

GENERAL DATA PROTECTION REGULATIONS [GDPR] 2018

Staff and Safeguarding Checks Data

This note provides guidance in respect of employees, volunteers and others, in preparation for the GDPR coming into force in May 2018.

This guidance relates only to Human Resources (HR) matters. General GDPR information and support is available from Essex Information Governance www.igs.essex.gov.uk.

In general terms you are permitted to collect and retain information relating to staff which is necessary for the operation of the employment contract and you do not need their express consent for this, nor do you need their consent to share the information with HR (except in some cases e.g. relating to DBS and Health).

You will need to give a **Privacy Statement** to the person you appoint. A model is attached which you will need to amend as appropriate where indicated. You will also need to make your current staff aware of this Privacy Notice (e.g. by posting on the staff intranet), but you do not need to issue an individual Notice to each employee. Applicants for jobs will be given a Privacy Statement as part of the application process – we are currently finalising work on this and will issue guidance shortly.

Whether a Maintained School or an Academy, **the school is the Data Controller**. You own and are responsible for any and all records relating to your staff and it is therefore essential that you keep appropriate records and that you store, process and destroy these in accordance with the Data Protection Principles and as set out in the **Data Retention Schedule** (attached). You will be in breach of the Regulations if you destroy records prematurely as well as if you keep them for longer than permitted.

The Data Retention Schedule also provides information on the retention of records relating to the Single Central Record for Volunteers and others. A relevant Volunteer Privacy Notice is also attached and you will need to make your current Volunteers aware of this Privacy Notice, but you do not need to issue an individual Notice to each volunteer.

Where you are working with HR on staffing matters, HR is a Data Processor and we similarly have to comply with GDPR requirements. HR, as part of EES for Schools and Essex County Council, have updated terms and conditions and a privacy statement which set out our compliance with the GDPR. These will be available from the HR area of the EES for Schools website shortly.

As Data Processors, HR will keep records related to issues/cases we are advising on only for as long as is necessary (see attached Education HR Service Data Processing and Retention Schedule). Our retention timescales are less than those for schools as we are Data Processors not Data Controllers. You must therefore ensure that you retain your own records as set out on the attached school's schedule.

Data Security

Much of the data related to staffing issues, is of a confidential, and often sensitive, nature. It is therefore essential that such information is transmitted securely. Essex County Council has introduced the Egress system for the secure transmission of data which Education HR will use for the transmission of sensitive information. In some circumstances password encryption may be used.

In all circumstances relating to individuals, schools must ensure that security measures are adequate and staff members are trained appropriately. This means:

- Emails containing sensitive information should not contain the names (or initials) of individuals either in the title or body of the email, unless an encrypted email system (e.g. Egress) is used.
- Where sensitive information about named individuals needs to be transmitted, this should be in password protected documents attached to emails and passwords provided separately.
- Ensuring the recipient email address is valid and secure. This especially applies to sending hearing packs to Governors who do not have an official school email address.

What you need to do

- Review your personal files in line with the attached retention schedule.
- Review who has access to personal files to ensure appropriate restrictions are in place as set out in the retention schedule.
- If you have archived staff files which are older than leaving date +6 years these will need to be destroyed. However you will need to filter out and retain any papers relating to safeguarding allegations, accidents at work and pensions in line with the schedule as these have longer retention periods. These may be held in paper archives or electronically.
- Review any central SCR files you may have to ensure that they only contain permitted information (see schedule “other individuals” section).
- Complete the Privacy Statements. These will need to be in use from May 2018 and you will need to make existing staff/volunteers aware of these, and the retention schedule.

What else HR is doing?

- Reviewing the application form and recruitment procedures to build in appropriate GDPR requirements. Only minor changes are anticipated.
- Reviewing the DBS Consent form to ensure compliance with GDPR requirements.
- Working through relevant model letters, forms etc. to identify any additional data protection implications and modifying any documents accordingly.
- Review all policies and procedures to ensure data retention information is in accordance with requirements.
- Reviewing internal HR procedures and records management to ensure compliance in accordance with our Data Processing and Retention Schedule.

**Education HR
February 2018**