information
- Referee Contact Details
- Proof of Identity (e.g. Drivers licence, passport)
- Proof of right to work in UK where required
- National Insurance Number
- Proof of professional qualifications

The records may also contain special category personal information, for example:

- Additional Needs (for interview purposes)
- Proof of right to work in UK where required

This information is generally provided by you, and sometimes it is provided by others, such as:

- Previous employers
- DBS service
- Occupational Health providers

The school is the data controller for this information. Data processors support this activity through the provision of systems. The legal basis's we rely on when using this personal information is our Legitimate Interests and Legal Obligation. The legal basis we rely on for the special category personal data is and Substantial Public Interest.

Sometimes we may share this personal information, for example with one or more of the following:

- Health providers
- Referees
- Regulatory bodies
- Professional Associations
- Disclosure and Barring service

For unsuccessful candidates this information will be retained in accordance with our retention schedule. Successful candidates' information will become part of their employee record (see first section of this notice – Employee Records).

## **General Information**

No personal information is routinely available outside of the UK. Should a transfer of personal information be necessary we will only do so where it is permitted by law and where appropriate safeguards are in place.

For information about your rights in relation to this use of your personal information please see section 5 of our overarching privacy notice.

## LEGITIMATE INTERESTS ASSESSMENT

### Staff Absence Insurance

#### Part 1: Purpose test

You need to assess whether there is a legitimate interest behind the processing.

- Why do you want to process the data?
- What benefit do you expect to get from the processing?
- Do any third parties benefit from the processing?
- Are there any wider public benefits to the processing?
- How important are the benefits that you have identified?
- What would the impact be if you couldn't go ahead with the processing?
- Are you complying with any specific data protection rules that apply to your processing (eg profiling requirements or e-privacy legislation)?
- Are you complying with other relevant laws?
- Are you complying with industry guidelines or codes of practice?
- Are there any other ethical issues with the processing?

The school has insurance against staff absence for sickness. The insurance allows the school to ensure that they have sufficient staff in place to effectively run the school in the event of staff sickness.

Staff medical information to inform a claim is sent to the insurers via a secure platform, and data is limited to what is necessary to make the claim. No data is routinely stored outside of the UK.

#### Part 2: Necessity test

You need to assess whether the processing is necessary for the purpose you have identified.

- Will this processing actually help you achieve your purpose?
- Is the processing proportionate to that purpose?
- Can you achieve the same purpose without the processing?
- Can you achieve the same purpose by processing less data, or by processing the data in another more obvious or less intrusive way?

If the school does not insure staff sickness absence it cannot guarantee a safe level of staffing to maintain the school's effective operation. This may place pupils and other staff at risk of harm.

Due to restrictive budgets it is not possible to fund additional staff to cover sickness absence without insurance. In addition there are legal requirements regarding the number of staff on site to maintain a safe education environment.

Any data shared for the purposes of bringing a claim will be limited to what is necessary for the claim to be made and subject to the storage limitation principle. The school has an effective contract with the insurers and have assurance of their compliance with GDPR.

#### Part 3: Balancing test

You need to consider the impact on individuals' interests and rights and freedoms and assess whether this overrides your legitimate interests.

First, use the [DPIA screening checklist](#). If you hit any of the triggers on that checklist you need to conduct a DPIA instead to assess risks in more detail.

<b>Nature of the personal data</b>	
<ul style="list-style-type: none"> <li>• Is it special category data or criminal offence data?</li> <li>• Is it data which people are likely to consider particularly 'private'?</li> <li>• Are you processing children's data or data relating to other vulnerable people?</li> <li>• Is the data about people in their personal or professional capacity?</li> </ul>	
<p>The data does fall within the special categories of personal data as defined by data protection law as it relates to mental or physical health.</p>	
<b>Reasonable expectations</b>	
<ul style="list-style-type: none"> <li>• Do you have an existing relationship with the individual?</li> <li>• What's the nature of the relationship and how have you used data in the past?</li> <li>• Did you collect the data directly from the individual? What did you tell them at the time?</li> <li>• If you obtained the data from a third party, what did they tell the individuals about reuse by third parties for other purposes and does this cover you?</li> <li>• How long ago did you collect the data? Are there any changes in technology or context since then that would affect expectations?</li> <li>• Is your intended purpose and method widely understood?</li> <li>• Are you intending to do anything new or innovative?</li> <li>• Do you have any evidence about expectations – eg from market research, focus groups or other forms of consultation?</li> <li>• Are there any other factors in the particular circumstances that mean they would or would not expect the processing?</li> </ul>	
<p>There is a clear existing contractual relationship between the school and their staff. Staff are advised of this use of data via our privacy notices and our contract with them.</p>	
<b>Likely impact</b>	
<ul style="list-style-type: none"> <li>• What are the possible impacts of the processing on people?</li> <li>• Will individuals lose any control over the use of their personal data?</li> <li>• What is the likelihood and severity of any potential impact?</li> <li>• Are some people likely to object to the processing or find it intrusive?</li> <li>• Would you be happy to explain the processing to individuals?</li> <li>• Can you adopt any safeguards to minimise the impact?</li> </ul>	
<p>It is not likely that the use of this personal data for this purpose will affect an individual's right to privacy. The data is shared securely and its use and retention is strictly controlled.</p>	
Can you offer individuals an opt-out?	No

## Making the decision

This is where you use your answers to Parts 1, 2 and 3 to decide whether or not you can apply the legitimate interest basis.

Can you rely on legitimate interests for this processing?	Yes
<p>Do you have any comments to justify your answer? (optional)</p> <p>This processing is unlikely to have a negative impact on individuals as they are aware of this processing and it is necessary to ensure the effective running of the school.</p> <p>The Legitimate Interests condition allows individuals to object to, or restrict this use of their personal data, and should that be the case a public interest decision would be made regarding the continued use of the data for this purpose.</p>	
LIA completed by	Lauri Almond - DPO
Date	14 March 2019

# LEGITIMATE INTERESTS ASSESSMENT

## Lateral Flow Testing

### Part 1: Purpose test

You need to assess whether there is a legitimate interest behind the processing.

- Why do you want to carry out this processing?
- What benefit do you expect to get from the processing?
- Do any third parties benefit from the processing?
- Are there any wider public benefits to the processing?
- How important are the benefits that you have identified?
- What would the impact be if you couldn't go ahead with the processing?
- Are you complying with any specific data protection rules that apply to your processing (eg profiling requirements or e-privacy legislation)?
- Are you complying with other relevant laws?
- Are you complying with industry guidelines or codes of practice?
- Are there any other ethical issues with the processing?

To safeguard the health of the teaching workforce and keep as many staff, pupils and students in school and college as possible, rapid lateral flow coronavirus (COVID-19) tests have been made available to schools and colleges. The use of rapid lateral flow tests allows the identification of individuals with coronavirus (COVID-19) who do not have symptoms, which make up around a third of all cases.

Finding asymptomatic cases, along with other infection prevention and control measures such as social distancing, can help us manage the transmission of the virus and ensure the safety of pupils and staff in the school. By reducing transmission, we can support our ability to keep children in education during the pandemic. The school will use the test data for the management of tests and implementing local arrangements in the event of a positive test.

The results of the tests will be shared with the Department for Health & Social Care (DHSC) and Public Health England (PHE) to support the wider national management of the pandemic including test and trace and research. Once data has been shared with DHSC and PHE they become the data controller for that data.

Explicit consent is sought for the medical test. To log, share test results and enact local COVID processes we are relying on legitimate interests. By being able to identify those who are asymptomatic we can act quickly to prevent the further spread of corona virus, protecting pupils and staff. Staff are not required to take the test or agree to this processing. An information sheet is provided to staff explaining the test process and how their information will be processed. A privacy notice is also supplied with the information notice.

### Part 2: Necessity test

You need to assess whether the processing is necessary for the purpose you have identified.

- Will this processing actually help you achieve your purpose?
- Is the processing proportionate to that purpose?
- Can you achieve the same purpose without the processing?
- Can you achieve the same purpose by processing less data, or by processing the data in another

more obvious or less intrusive way?

This testing will help us to identify those who are asymptomatic and advise them to get a full test. We are able to restrict access to the school to those who are not either showing symptoms or asymptomatic, slowing the spread of the virus in the school. There is no other testing method available to us. Staff have a choice about whether or not they take the test. Even if they have agreed to the test, they can change their mind at any point.

The data being processed is name, contact details, and test result. The data is only retained for up to one year from the date of the last entry. This is to enable results to be provided to the individual, DHSC & PHE and handle any resulting queries.

### Part 3: Balancing test

You need to consider the impact on individuals' interests and rights and freedoms and assess whether this overrides your legitimate interests.

First, use the [DPIA screening checklist](#). If you hit any of the triggers on that checklist you need to conduct a DPIA instead to assess risks in more detail.

#### Nature of the personal data

- Is it special category data or criminal offence data?
- Is it data which people are likely to consider particularly 'private'?
- Are you processing children's data or data relating to other vulnerable people?
- Is the data about people in their personal or professional capacity?

The test data does fall within the special categories of personal data as defined by data protection law as it relates to physical health.

The relevant article for processing this special category data is 9(2) (i) processing is necessary for reasons of public interest in the area of public health. This data is processed under the obligations set out in Public Health legislation (Regulations 3(1) and (4) of the Health Service (Control of Patient Information) Regulations 2002 (COPI)) which allows the sharing of data for COVID related purposes and where it is carried out by a health care professional OR someone who owes an equivalent duty of confidentiality to that data.

#### Reasonable expectations

- Do you have an existing relationship with the individual?
- What's the nature of the relationship and how have you used data in the past?
- Did you collect the data directly from the individual? What did you tell them at the time?
- If you obtained the data from a third party, what did they tell the individuals about reuse by third parties for other purposes and does this cover you?
- How long ago did you collect the data? Are there any changes in technology or context since then that would affect expectations?
- Is your intended purpose and method widely understood?
- Are you intending to do anything new or innovative?
- Do you have any evidence about expectations – e.g., from market research, focus groups or other forms of consultation?
- Are there any other factors in the particular circumstances that mean they would or would not expect the processing?

There is a clear existing contractual relationship between the school and their staff. Staff are advised of this use of data via our information notice and privacy notice. The information is collected directly from the individual. The data will be shared with DHSC and PHE for pandemic

control purposes, but with no other third parties.

### Likely impact

- What are the possible impacts of the processing on people?
- Will individuals lose any control over the use of their personal data?
- What is the likelihood and severity of any potential impact?
- Are some people likely to object to the processing or find it intrusive?
- Would you be happy to explain the processing to individuals?
- Can you adopt any safeguards to minimise the impact?

If an individual tests positive the school will enact its own COVID isolation and control processes without telling anyone who it is that has received the positive test.

If an individual tests negative or their test is void this information will be recorded for stock control and testing performance purposes.

Where a test is positive individuals' personal data will be shared with DHSC, PHE and the County Council for public health analysis. The DHSC may share this information with the individual's GP to support their care, but the school will not.

It is not likely that the use of this personal data for this purpose will affect an individual's right to privacy. The data is shared securely, and its use and retention are strictly controlled.

Can you offer individuals an opt-out?

Yes

### Making the decision

This is where you use your answers to Parts 1, 2 and 3 to decide whether or not you can apply the legitimate interest basis.

Can you rely on legitimate interests for this processing?

Yes

This processing is unlikely to have a negative impact on individuals as they are aware of this processing and it is necessary to ensure the safe and effective running of the school.

The Legitimate Interests condition allows individuals to object to or restrict this use of their personal data. If a staff member does not wish their personal data to be processed in this way, they can refuse to take the test. This will not negatively impact their employee status.

LIA completed by

Lauri Almond - DPO

Date

25 January 2021



# LEGITIMATE INTERESTS ASSESSMENT

## Recruitment

### Part 1: Purpose test

You need to assess whether there is a legitimate interest behind the processing.

- Why do you want to process the data?
- What benefit do you expect to get from the processing?
- Do any third parties benefit from the processing?
- Are there any wider public benefits to the processing?
- How important are the benefits that you have identified?
- What would the impact be if you couldn't go ahead with the processing?
- Are you complying with any specific data protection rules that apply to your processing (eg profiling requirements, or e-privacy legislation)?
- Are you complying with other relevant laws?
- Are you complying with industry guidelines or codes of practice?
- Are there any other ethical issues with the processing?

We have a legitimate interest in processing personal data to enable us to recruit staff for our organisation.

Processing recruitment data enables us to select appropriate candidates for interview.

If we did not have an appropriate selection process, we could not identify those who pose a threat to our school community, either by being unsuited or barred from employment with young people, or by not having the right qualifications to deliver the role effectively.

Our organisation is required to comply with statutory guidance in the publication of Staffing and employment advice for schools (2018) and comply with the requirements of the School Staffing (England) Regulations 2009 as amended and the Education (Independent School Standards) Regulations 2014.

### Part 2: Necessity test

You need to assess whether the processing is necessary for the purpose you have identified.

- Will this processing actually help you achieve your purpose?
- Is the processing proportionate to that purpose?
- Can you achieve the same purpose without the processing?
- Can you achieve the same purpose by processing less data, or by processing the data in another more obvious or less intrusive way?

This processing is necessary for us to safely recruit staff for our school. Individuals have a choice regarding whether they apply for a position in our school, and if they choose to apply, they are required to provide us with the information which is necessary for us to establish their suitability for the role.

We cannot achieve our purpose in any other way.

### Part 3: Balancing test

You need to consider the impact on individuals' interests and rights and freedoms and assess whether this overrides your legitimate interests.

First, use the [DPIA screening checklist](#). If you hit any of the triggers on that checklist you need to conduct a DPIA instead to assess risks in more detail.

#### Nature of the personal data

- Is it special category data or criminal offence data?
- Is it data which people are likely to consider particularly 'private'?
- Are you processing children's data or data relating to other vulnerable people?
- Is the data about people in their personal or professional capacity?

Yes, we do ask if the applicant has a criminal record and advise applicants that their personal data may be used to carry out a Disclosure & Barring Service check. This is a statutory requirement for those working in services which have direct contact with young or vulnerable people.

The data we collect relates to an individual's professional life.

#### Reasonable expectations

- Do you have an existing relationship with the individual?
- What's the nature of the relationship and how have you used data in the past?
- Did you collect the data directly from the individual? What did you tell them at the time?
- If you obtained the data from a third party, what did they tell the individuals about reuse by third parties for other purposes and does this cover you?
- How long ago did you collect the data? Are there any changes in technology or context since then that would affect expectations?
- Is your intended purpose and method widely understood?
- Are you intending to do anything new or innovative?
- Do you have any evidence about expectations – eg from market research, focus groups or other forms of consultation?
- Are there any other factors in the particular circumstances that mean they would or would not expect the processing?

There is generally no existing relationship with an applicant.

A data protection statement is issued with applications, pointing to our full online privacy notices.

Our processing is understood and expected by applicants, who have taken positive action to complete an application and submit it to us.

We do not intend to do anything new, innovative or unexpected with the personal data collected for recruitment purposes.

#### Likely impact

2/7/20

14/5/20

<ul style="list-style-type: none"> <li>• What are the possible impacts of the processing on people?</li> <li>• Will individuals lose any control over the use of their personal data?</li> <li>• What is the likelihood and severity of any potential impact?</li> <li>• Are some people likely to object to the processing or find it intrusive?</li> <li>• Would you be happy to explain the processing to individuals?</li> <li>• Can you adopt any safeguards to minimise the impact?</li> </ul>	
<p>Likely impacts of this processing are:</p> <ul style="list-style-type: none"> <li>• Invitation to interview which may or may not result in employment</li> <li>• The application is not progressed due to lack of suitability, or a high volume of more suitable candidates</li> </ul> <p>Individuals are unlikely to object to our processing of their personal data for the purpose of recruitment, however if they did, they are able to withdraw their application and request that we delete their data from our recruitment records.</p>	
Can you offer individuals an opt-out?	No

### Making the decision

This is where you use your answers to Parts 1, 2 and 3 to decide whether or not you can apply the legitimate interests basis.

Can you rely on legitimate interests for this processing?	Yes
<p>Individuals have control regarding whether or not they make an application for a job at our school. Where an application is made, we make clear that we will carry out necessary checks to assure their suitability for the role.</p> <p>Our processing is subject to the rights of individuals to request:</p> <ul style="list-style-type: none"> <li>• Access to their personal data</li> <li>• Rectification of inaccurate personal data</li> <li>• Erasure of their personal data (except where it is being processed to fulfil our legal obligations)</li> <li>• Restriction to the use of their personal data</li> <li>• Consideration of their objection to our processing (except where it is being processed to fulfil our legal obligations)</li> <li>• Consideration of their objection to our use of their personal data to profile their suitability for a role, or any automated decision made in relation to their application.</li> </ul>	
LIA completed by	Lauri Almond
Date	02/01/2020