



## **Privacy Policy for Candidates**

**Date of Last Review:** February 2020

**Date of Next Review:** May 2021

**Responsibility:** Data Protection Officer

**All policies within the trust must serve to further our Vision and Pillars, summarised below.**

**Our vision:**

To ensure welcoming and open schools for the local community, where every person thrives, makes excellent progress and succeeds.

**Our Pillars:**

Ethical and empowered Leaders and Governors

High Aspirations for all

A relentless focus on high quality curriculum and provision

A commitment to closing gaps in achievement

A commitment to developing staff and nurturing their well being

Ensuring the highest standards of behaviour for learning

Using research to drive up standards in teaching and learning

Protecting and developing the whole child

## **1 Overview**

- 1.1 Education for 21<sup>st</sup> Century ('the Trust') takes the security and privacy of your data seriously. We need to gather and use information or 'data' about you as part of our business and to manage our relationship with you. We intend to comply with our legal obligations under the Data Protection Act 2018 (the '2018 Act') and the EU General Data Protection Regulation ('GDPR') in respect of data privacy and security. We have a duty to notify you of the information contained in this policy.
- 1.2 This policy applies to individuals who are applying for work with the Trust (whether as an employee, worker or contractor). If you fall into this definition then you are a '**data subject**' for the purposes of this policy.
- 1.3 The Trust is a '**data controller**' for the purposes of your personal data. This means that we determine the purpose and means of the processing of your personal data.
- 1.4 This policy explains how the Trust will hold and process your information. It also explains your rights as a data subject.
- 1.5 It is intended that this policy is fully compliant with the 2018 Act and the GDPR. If any conflict arises between those laws and this policy, the Trust intends to comply with GDPR.

## **2 Data Protection Principles**

- 2.1 The Trust will comply with the GDPR which provides that personal data must be:

- processed fairly, lawfully and transparently;
- collected and processed only for specified, explicit and legitimate purposes;
- adequate, relevant and limited to what is necessary for the purposes for which it is processed;
- accurate and kept up to date. Any inaccurate data must be deleted or rectified without delay;
- kept for no longer than is necessary for the purposes for which it is processed;
- processed securely.

### 3 Personal Data

3.1 **'Personal data'** means information which relates to a living person who can be identified from that data (a **'data subject'**) on its own, or when taken together with other information which is likely to come into our possession. It includes any expression of opinion about the person and an indication of the intentions of us or others, in respect of that person. It does not include anonymised data.

3.2 We will collect, store and use the following types of personal data about you:

- The information you have provided to us in your CV, application form and covering letter;
- The information you have provided to us in the application process including, name, title, address, telephone number, personal email address, date of birth, gender, employment history, qualifications, teacher number and pension information.
- Any information you provide to us during an interview; and

3.3 We may also collect, store and use **'special categories of personal data'** consisting of information as to:

- your racial or ethnic origin;
- your political opinions;
- your religious or philosophical beliefs;
- your trade union membership;
- your genetic or biometric data;
- your health;
- your sex life and sexual orientation; and
- any criminal convictions and offences.

3.4 This policy applies to all personal data whether it is stored electronically, on paper or on other materials.

#### **4 Collecting personal data**

4.1 We may collect personal data from:

- you, the candidate;
- recruitment agencies;
- background check providers;
- credit reference agencies;
- your named referees; and

4.2 If you fail to provide information when requested, which is necessary for us to consider your application (such as evidence of qualifications or work history), we will not be able to process your application successfully and may not be able to take your application further.

#### **5 Processing personal data**

5.1 **'Processing'** means any operation which is performed on personal data such as:

- collection, recording, organisation, structuring or storage;
- adaption or alteration;
- retrieval, consultation or use;
- disclosure by transmission, dissemination or otherwise making available;
- alignment or combination; and
- restriction, destruction or erasure.

This includes processing personal data which forms part of a filing system and any automated processing.

5.2 The Trust will process your personal data (including special categories of personal data) in accordance with our obligations under the 2018 Act and the GDPR.

5.3 Most commonly, the Trust will use your personal data for:

- complying with any legal obligation; or
- if it is necessary for our legitimate interests (or for the legitimate interests of someone else) and your interests and fundamental rights do not override those.

5.4 Please note that we may process your personal data for the purposes set out at paragraph 5.3 above without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## **6 Examples of when we might process your personal data**

6.1 Examples of the situations in which we may process your personal data are listed below:

- To assess your skills, qualifications, and suitability for the role;
- To carry out background and reference checks, where applicable;
- To communicate with you about the recruitment process;
- To keep records relating to our hiring processes; and
- To comply with legal or regulatory requirements.

6.2 It is in our legitimate interests to decide whether to appoint you for a particular vacancy since it would be beneficial to our business to appoint someone for the vacancy.

6.3 We will only use your personal data for the purposes for which we collected it. If we need to use your personal data for an unrelated purpose, we will notify you and explain the legal basis which allows us to do so. We will not use your personal data for an unrelated purpose without telling you about it and the legal basis that we intend to rely on for processing it.

## **7 Examples of when we might process special categories of personal data**

7.1 Special categories of personal data (see paragraph 3.3 above) require higher levels of protection.

7.2 We may process special categories of personal data in the following circumstances:

- in limited circumstances, with your explicit written consent;
- where we need to carry out our legal obligations or exercise rights in connection with employment; or
- where it is needed in the public interest.

7.3 We may use special categories of personal data in the following ways

- Information about your disability status to consider whether we need to provide appropriate adjustments during the recruitment process;

- Information about your race, national or ethnic origin, religion, philosophical or moral beliefs, sexual orientation or gender to ensure meaningful equal opportunities monitoring and reporting;

7.4 We do not need your consent if we use special categories of your personal data in accordance with this policy to carry out our legal obligations or exercise specific rights in the field of employment law.

## **8 Automated decision-making**

8.1 We do not envisage that you will be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

## **9 Sharing your personal data**

9.1 Sometimes we may have to share your personal data with our contractors and agents, including third-party service providers for our legitimate interests.

9.2 We require those companies to take appropriate security measures to keep your personal data confidential and secure and to protect it in accordance with the law and our policies. They are only permitted to process your data for the lawful purpose for which it has been shared and in accordance with our instructions.

9.3 We do not send your personal data outside the European Economic Area. If this changes you will be notified of this and the protections which are in place to protect the security of your data will be explained.

## **10 Data security**

10.1 We have robust measures in place (as set out in this policy) to minimise and prevent data breaches from taking place.

10.2 Should a breach or suspected breach of personal data occur (whether in respect of you or someone else) then will notify you and any applicable regulator where we are legally required to do so.

10.3 If you are aware of (or suspect) a data breach you must contact the Data Protection Officer immediately and keep any evidence you have in relation to the breach.

## **11 Data retention**

11.1 We will retain your personal information for a period of 1 academic year after we have communicated to you our decision about whether to appoint you. We retain your personal information for that period so that we can show, in the event of a legal claim, that we have not discriminated against candidates on prohibited grounds and that we have conducted the recruitment exercise in a fair and transparent way. After this period, we will securely destroy your personal information in accordance with the Trust's Retention Policy, applicable laws and regulations.

## **12 Your data subject rights**

12.1 In certain circumstances, by law you have the right to:

- Request access to your personal data (commonly known as a “data subject access request”). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- Request correction of the personal data that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- Request erasure of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have exercised your right to object to processing (see below).
- Object to processing of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground.
- Object to processing of your personal data for direct marketing purposes.
- Request the restriction of processing of your personal data. This enables you to ask us to suspend the processing of personal data about you, for example if you want us to establish its accuracy or the reason for processing it.
- Request the transfer of your personal data to another data processor.

12.2 If you want to review, verify, correct or request erasure of your personal data, object to the processing of your personal data, or request that we transfer a copy of your

personal data to another data processor, please contact the Data Protection Officer in writing.

- 12.3 You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.
- 12.4 You have the right to complain to the Information Commissioner. You can do this by contacting the Information Commissioner's Office directly. Full contact details including a helpline number can be found on the Information Commissioner's Office website ([www.ico.org.uk](http://www.ico.org.uk)). This website has further information on your rights and our obligations.
- 12.5 Where you have provided your consent to the collection, processing and transfer of your personal data, you have the right to withdraw your consent for specific processing at any time. To withdraw your consent, please contact the Data Protection Officer. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

### 13 Data Protection Officer

- 13.1 If you have any questions about this privacy notice or how we handle your personal data, please contact the Data Protection Officer, Mr R. Carling, [rcarling@e21c.co.uk](mailto:rcarling@e21c.co.uk), telephone number 0208 460 0083.

I confirm that I have read and understood the contents of the above Data Protection Policy and consent to the collection, processing and transfer of my personal data as set out above.

Signed:.....

Name: .....

Date: .....