



Workforce Privacy Notice

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Together we **Exceed**



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1. Policy Statement

- 1.1 When collecting and using personal data relating to pupils and their families, Exceed Academies Trust complies with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation, Data Protection Act 2018 and The Privacy and Electronic Communications (EC Directive) Regulations 2003) and all other applicable laws and regulations relating to processing of personal data and privacy, as amended and replaced from time to time.
- 1.2 For the purpose of Data Protection requirements, the data controller is Exceed Academies Trust, Dawnay Road, Bradford BD5 9LQ. This means our schools determine the purposes and means for which any personal data is to be processed.
- 1.3 We are registered as a Data Controller with the ICO: **ZA233844**
- 1.4 The role of the Data Protection Officer (DPO) is to oversee and monitor the Trust's data protection procedures, and to ensure they are compliant with the Data Protection Legislation. The Data Protection Officer can be contacted at info@exceedacademiestrust.co.uk.

2. Data Collection and Processing

2.1 What personal information do we process?

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

- Personal information (such as name, address, employee or teacher number, national insurance number).
- Marital Status.
- Special categories of data including characteristics information such as gender, age, ethnic group.
- Employment terms and conditions and contract information (such as start dates, hours worked, post, roles, benefits, absence, holidays, and salary information).
- Emergency contact details.
- Details of any known disability or medical condition.
- Education and qualifications.
- Recruitment information, including copies of right to work documentation, references and other information collected as part of the application process.
- Outcome of disciplinary or grievance procedures.
- Performance and appraisal data.
- Work experience.
- Accident information.
- Training information.
- Work absence information (such as number of absences and reasons).
- Qualifications (and, where relevant, subjects taught).
- Payroll information.
- Photographs and video.
- CCTV images captured in school premises.
- Use of internet and ICT resources on school services and devices.
- Biometric data in some settings (for cashless catering).

2.2 Why we collect and use this information

We use school workforce data to:

- Enable the development of a comprehensive picture of the workforce and how it is deployed (including, but not limited to, internal management planning and forecasting, and statistical analysis such as diversity or gender pay gap analysis as required by law).
- Inform the development of recruitment and retention policies.
- Enable individuals to be paid.
- Enable us to carry out specific functions for which we are responsible.
- Ensure the safeguarding of students and staff, and comply with relevant legislation.
- Ensure we comply with other relevant legislation e.g. Health and Safety at Work Act.
- To operate school systems e.g. cashless catering and security systems e.g. door entry systems and swipe-cards.
- Supporting the work of the School Teacher Review Body and the School Support Staff Negotiating Body.
- Enable us to deal with any disciplinary action and grievances.
- Share news about our work and promote our services.
- Assess the quality of our service.
- Fulfil our contractual obligations.
- To assist with crime prevention and security.

2.3 The lawful basis on which we process this information

We must make sure that information we collect and use, is in line with the UK GDPR and Data Protection Act. This means that we must have a lawful reason to collect the data and that if we share it with another organisation or individual, we must have a legal basis to do so.

Under the UK GDPR, processing of the data held is lawful if at least one lawful basis applies. The bases which we rely on for processing personal information, which is collected and used for the reasons listed above, are as follows:

- **Consent (Article 6(1)(a))** – we have permission from you to process the personal data. You do have the right to withdraw your consent at any time.
- **Contract (Article 6(1)(b))** – we collect and process personal data necessary for the performance of a contract.
- **Legal Obligation (Article 6(1)(c))** – we collect and process personal data so we can comply with the law.
- **Vital Interests (Article 6(1)(d))** - collecting or using the information is needed when someone's physical or mental health or wellbeing is at urgent or serious risk.
- **Public Task (Article 6(1)(e))** - we have to collect or use your information to carry out a task laid down in law, which the law intends to be performed by an organisation such as ours.

We process personal data 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.
- Academy's legal and statutory framework.
- Safeguarding Vulnerable Groups Act 2006.
- "Keeping Children Safe in Education" guidance.
- The Childcare (Disqualification) Regulations 2009.
- The Equality Act 2010.

Where we are required to collect special category data, we will use the following lawful bases of the UK GDPR which permits us to process special category data:

- **Explicit Consent (Article 9(2)(a))** – we may request explicit consent from individuals to process special category data for specific purposes, such as, using biometric information to identify individuals to school IT systems.
- **Employment, Social Security, and Social Protection (Article 9(2)(b))** – we may process special category data necessary for fulfilling obligations in the fields of employment law, social security, or social protection, such as medical conditions, allergies, or disabilities, to comply with laws that require them to ensure a safe environment.
- **Vital Interests (Article 9(2)(c))** – in situations where processing is essential to protect someone's life, such as during a medical emergency, schools may process special category data without prior consent.
- **Made public by the data subject (Article 9 (2)(e))** - to process special category data if that data has been manifestly made public by the data subject.
- **Legal claims (Article 9(2)(f))** – where the processing is for the purposes of establishing, exercising, or defending legal claims or by courts when they are acting in their judicial capacity.
- **Substantial Public Interest (Article 9(2)(g))** – we often process special category data in the public interest, for instance, to comply with equality legislation, ensure diversity and inclusion.

In addition, we rely on processing conditions of Schedule 1 part 1 of the Data Protection Act 2018. This relates to the processing of special category data for employment purposes.

2.4 How do we get your information?

Exceed Academies Trust collects information about you from the following sources:

- Directly from you.
- From an employment agency.
- From referees, either external or internal.
- From security clearance providers.
- From Occupational Health and other health service providers.
- From Pension administrators and other government departments, for example tax details from HMRC.
- From your Trade Union.
- Images from our own Video Surveillance Systems (CCTV).

Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis. 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.

2.5 Storing this information

In accordance with the UK GDPR, data is only stored for as long as is necessary for the purpose it was originally collected. We hold data securely for the set amount of time shown in our data retention schedule.

All personal information is kept securely either on encrypted, password protected devices and systems, or paper copies securely stored on the school site. Once the deadline for retaining

information has passed, data stored electronically is deleted and paper copies confidentially destroyed.

The Trust recognises that AI has many uses to help pupils learn and support staff workload but also poses risks to sensitive and personal data. To ensure that personal and sensitive data remains secure, no one will be permitted to enter such data into any generative AI tools or chatbots. Examples of personal data would include; full name, Date of Birth, ethnicity, photo of child with personal data such as name. If personal and/or sensitive data is entered into a generative AI tool outside the Trusts Microsoft 365 Tenancy, the Trust will treat this as a data breach and will follow the personal data breach procedure.

A DPIA has been approved for the Trust to use a Microsoft 365 tenancy, which facilitates:

- Use of AI-assisted productivity tools in Microsoft 365.
- The role of Microsoft as a processor.
- The possibility that personal data stored within Microsoft 365 may be analysed by such tools to assist staff tasks.

2.6 International Data Transfers

We do not transfer your personal data outside the UK or the European Economic Area (EEA) without appropriate safeguards. Transfers within the UK and EEA are permitted based on adequacy decisions. If data needs to be transferred to other countries, we ensure suitable protections such as the UK International Data Transfer Agreement or other approved mechanisms.

2.7 Who we share this information with

We routinely share this information with:

- Our Local Authority.
- The Department for Education (DfE).
- Trust staff.
- Family and representatives of school pupils.
- Parents or carers of Trust school students.
- Educators and examining bodies.
- Regulatory Bodies, such as Ofsted.
- Suppliers and service providers – to enable them to provide the service we have contracted them for.
- Financial organisations.
- Central and local government.
- Our auditors.
- Survey and research organisations.
- Health authorities.
- Health and social welfare organisations.
- Professional advisers and consultants.
- Charities and voluntary organisations.
- Media publications.
- Police forces, courts, tribunals.
- The Office for National Statistics (ONS).

When we use suppliers and service providers to process information, we ask them to demonstrate compliance with our security requirements, adhere to any instructions we give them and comply with relevant data protection legislation. We have contractual agreements with these organisations which clearly define their obligations about what information they hold.

2.8 Department for Education (DfE)

We share personal data with the Department for Education (DfE) on a statutory basis. This data sharing underpins workforce policy monitoring, evaluation, and links to school funding / expenditure and the assessment educational attainment.

We are required to share information about our workforce with the Department for Education (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

2.9 How Government uses your data

The workforce data that we lawfully share with the Department for Education (DfE) through data collections:

- informs the Department for Education (DfE) policy on pay and the monitoring of the effectiveness and diversity of the school workforce
- links to school funding and expenditure
- supports 'longer term' research and monitoring of educational policy

2.10 Data collection requirements

To find out more about the data collection requirements placed on us by the Department for Education including the data that we share with them, go to: <https://www.gov.uk/education/data-collection-and-censuses-for-schools>

2.11 Sharing by the Department for Education (DfE)

The Department for Education (DfE) 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 for Education (DfE) will only share your personal data where it is lawful, secure and ethical to do so and 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 the Department for Education (DfE) releases personal data to third parties are subject to a strict approval process and based on a detailed assessment of public benefit, proportionality, legal underpinning and strict information security standards.

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

For information about which organisations the Department for Education (DfE) has provided information, (and for which project) please visit the following website: <https://www.gov.uk/government/publications/dfe-external-data-shares>

2.12 How to find out what personal information the Department for Education (DfE) hold about you

Under the terms of UK GDPR, you're entitled to ask the Department for Education (DfE):

- if they are processing your personal data.
- for a description of the data they hold about you.
- the reasons they're holding it and any recipient it may be disclosed to.
- for a copy of your personal data and any details of its source.

If you want to see the personal data held about you by the Department of Education (DfE), you should make a 'subject access request'.

Further information on how to do this can be found within the Department for Education's (DfE) personal information charter that is published at the address below:

<https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter>

or

<https://www.gov.uk/government/publications/requesting-your-personal-information/requesting-your-personal-information#your-rights>

To contact the Department for Education (DfE): <https://www.gov.uk/contact-dfe>

3. Rights in relation to your personal data

3.1 The UK GDPR gives all individuals certain rights about how their information is collected and used. To make a request for your personal information, contact the Data Protection Lead at the relevant school.

3.2 You also have the following rights:

- **Right to be informed** – to be informed about how and why we process your personal information.
- **Right of access** - to ask for copies of your personal data that we hold about you, this is known as a subject access request (SAR), data subject access request or right of access request.
- **Right of rectification** - to ask us to change any information you think is not accurate or complete.
- **Right to erasure** - to ask us to delete your personal information.
- **Right to restriction of processing** – to ask us to stop using your information.
- **Right to object** to processing of your information, in certain circumstances.
- **Right of data portability** - allows individuals to obtain and reuse their personal data for their own.

4. Complaints and Concerns

4.1 If you would like to discuss anything on this Privacy Notice, you are unhappy with the way your request for information has been dealt with or you think your data has been misused or not held securely, please contact our Data Protection Officer via e-mail at info@exceedacademiestrust.co.uk

4.2 If you are unhappy with the outcome of your query or complaint, you can escalate your complaint please contact the Information Commissioner's Office (ICO). ICO helpline, Telephone: 0303 123 1113, <https://ico.org.uk/concerns/>