



Arolygiaeth Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru
Her Majesty's Inspectorate for Education and Training in Wales

Privacy Notice for Estyn staff

This policy is also available in Welsh.

Information sheet

Information box

For further advice contact: Information Governance Group

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Version control

Document version	Author	Date of issue	Changes made
1.0	Information Governance Group	September 2018	New policy
1.1	Information Governance Group	July 2021	Minor updates – added: 'or someone who works for us' (first line –Section 2), and: <ul style="list-style-type: none">• our professional advisors when they need it to give us their professional advice (Section 7)
1.2	Information Governance Group	January 2022	Changes made in accordance with revisions to main Privacy Notice and tone of voice initiative.

Equality Impact Assessment

A business rationale assessment has been carried out and this policy contributes to Estyn's strategic objectives and delivery principles.

In accordance with Estyn's Equality Impact Assessment, an initial screening impact assessment has been carried out and this policy is not deemed to adversely impact on the grounds of the nine protected characteristics as laid out by the Equality Act 2010.

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1 Introduction

Welcome to Estyn's privacy notice for our staff. We are committed to protecting the privacy and security of your personal information.

Estyn (referred to as "we", "us" or "our" throughout this privacy notice) is the training and education inspectorate for Wales. When carrying out our role as an inspectorate we collect and obtain personal information about individuals, including you as a member of our staff, and are responsible for deciding how we store and use that personal information.

This privacy notice for staff sets out the standards that can be expected from us when we collect and use personal information, along with details of how and when we collect it and how we use it.

It also sets out information about what rights individuals have in relation to their personal information under data protection law and what to do if they have any feedback or a complaint. We also provide details of how they can contact us or the Information Commissioner's Office for more information.

2 Whom does this privacy notice apply to?

This Privacy Notice applies to all Estyn employees, agency staff and staff on secondments or loans. In the sections below, when referring to staff, we use the terms "you" or "your".

3 What's our approach to privacy?

We take your privacy extremely seriously and want you to feel confident that your personal information is safe in our hands.

We will only use your personal information in accordance with data protection law applicable to England and Wales from time to time.

Under data protection law, when we use your personal information, we will be acting as a data controller. Essentially, this means that we will be making decisions about how your personal information is used and why.

Below, we summarise the main rules that apply to us under data protection law when we use your personal information:

1. We must be upfront about how we intend to use your personal information and must use your personal information fairly. Providing privacy information to individuals (such as in this privacy notice) is one aspect of using personal information fairly.

2. We must only use your personal information if we have a legal basis to do so under data protection law. These legal bases include that our use of your personal information is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in us. This is generally because the processing of your personal information by us will be necessary for the exercise of a function conferred on us via statute, such as the Education Act 2005, the Learning and Skills Act 2000 and the Children Act 2004, as amended from time to time. We may also use personal information so that we can comply with our statutory obligations. In some situations we may use personal information because it is in our legitimate interests to do so.
3. We must only use certain types of sensitive personal information, also referred to as special category personal information, (such as information relating to your health, racial or ethnic origin or religion) if, in addition to the reasons in paragraph 2 above, we can also satisfy one of the conditions for processing this type of information set out in data protection law. These conditions include that:
 - a. you have given us your explicit consent to use the information
 - b. the processing is necessary for reasons of substantial public interest
4. We are only permitted to share your personal information with others in certain circumstances and, if we do, we will take steps to ensure that your personal information will be secure.
5. We must only use your personal information for the specific purposes we have told you about. If we want to use your personal information for other purposes, we need to contact you again to tell you about this.
6. We must not hold more personal information than we need for the purposes we have told you about and must not retain your personal information for longer than is necessary for those purposes (this is known as the “retention period”). We must also dispose of any information that we no longer need securely. Further details can be found in our [Records Retention and Disposal Policy](#).
7. We must ensure that we have appropriate security measures in place to protect your personal information.
8. We must act in accordance with your rights under data protection law.
9. We do not transfer your personal data outside the UK.
10. It is important that you read this privacy notice together with any other privacy policy or fair processing policy we may provide on specific occasions when we are collecting or processing your personal information so that you are fully aware of how and why we are using your information.
This privacy notice supplements other notices and privacy policies and is not intended to override them.

We keep our privacy notice under regular review. This version was last updated on 24 January 2022.

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

4 What personal information do we hold about you and how is this obtained?

As an employee of Estyn, or someone who works for us, we will ask you to provide us with certain personal information relating to you when you start working for us and during your employment/engagement.

Data protection law protects personal information which is essentially any information from which an individual can be identified. There is a type of personal information which receives additional protection because of its sensitive or private nature, this is sometimes referred to as 'special category personal information' and means personal information about an individual's race, ethnic origin, political opinions, religious or philosophical beliefs, trade union membership (or non-membership), genetics information, biometric information (where used to identify an individual) and information concerning an individual's health, sex life or sexual orientation.

This information is collected either directly from you or sometimes from an employment agency or background check provider. We may sometimes collect additional information from third parties including former/other employers, credit reference agencies or other background check agencies, pension administrators, medical professionals, other employees, the Home Office, the Disclosure and Barring Service, intranet and internet facilities.

The information we will collect during your employment/engagement with us may include:

- your name, address and contact details*
- your date of birth*
- your gender
- your family details
- your education and qualifications*
- your skills, experience and membership of professional bodies*
- your National Insurance number and tax code*
- your emergency contact details and next of kin
- your bank details, payroll details and tax status information*
- your salary, annual leave, pension and benefits details
- evidence of your ability to work in the UK, your nationality and immigration status (three types of identification will need to be provided)*
- Welsh language ability
- information provided about you from your previous employer(s) and other referees
- your employment history

- information collected during the recruitment process that we retain during your employment
- your working terms and conditions (e.g. pay, hours of work, holidays, benefits, homeworking arrangements)
- details of any other offices or appointments or business interests you hold
- any accidents connected with work
- any training you have undertaken
- any flexible working requests
- any disciplinary, grievance or other issues relating to your employment/engagement or in relation to which you are able to provide information
- your attendance record and leave taken (e.g. holiday, flexi, sickness absence, family, special leave)
- your performance and probation reviews
- any other personal information you share with us, including lifestyle and social circumstances
- any reasonable adjustment(s) made to your role or your work under the Equality Act 2010
- Information about your use of our IT, communication and other systems

Some of the personal data requested will be because of a legal or contractual requirement to obtain and use the information or it is necessary for the information to be provided in order to be able to enter into a contract with you (this information is noted with an *above). Failure to provide certain information will prevent us from engaging you or from performing the contract entered into with you.

5 What purpose will we use your personal information for and what are our legal bases for doing so?

We use the personal information we hold about you for a number of different purposes, which we list below. Under data protection law we need to have a valid legal basis for using your personal information, we also set out below the legal bases which we will be relying upon.

We use the personal information we hold about you for the following reasons:

- to comply with and demonstrate compliance with our legal obligations, such as checking you are legally entitled to work in the UK, deducting PAYE and National Insurance contributions, complying with equality legislation and other employment laws
- to prevent fraud
- to comply with health and safety obligations
- to comply with and demonstrate compliance with any regulatory requirements

In these cases, the legal basis that we will be relying upon to process your personal information will be because it is necessary for us to do so to comply with our legal obligations.

We will also use the personal information we hold about you for the following reasons:

- to comply with and enforce our contract with you and inform you of any changes
- to pay you and provide you with any benefits you are entitled to including pension
- for general employment or contract administration purposes

In each of these cases the legal basis that we will be relying upon to process your personal information will be because it is necessary for the performance of the contract between us.

We will also use the personal information we hold about you for the following reasons:

- to deal with any disciplinary and grievance issues which may arise relating to you or in respect of which you may be able to provide relevant information
- to record your absences from work and your leave
- to review and manage your performance and development
- to enable business management and planning, including accounting and auditing
- to respond to reference requests
- to monitor compliance with any of our policies and procedures
- to conduct performance reviews, manage performance and determining performance requirements
- to make decisions about compensation
- to assess qualifications for a particular job or task, including decisions about promotions
- to make decisions relating to your employment or engagement
- to make arrangements for the termination of our working relationship
- to assess education, training and development requirements
- to monitor your use of our information and communication systems
- to ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution
- to conduct data analytics studies such as to review and better understand employee retention and attrition rates

In these cases the legal basis that we will be relying upon to process your personal information will be because it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in Estyn, as set out in legislation, namely, the Education Act 2005, the Learning and Skills Act 2000 and the Children Act 2004, as amended from time to time.

6 What special category personal information do we hold about you?

You may choose to disclose special category personal information to us. We will need to keep certain special category personal information in relation to you where it is relevant to your employment. This may include:

- racial or ethnic origins
- religious or philosophical beliefs
- membership of a trade union
- physical or mental health (including details of any known disability)
- sexual orientation
- character declaration
- social mobility
- commission or alleged commission of any offence, including the results of Disclosure and Barring Service (DBS) checks

7 What purpose we will use your special category personal information for and what are our legal bases for doing so?

We use the special category personal information we hold about you for a number of different purposes, which we list below. Data protection law prohibits us from processing any special category personal information unless we can satisfy at least one of the conditions laid down by data protection law. We also set out below the specific conditions we rely upon when processing special category data.

We use the special category personal information we hold about you to monitor equality and diversity. In this case the condition we rely upon for processing the information is to monitor equality and diversity which is necessary for reasons of substantial public interest, namely for the purposes of identifying or keeping under review the existence or absence of equality of opportunity or treatment between groups of people specified in relation to that category with a view to enabling such equality to be promoted or maintained.

We also use the special category personal information we hold about you for the following purposes:

- to comply with and demonstrate compliance with employment law and best practice and any other applicable laws
- to comply and demonstrate compliance with any regulatory requirements

- to deal with any disciplinary and grievance issues which may arise relating to you or others in respect of which you may be able to provide relevant information
- to record your absences from work
- to provide you with any health benefits you may be entitled to
- to assess your fitness for work
- to administer subscription deductions to salary for your trade union membership
- to make any reasonable adjustments to your role

In these cases, the conditions we rely upon for processing the information are because it is necessary for the purposes of carrying out the obligations and exercising specific rights in the field of employment law.

In cases where a claim has been brought against Estyn or there is a potential risk of a legal dispute or claim we may need to process your special category personal information where it is necessary for the establishment, exercise or defence of legal claims.

There may be circumstances where we need to process your special category personal information, particularly relating to your health, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent.

We envisage that we will hold some information about criminal convictions.

We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so. Where appropriate, we will collect information about criminal convictions as part of the recruitment process or we may be notified of such information directly by you in the course of you working for us.

We will only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary for reasons of substantial public interest, namely, preventing or detecting unlawful acts, protecting the public against dishonesty, safeguarding, preventing fraud or suspicion of terrorism or money laundering.

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

8 How long do we keep your information for?

To make sure we meet our legal data protection and privacy obligations, we only hold on to your information for as long as we actually need it for the purposes we acquired it in the first place.

In most cases, this means we will keep your information for as long as it is required as detailed in our [Records Retention and Disposal Policy](#).

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

9 Whom do we share your information with?

Your personal data will be held by Estyn. Your personal data will be shared internally with other individuals and/or departments where this is reasonably necessary for the processing purposes set out in section 5 above. For example, for Estyn employees it will be necessary to share some of your personal information with the Welsh Government's payroll processors in order to pay you. Inspectors will also have limited access to the profiles of other inspectors involved in inspections to effectively manage the inspection.

From time to time we will need to share your information with external people and organisations. We will only do so where we have a legitimate or legal basis for doing so and in compliance with our obligations under data protection laws.

Your information may be disclosed to:

- **the Welsh Government and their agents** to enable salaries and pensions to be calculated accurately
- **establishments we inspect** who will be provided with contact details of relevant Inspectors and other relevant staff to enable them to be contacted on inspection related matters
- **Her Majesty's Revenue and Customs (HMRC)** in connection with your pay and benefits
- **our bank and our BACs bureau** in connection with any payments made to you
- **pensions providers My Civil Service Pension** for providing and administering your pension
- **our payroll provider (via Welsh Government)** to enable us to pay you
- **companies and businesses who provide or administer any benefits we offer**, for example, if you have opted for childcare vouchers we'll share relevant information with the childcare voucher provider
- **other people who help us** to run our business, for example IT support providers
- **our insurers and insurance brokers** who provide us with comprehensive cover against the risks of running a business
- **employment and recruitment agencies and outplacement organisations**
- **professional bodies and regulators** such as the Government Statistical Service, the Privy Council.
- **statutory returns to government organisations** such as the Cabinet Office, Office for National Statistics, National Fraud Initiative.
- **Civil Service HR** to enable us to access services e.g. mediation and provide information on the composition of the civil service workforce

- **our professional advisors** including our auditors, Audit Wales, when carrying out internal and external audits
- **Occupational Health and other medical professionals including social and welfare organisations**, to provide us with medical opinions in relation to any medical condition, illness or disability you may have or develop during the course of your employment/engagement
- **the Police, local authorities, the courts** and any other government authority if they ask us to do so (but only if us doing so is lawful)
- **our professional advisors** when they need it to give us their professional advice
- **Disclosure and Barring Service (DBS) and Due Diligence Checking (DDC) DBS Umbrella company**
- **other people who make a subject access request**, where we are allowed to do so by law
- **complainants**, where this is necessary to respond to any complaints received
- **other people where we are legally obliged to do so**, e.g. to comply with a court order
- **prospective employers** in response to reference requests
- **educational establishments, examination bodies, course providers** in relation to any training you undertake or have undertaken
- **your family or representatives**

10 How do we keep your personal information secure?

We take various steps to protect your personal information while it is in our possession, including:

- Implementation of appropriate security measures to restrict access to our IT infrastructure both internally and through remote access
- Implementation of internal data security policies and training for members of staff in relation to such policies
- Staff undertake the mandatory civil service Responsible for Information training on a regular basis
- Regular reminders for members of staff about their responsibilities when processing, accessing or using personal data
- Regular reviews of our data security measures by our IT services provider
- Assurance from our contracted IT services suppliers who may handle your personal data that they have robust systems keeping your data safe
- Confirmation from our IT service providers that data is being collected and processed lawfully and without infringement of an individual's rights and freedoms
- Regular disaster recovery exercises to ensure that we can respond to a cyber-attack or data security incident quickly, effectively and without risk of breaching data protection
- Maintaining Annual Cyber Essentials accreditation to guard against the most common cyber threats

- Implementation of software updates to protect against ransomware and other cyber attacks
- Encryption of portable devices containing any personal data
- Robust access policies on mobile phones to prevent unauthorised access

11 What rights do you have under data protection law?

Under data protection law, you have several different rights relating to the use of your personal information. The table below contains a summary of those rights and our obligations. More information about your rights and our obligations can be found on the ICO website <https://ico.org.uk/>.

- 1 **A right to be informed** – Individuals have the right to be informed about the collection and use of their personal data. We must provide individuals with information including: our purposes for processing their personal data, our retention periods for that personal data, and who it will be shared with.
- 2 **A right of access** – This is a right to obtain access to your personal data and various supplementary information. We must provide you with a copy of your personal information and the other supplementary information without undue delay and in any event within 1 month of receipt of your request. We cannot charge you for doing so save in specific circumstances (such as where you request further copies of your personal information).
- 3 **A right to have personal data rectified** – This is a right to have your personal information rectified if it is inaccurate or incomplete. We must rectify any inaccurate or incomplete information without undue delay and in any event within 1 month of receipt of your request. If we have disclosed your personal information to others, we must (subject to certain exceptions) contact the recipients to inform them, that your personal information requires rectification.
- 4 **A right to erasure** – This is a right to have your personal information deleted or removed. This right only applies in certain circumstances (such as where we no longer need the personal information for the purposes for which it was collected). We have the right to refuse to delete or remove your personal data in certain circumstances. If this right applies, we must delete or remove your personal information without undue delay and in any event within 1 month of receipt of your request. If we have disclosed your personal information to others, we must (subject to certain exceptions) contact the recipients to inform them that your personal information must be erased.
- 5 **A right to data portability** – This is a right to obtain and re-use your personal information for your own purposes. It includes a right to ask that your personal information is transferred to another organisation (where technically feasible). This right only applies in certain limited circumstances. If this right applies, we must provide your personal information to you in a structured, commonly used and machine-readable form. Again, we must act without undue delay and in any event within 1 month of receipt of your request. We cannot charge you for this service.

- 6 **A right to object** – This is a right to object to the use of your personal information. The right applies in certain specific circumstances only. You can use this right to challenge our use of your personal information based on our legitimate interests or where processing is necessary for the performance of a task carried out in the public interest or the exercise of official authority vested in us. You can also use this right to object to use of your personal information for direct marketing. If you object to us using your personal information for direct marketing, we must stop using your personal information in this way as soon as we receive your request. If you object to other uses of your personal information, whether we have to stop using your personal information will depend on the particular circumstances.
- 7 **A right to object to automated decision making** – This is a right not to be subject to a decision which is made solely on the basis of automated processing of your personal information where the decision in question will have a legal impact on you or a similarly significant effect. Where such a decision is made, you must be informed of that fact as soon as reasonably practicable. You then have 21 days from receipt of the notification to request that the decision is reconsidered or that a decision is made that is not based solely on automated processing. Your request must be complied with within 21 days.
- 8 **A right to restrict processing** – This is a right to ‘block’ or suppress processing of your personal information. This right applies in various circumstances, including where you contest the accuracy of your information. If we are required to restrict our processing of your personal information, we will be able to store it but not otherwise use it. We may only retain enough information about you to ensure that the restriction is respected in future. If we have disclosed your personal information to others, we must (subject to certain exceptions) contact them to tell them about the restriction on use.

If you wish to exercise any of your rights, you can make a request by contacting our Data Protection Officer, details can be found below.

If you request the exercise of any of your rights, we are entitled to ask you to provide us with any information that may be necessary to confirm your identity.

For further information please refer to our Access to Information policy.

12 Your right to withdraw consent

If you have given us your consent to use any of your personal information, you can withdraw your consent at any time. To do so, please email humanresources@estyn.gov.wales or contact our Data Protection Officer, details can be found below.

13 Accuracy

If any of your personal details change during your employment/engagement you should contact the HR team or amend your Tensor record and Inspector Profile, if applicable, to notify them and provide them with the updated accurate information. We will as a matter of course send an email out annually to remind everyone of the need to ensure that the personal data you have provided to us is accurate.

14 How you can get in touch with us?

You are welcome to get in touch with us to discuss your information at any time. Our Human Resources team would be happy to help.

We have appointed a Data Protection Officer (DPO) to oversee our compliance with data protection law and this privacy notice. Their details are below. If you have any questions about this privacy notice, how we handle your personal information or if you wish to make a complaint, please contact our DPO.

You can get in touch with us in the following ways:

Postal address	Data Protection Officer, Estyn, Anchor Court, Keen Road, Cardiff, CF24 5JW	Human Resources, Estyn, Anchor Court, Keen Road, Cardiff, CF24 5JW
Email address	enquiries@estyn.gov.wales	HumanResources@estyn.gov.wales
Phone number	029 2044 6446	029 2044 6336

15 Right to complain to the Information Commissioner's Office

If we are unable to deal with a complaint to your satisfaction or if you are unhappy with the way we are using your personal data, you also have the right to make a complaint at any time to the UK's supervisory authority for data protection issues, the Information Commissioner's Office.

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 0303 123 1113 or 01625 545745

Email: casework@ico.org.uk