Staffordshire University Academies Trust

Privacy Notice for Job Applicants

Your personal data

Tynsel Parkes CE Primary Academy is committed to protecting the privacy and rights of anyone who shares their personal data with us. Under data protection laws, individuals have a right to be informed about how we use the personal data that we hold about them; privacy notices (sometimes called fair processing notices) are used to provide this information. Individuals can find out more information about the UK GDPR here.

This privacy notice explains what personal information the Academy collects and holds about the workforce. It explains why we hold this information, what we do with it, how long we keep it for and if we share it with anyone else. The Academy is the Data Controller; this means that we determine the purposes for which, and the manner in which, personal data relating to staff members is processed in order to comply with our legal and official functions as an employer and educational establishment.

A data protection representative for the Academy, Mrs Sandbach, can be contacted on 01889 221920 office@tynselparkesacademy.co.uk in the first instance for any queries in relation to the processing of your personal data.

Staffordshire University Academies Trust has a Data Protection Officer whose role is to support the Trust and its' Academies with data processing practices. The DPO can be contacted on 01782 987120 or dpo@suatrust.co.uk. The information you provide will be used in accordance with the Staffordshire University Academies Trust data protection policies can be found by accessing the Trust's website - http://www.suatrust.co.uk/documents---policies. Please note that this privacy notice may be updated at any time.

The personal data we process

The personal information that the Academy collects regarding job applicants will be utilised to meet our statutory duties and to fulfil our purpose as a public sector organisation. It will also be used to assess your suitability for the position applied for.

We process data relating to those who apply for a position within the Trust. Personal data that we collect, use, store and when appropriate, share, about you includes (as relevant to the position being applied for), but is not restricted to:

- Personal information including name, address, date of birth, gender, contact telephone number and email address
- Teacher number, QTS, DfES reference number, previous teaching experience (where relevant)
- National insurance number
- Employment history
- References (name, contact information, and written reference)
- Qualifications and where relevant, subjects taught
- CPD and training (including course name, awards, date of attendance)
- Data relating to warnings
- Data relating to child protection and safeguarding incidents
- Whether you have any prosecutions pending
- Information collected during the recruitment process that we retain during your employment including proof of right to work in the UK, information entered on the application form, CV, qualifications
- Call recordings to and from the Academy
- Whether you have a driving licence, and any points on your licence
- Information about any incidents or issues that have happened and are publicly available online

We may also collect, store and use information about you that falls into "special categories" of more sensitive personal data. This includes information about (where applicable):

- Race, ethnicity, religious beliefs, sexual orientation
- Health, including any medical conditions, physical and mental health information, and sickness records

- Data relating to disability
- Criminal conviction and offences data, provided as part of our recruitment process application and as required by law to enable you to work with children
- Demographic information required for monitoring equal opportunities

Why we collect and use personal information

When you complete the application form and accompanying documentation as part of our recruitment process, you will be providing the Academy with personal data for the purpose of helping us to appoint a suitable candidate, including to:

- Comply with safer recruitment practices and legal obligations to keep children safe in education;
- Inform the development of recruitment and retention policies;
- Allow financial modelling and planning;
- Enable equalities monitoring;
- Ensure staff and children are safe in the workplace;
- Maintain security on the premises to safeguard staff and children.

The Academy collects information regarding job applicants to adhere to safer recruitment requirements and safeguarding obligations.

DBS data will be verified in accordance with the latest Keeping Children Safe in Education guidance and job offers will be subject to satisfactory DBS. No copies of DBS certificates will be taken however verification of such checks will be recorded on the Academy's single central record on appointment.

The Academy collects information regarding race, ethnicity, religious beliefs and sexual orientation for equality monitoring purposes. We may also collect information about whether or not applicants are disabled to make reasonable adjustments for candidates who have a disability. We process such information to carry out obligations and exercise specific rights in relation to employment.

The Academy collects information regarding health, including any medical conditions, physical and mental health information, and sickness records through our PEAQ form. This form will only be reviewed if you are the preferred candidate for the post which you have applied for and will support the Academy in assessing your fitness for work and provide support to you in your post through occupational health consultancies.

We may also need to process data from job applicants to respond to and defend against legal claims.

Where we require your consent for collecting data, this will be specified on the form for the request of data. Where you have provided us with consent to use your data, you may withdraw this consent at any time. We will make this clear when requesting your consent, and explain how you go about withdrawing consent if you wish to do so.

Whilst the majority of personal information you provide to us is mandatory, some of it is requested on a voluntary basis. In order to comply with the UK GDPR, we will inform you at the point of collection, what information is needed whether consent is required to provide this information and who you should speak with if you have any queries about sharing information with us.
Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information. If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you, or we may be prevented from complying with our legal obligations.

Our lawful basis for using this data

The data of job applicants is essential for the Academy's operational use to facilitate safer recruitment practices and ensure that the successful candidate can be recruited into the role applied for.

We only collect and use personal information about you when the law allows us to. Most commonly, we use it where:

- We need to comply with a legal obligation (Article 6(1)c) e.g. it is mandatory to check a successful applicant's eligibility to work in the UK before employment begins
- Where we need to carry out a task in the public interest (Article 6(1)e)
- Where we have a legitimate interest (Article 6(1)f)

Less commonly, we may also use personal information about you where:

- You have given us consent to use it in a certain way (Article 6(1)a)

- We need to protect your vital interests, or someone else's vital interests (Article 6(1)d)
- As a recognised legitimate interest under the Data Use and Access Act

We will also use your data if you are successful in your application, where we require it to fulfil a contract with you (contract of employment), under Article 6(1)b.

We collect data which is specified under the UK General Data Protection Regulation as Special Category Data, known as data that could be considered particularly sensitive. This means that, under the UK GDPR, we have obligations to keep this data secure and use it where:

- We have explicit consent (Article 9(a))
- Employment, social security and social protection permits (Article 9(b))
- We need to protect the vital interests of an individual (Article 9(c))
- We have a legitimate interest as a not for profit organisation (Article 9(d))
- For the safeguarding of children and individuals at risk (Paragraph 18, Schedule 1, Data Protection Act 2018)

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Some of the reasons listed above for collecting and using personal information about you overlap, and there may be several grounds which justify the Academy's use of your data.

Collecting applicant information

Job applicants' personal data will be sought from the data subject themselves, for example, via application forms, identity documents, information collected through interviews and other forms of assessment. Third parties will be contacted to obtain job applicants' personal data with the data subject's consent, unless the Academy has a legal basis for obtaining the data without consent. Previous employers will be contacted to obtain personal information in the form of references of the data subject, to enable the Academy to fulfil its' legal duties to ensure that safer recruitment practices are adhered to. We may also review information which is publicly available online, regarding any incidents or issues that have happened.

Applicant data is essential for the Academy's use to determine your suitability for the role applied for and based on safer recruitment practices. Whilst the majority of personal information you provide to us is mandatory, some of it is requested on a voluntary basis. In order to comply with UK GDPR, we will inform you at the point of collection, whether you are required to provide certain information to us or if you have a choice in this.

Storing applicant information

We hold application data throughout your period of employment and for 6 years after the cessation of your employment if successful, or for a period of 6 months if unsuccessful. Personal information that is no longer needed, or has become inaccurate or out of date, is disposed of securely in accordance with our retention policy. Once your application has been submitted we will retain this file and delete the information in it in accordance with our Retention and Records Management Policy. Your data will be stored securely on our internal network.

For candidates who are unsuccessful, if we consider that you might be suitable for other roles in the future, we will add you to our 'talent pool' so that we can contact you about other roles in the future. We will keep your information in this talent pool for 12 months from the date that you applied for a position with us. We will advise you during the recruitment process regarding whether we will add your personal information to our talent pool and you can consent to the Trust / Academy retaining your data within our application form.

If you do not want us to keep your details for this purpose, please email office@suatrust.co.uk to withdraw your consent, or let us know at any stage of the recruitment process.

The Academy will not share your personal information with any third parties without your consent, unless the law allows us to do so. Where it is legally required, or necessary (and it complies with data protection law) we may share personal information. Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

If you require further information regarding retention of data, and the periods for which your personal data is held for, please download our Record Management and Retention Policy from the Trust website http://www.suatrust.co.uk/documents---policies or request a copy from the Academy's Data Protection Representative.

Who we share personal information with

Your information may be shared for the purposes of the recruitment exercise. This includes members of the HR and administration team, the Trust as the employer, interviewers involved in the recruitment process, including governors, and also former employers to obtain references for you.

Where it is legally required, or necessary for another reason permitted under data protection law, we may share personal information with;

- Our local authority, Staffordshire County Council
- The Department for Education
- Referees
- Other schools
- The DBS
- Recruitment and supply agencies
- The multi academy trust and other schools within the Trust
- Suppliers and service providers, including professional bodies, professional advisers and consultants – so that they can provide the services we have contracted them for, for example, employment background check providers and solicitors and/or insurance providers managing legal claims
- Our auditors

Rights of individuals

The UK-GDPR gives you certain rights about how your information is collected and used. This includes the right to the following in certain circumstances:

- Not be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect on you.
- To be informed about the collection and use of your personal data – this is called 'right to be informed'.
- To ask us for copies of personal information we have about you – this is called 'right of access', this is also known as a subject access request, data subject access request or right of access request.
- To ask us to change any information you think is not accurate or complete – this is called 'right to rectification'.
- To ask us to delete your personal information – this is called 'right to erasure'
- To ask us to stop using your information – this is called 'right to restriction of processing' i.e. permitting data to be stored but not processed any further.
- To object to processing of your information.
- To withdraw consent at any time (where relevant).

There are legitimate reasons why we may refuse your information rights request, which depends on why we are processing it. For example, some rights will not apply:

- The right to erasure does not apply when the lawful basis for processing is legal obligation or public task.
- The right to portability does not apply when the lawful basis for processing is legal obligation, vital interests, public task or legitimate interests.
- The right to object does not apply when the lawful basis for processing is contract, legal obligation or vital interests. And if the lawful basis is consent, you don't haven't the right to object, but you have the right to withdraw consent.
- The right to access shall be subject to the relevant exemptions. **This includes where a reference is received or provided and marked as a confidential reference. The reference which is given or received shall be exempt from issue in response to a subject access request where this is given in confidence.**

If you want to request access to the personal information we hold about you, please email office@tynselparkesacademy.co.uk

If you are concerned about the way we are collecting or using your information, please raise your concern with the Academy's DPL in the first instance. You can also contact the ICO at https://ico.org.uk/concerns or via the following means:

- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

How to withdraw consent and lodge complaints

Where our Academy processes your personal data with your consent, you have the right to withdraw your consent at any time.

If you change your mind or are unhappy with how our school uses your personal data, you should let us know by contacting the Data Protection Lead. We take any complaints about our collection and use of personal information very seriously.

Updating this privacy notice

We may need to update this privacy notice periodically if we change how we collect and process data. The Academy will inform you when this privacy notice has changed; however, we also recommend that you revisit this privacy notice periodically.

How can you find out more information?

If you would like to discuss anything in this privacy notice, please contact our Data Protection lead or visit our website www.tynselparkesacademy.co.uk