



THE BAY
LEARNING TRUST

Staff Data Privacy Statement

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STAFF DATA PRIVACY STATEMENT

1 INTRODUCTION

- 1.1 **The Bay Learning Trust** is committed to protecting the privacy and security of its staff's personal information. This Staff Data Privacy Statement provides you with important information about what, how, where, why and when the **Trust** collects and Processes your Personal Data.

2 WHAT IS PERSONAL DATA?

- 2.1 Personal Data (Personal Data) is any information that 'relates to' an identified or identifiable individual. It includes information relating to you, from which we can identify you directly or indirectly (e.g. because it includes your name).
- 2.2 It also includes information relating to you, from which you cannot be directly identified, if you can be identified from that information when it is used in combination with other information we hold about you.
- 2.3 Personal Data can include information relating to you that has been 'pseudonymised', meaning that any information that directly or indirectly identifies you (e.g. your name) is removed and replaced with one or more artificial identifiers or pseudonyms (e.g. an employee reference number).
- 2.4 However, truly anonymous data, or data that has had any identifying information permanently removed from it, does not count as Personal Data.
- 2.5 When considering whether information 'relates to' you for the purposes of Data Protection Legislation, we take into account a range of factors, including the content of the information, the purpose or purposes for which we are Processing it, and the likely impact or effect of that Processing on you.

3 WHAT IS 'PROCESSING'?

- 3.1 Any activity that involves the use of your Personal Data is referred to as Processing (Processing or Process). It includes:
- 3.1.1 Obtaining, recording or holding Personal Data (e.g. asking you to complete personnel forms, or performing a DBS criminal record check);
 - 3.1.2 Carrying out any operation or set of operations on Personal Data such as organising, amending, retrieving, using, disclosing, erasing or destroying it (e.g. recording relevant information on your personnel file, or maintaining pay records); and
 - 3.1.3 Transmitting or transferring Personal Data to third parties (e.g. transferring payroll data to HMRC).

4 THE TYPE OF PERSONAL INFORMATION WE COLLECT

- 4.1 The **Trust** currently collects and Processes the following information;
- 4.1.1 personal identifiers;
 - 4.1.2 contacts;
 - 4.1.3 characteristics information;

- 4.1.4 contract information;
- 4.1.5 work absence information; and,
- 4.1.6 qualification level.

5 **HOW WE GET THE PERSONAL INFORMATION AND WHY WE HAVE IT**

- 5.1 Most of the information the **Trust** Processes is provided to us directly by you for one of the following reasons;
 - 5.1.1 to enable the development of a comprehensive picture of the workforce and how it is deployed;
 - 5.1.2 to improve the management of the **Trust's** employees;
 - 5.1.3 to inform the development of recruitment and retention policies;
 - 5.1.4 to communicate you in connection with your employment and role;
 - 5.1.5 to understand how your physical or mental health may be relevant to your work;
 - 5.1.6 to keep appropriate records required by law and/or for employment law purposes;
 - 5.1.7 to monitor your performance or conduct;
 - 5.1.8 to enable you to be paid; and,
 - 5.1.9 to enable the monitoring of selected protected characteristics.
- 5.2 We also receive personal information indirectly, from the following sources;
 - 5.2.1 Her Majesty's Revenue and Customs (HMRC);
 - 5.2.2 The Disclosure and Barring Service (DBS);
 - 5.2.3 Medical Professionals; and,
 - 5.2.4 Referees during the recruitment process.
- 5.3 Under the General Data Protection Regulation (UK GDPR), the lawful bases we rely on for Processing this information are;
 - 5.3.1 your consent;
 - 5.3.2 we have a contractual obligation;
 - 5.3.3 we have a legal obligation; and,
 - 5.3.4 we have a legitimate interest.

6 **CRIMINAL OFFENCE DATA**

- 6.1 Where appropriate and legally permitted, we collect Criminal Offence Data as part of the recruitment process (e.g. when we conduct a standard or enhanced DBS criminal record check). We may also be notified from time to time of Criminal Offence Data in the course of employment (e.g. if you are suspected to have committed a crime, or if you report a criminal conviction to us).
- 6.2 We will use Criminal Offence Data we hold in the following ways:

- 6.2.1 To determine whether your criminal record (i.e. the results of a standard or enhanced DBS check) impacts upon your suitability to be offered employment;
- 6.2.2 To consider whether any criminal charges, prosecutions or convictions (including cautions you accept) that occur during your employment warrant impact upon your continued suitability for your role, and/or must be reported by us to our insurers, or to regulatory authorities (e.g. the Teaching Regulation Agency)
- 6.2.3 Where it is relevant, in the context of a disciplinary or grievance process;
- 6.3 We will only collect and Process Criminal Conviction Data if it is appropriate given the nature of the role, and where we have a lawful basis to do so. This will usually be where Processing is necessary to carry out our obligations. We have in place an appropriate policy document and safeguards that we are required by law to maintain when Processing Criminal Conviction Data (please see our Data Protection Policy for further details).

7 PROCESSING THE PERSONAL DATA OF THIRD PARTIES

- 7.1 In some limited circumstances, and for specified purposes, we will also Process Personal Data relating to third parties, such as your next of kin and/or dependants. For example, we may need to Process their personal data for the purposes of administering any insurance and pension survivor benefits they may be entitled to. Where this occurs, we may contact your next of kin and/or dependants separately to explain why we need to Process their Personal Data.

8 HOW WE STORE YOUR PERSONAL INFORMATION

- 8.1 Your personal information is securely stored for the set amount of time shown in our data retention schedule. For more information on our data retention schedule and how we keep your data safe, please see The Bay Learning Trust Records Retention Policy.

9 WHO DO WE SHARE YOUR PERSONAL INFORMATION WITH?

- 9.1 The **Trust** does not share your information with anyone without consent unless the law and (if applicable) our policies allow us to do so.
- 9.2 The **Trust** will routinely share your information with;
 - 9.2.1 third parties engaged as our processors such as a cloud based service or consultants engaged for a particular task;
 - 9.2.2 the local authority;
 - 9.2.3 the Police and other statutory bodies such as DBS and TRA;
 - 9.2.4 the Department for Education;
 - 9.2.5 Ofsted;
 - 9.2.6 the public insofar as it is a requirement to make known your role and engagement in the operation of the school;
 - 9.2.7 within our Multi Academy Trust.

10 CHANGES TO YOUR PERSONAL DATA

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

11 YOUR DATA PROTECTION RIGHTS

- 11.1 Under data protection law, you have rights, including;
- 11.1.1 **Right to be informed** – about how and why your data is being used.
 - 11.1.2 **Right of access** – you have the right to ask us for copies of your personal information;
 - 11.1.3 **Right to rectification** – you have the right to ask us to rectify personal information you think is inaccurate or to ask us to complete information;
 - 11.1.4 **Right to erasure** – you have the right to ask us to erase your personal information in certain circumstances;
 - 11.1.5 **Right to restriction of Processing** – you have the right to object to the Processing of your personal information in certain circumstances;
 - 11.1.6 **Right to data portability** – you have the right to ask that we transfer the personal information we hold about you to another organisation.
 - 11.1.7 **Right to not to be subject to a decision based solely on automated processing** – for decisions that have a have a legal or similarly significant effect on individuals.
- 11.2 You are not required to pay any charge for exercising your rights. If you make a request we must respond in one month.
- 11.3 Please contact Gavin Gomersall, Data Protection Officer, The Bay Learning Trust, The Lodge, Ripley St Thomas CE Academy, Ashton Road, Lancaster LA1 4RR, email DPO@baylearningtrust.com if you wish to make a request.

12 HOW TO COMPLAIN OR WITHDRAW CONSENT

- 12.1 If you have any concerns about our use of your personal information, wish to exercise your rights in relation to your Personal Data, or make a complaint, please let us know by contacting Gavin Gomersall, Data Protection Officer, The Bay Learning Trust, The Lodge, Ripley St Thomas CE Academy, Ashton Road, Lancaster LA1 4RR, email DPO@baylearningtrust.com
- 12.2 You can also complain to the ICO if you are unhappy with how we have used your data.

13 CHANGES TO THIS DATA PRIVACY STATEMENT

- 13.1 We keep our practices and policies regarding the collection, Processing and security of Personal Data under continual review and may update them from time to time. We therefore reserve the right to change this Data Privacy Statement at any time. We will notify you of any changes made at the appropriate time and may re-issue a new Data Privacy Statement if appropriate.