

# Cherwell College Oxford

## Pre-University Tutorial College

### Privacy Notice: College workforce

#### 1. How the College handles your personal data

Cherwell College Oxford (the “College”) is the Data Controller for the purposes of the Data Protection Act 1998 (the “Act”) and the General Data Protection Regulation ((EU) 2016/679) (GDPR). The College collects and uses personal information about its employees, workers and self-employed service providers (collectively referred to as “workforce”) in accordance with the data protection laws.

The College has a duty to be registered, as a Data Controller, with the Information Commissioner’s Office (the “ICO”) detailing the information held and its use. These details are then available on the ICO’s website. The College also has a duty to provide certain privacy information to its workforce, which summarises the information held, why it is held and the other parties to whom it may be passed on – this is the purpose of this Privacy Notice.

#### The categories of the workforce information which is collected, held and shared includes:

- Personal information such as name, surname, address, email address, national insurance number, date of birth, employment history;
- Identification information such as passport, visa and immigration status;
- Special categories of data such as gender, age, ethnicity, language, nationality, medical information including sickness and absence records;
- Photographs to be placed on the College website or marketing materials;
- Contract information such as start dates, hours worked, post, roles, payroll and pensions information, bank account details and tax status information;
- Qualifications (and, where relevant, subjects taught);
- Absence and holidays;
- Character, professional references and disciplinary information;
- Information relating to DBS checks carried out;
- CCTV images;
- Next of kin and emergency contact information;
- Information about your use of our information and communications systems.

#### 2. Why the College collects and uses this information

This information is gathered in order to enable the College to comply with its Safer Recruitment Policy and meet its legal obligation in provision of education to children and young adults.

The data is collected directly from the individuals concerned through application forms, questionnaires, employment agencies (where applicable) and other means such as information volunteered during the recruitment process, as well as through third parties such as former employers, professional references (to confirm employment history and suitability to work with College) and DBS checking services (to confirm suitability to work with the College).

The College will also collect personal information in the course of work related activities.

The College uses workforce data:

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- to enable the development of a comprehensive picture of the workforce and how it is deployed;
- to inform the development of recruitment and retention policies;
- for College management and planning, including accounting and auditing;
- for decision making during recruitment;
- to check eligibility to work in the UK;
- to enable individuals to be paid including any relevant statutory deductions for tax and NI, as well as taking any other steps required to administer workforce contracts;
- to ensure that the workforce is qualified for the purposes it is employed, including performance reviews, determining performance requirements, and training needs;
- to ensure that appropriate level of education and pastoral care is provided to students;
- to support health, safety and welfare requirements. This includes the capture of images by CCTV systems. The College may also share information with appropriate third parties such as the police;
- for disciplinary and appraisal purposes;
- to comply with statutory requirements under the Education Act 1996, Equality Act 2010 and relevant legislation;
- to manage sickness absence and ascertaining fitness to work;
- to deal with legal disputes;
- to monitor workforce use of information and communications systems to ensure compliance with relevant College policies;
- to ensure network and information security, including preventing unauthorised access to computer and electronic communications systems and preventing malicious software distribution;
- for equal opportunities monitoring;
- to comply with the law regarding data sharing.

### **3. The lawful basis on which the College uses this information**

The College collects and uses workforce information in accordance with applicable Data Protection laws. As of the date of this Privacy Notice the relevant laws are the Data Protection Act 1998 (the “Act”) and the General Data Protection Regulation ((EU) 2016/679) (GDPR). It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.

The College will be entitled to collect and use personal data as outlined above because of one of more of the following lawful grounds:

1. In order for the College to perform its contractual obligations, such as obligations set out in employment contracts including paying salaries and providing other agreed benefits;
2. Where the College is required to comply with a legal obligation;
3. Where it is necessary to protect the College’s legitimate business interests (or those of a third party) so long as an individual’s fundamental rights do not override those interests;

In the case of “special categories” of particularly sensitive personal information requiring higher levels of protection the College may process such information in the following circumstances:

1. In limited circumstances where explicit written consent has been given;

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2. Where the College needs to carry out its legal obligations or exercise rights in connection with employment law;
3. Where it is needed in the public interest, such as for equal opportunities monitoring;
4. For the assessment of an individual's working capacity.

Less commonly the College may process such information if it is needed in relation to legal claims or where it is needed to protect an individual's interests (or someone else's interests) and that individual is incapable because of physical or mental incapacity from giving their consent or where the information has been made public by the individual.

The College may only use information relating to criminal convictions where the law allows its to do so. This will usually be where such processing is necessary for the College to carry out its legal obligations and/or where it is necessary to ensure an individual's suitability to work with the College, protecting the College's legitimate interests. Less commonly, the College may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect an individual's interests (or someone else's interests) and that individual is incapable because of physical or mental incapacity from giving their consent, or where the information has been made public by the individual.

#### **4. Collecting workforce information**

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

Please note if mandatory information is not provided when requested, then the College may not be able to either perform its contractual obligations or may be prevented from complying with its legal obligations.

#### **5. Storing workforce data**

The College holds workforce information while they are on roll.

Individual network account is deleted when the member of staff leaves the College.

Any other data required for legal and accounting purposes will remain on file, archived and subsequently destroyed after 6 years since the last entry on file. The College will only hold onto records longer if a legal obligation to do so is identified in any particular case.

#### **6. Who the College shares its workforce information with**

The College routinely shares workforce information with:

- The Department for Education (DfE);
- Local authorities;
- UK Visas & Immigration (UKVI), border and/or police force;
- College staff responsible for data collection and maintenance;
- Business associates and other professional advisers;
- Financial organisations (such as pension scheme providers and HMRC).

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### 7. Why the College shares its workforce information

The College does not share information about its workforce with anyone without consent unless either the law requires it; where it is necessary to administrator the working relationship; or where the College has another legitimate interest in doing so. The later will usually be identified within the College's internal policies..

The College may share data with the DfE on a statutory basis. This data sharing is necessary for the DfE to perform its regulatory function.

### 8. Requesting access to your personal data

Under data protection legislation, members of the College workforce have the right to request access to information that the College holds about them. To make a request for your personal information, please contact the Principal (Mr Stephen Clarke), whose details are provided below.

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress;
- 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; and
- claim compensation for damages caused by a breach of the Data Protection regulations;
- lodge a complaint with the Information Commissioner's Office, which you can do via their website at: [www.ico.org.uk](http://www.ico.org.uk), if you have any concerns about the handling of your personal data by the College.

In the limited circumstances in which consent is required and has been requested to use personal data, there is also a right to withdraw this consent at any time. Notification of withdrawal of consent should be sent to the College Principal, whose details are below.

If you have a concern about the way the College is collecting or using your personal data, please raise your concern with the College Principal at first instance. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

### 9. Data security

The College has put in place appropriate security measures to prevent personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, the College limit access to personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process personal data on the College's instructions and will be subject to a duty of confidentiality.

The College has put in place procedures to deal with any suspected personal data breach and will notify any individuals concerned as well as any applicable regulator of a breach where legally required to do so.

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### 10. Contact

If you have any enquires in relation to this privacy notice, please contact

Mr Stephen Clarke  
Cherwell College Oxford  
St George's Mansion  
George Street  
Oxford  
OX1 2AR  
Email: [Stephen@cherwell-college.co.uk](mailto:Stephen@cherwell-college.co.uk)  
Tel: 01865 242670

### 11. Changes to this privacy notice

The College reserves the right to update this privacy notice at any time, and will make the workforce aware of any substantial updates. The College may also notify the workforce in other ways from time to time about the processing of personal information.

*Last review May 2018*  
*Next review May 2019*

