



## **Privacy Notice**

### **For Job Applicants**

#### **Introduction**

Under the applicable UK data protection law, individuals have a right to be informed about how the school uses any personal data we hold about them. We comply with this right by providing 'privacy notices' to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about individuals applying for jobs at our school. We have other privacy notices that detail how we process personal data in other situations – for example, about our pupils and their families and guardians, about our workforce (including our staff, contractors and governors) and about our visitors. These can be found on our school website or you can ask the school office to provide you with a copy (see contact details below).

We, Westbury on Trym Church of England Academy (Westbury on Trym CE Academy), are the 'data controller' for the purposes of the applicable UK data protection law. This means that we are responsible for deciding how and why we hold and use personal data about you.

Our Data Protection Officer is provided by i-West (see 'Contact us' below).

This notice applies to current and former job applicants. We may update this notice at any time.

It is important that you read this notice, together with any other separate specific privacy notices that we may provide on particular occasions when we are collecting or processing personal data about you, so that you are aware of how and why we are using such information.

Successful candidates should refer to our privacy notice for the school workforce for information about how their personal data is collected, stored and used.

#### **The personal data we hold about you**

Personal data means that any information about an individual from which that person can be identified. It does not include information from which an individual can no longer be identified (anonymous data).

The categories of personal data that we collect, store and use about those applying to work at our school. Personal data that we may collect, use, store and share (when appropriate) about you includes:

- Application forms
- Contact details
- Copies of right to work and identity documentation
- References
- Evidence of qualifications
- Employment records, including work history, job titles, training records and professional memberships
- Closed Circuit Television (CCTV) footage
- We may live stream interviews via an online platform, we will advise you if it is to be recorded

We also collect, store and use information about you that falls into "special categories" of more sensitive personal data. Special category data is personal data revealing:

- racial or ethnic origin
- political opinions
- religious or philosophical beliefs
- genetic data
- biometric data for the purpose of uniquely identifying a natural person (for example fingerprints or voice recognition software)
- data concerning health or
- data concerning a natural person's sex life or sexual orientation.



## Why we use this data

The purpose of processing this data is to aid the recruitment process by:

- Enabling us to establish relevant experience and qualifications and information provided to assist us to appoint the most suited candidates for the advertised position
- Facilitating safe recruitment, as part of our safeguarding obligations towards pupils
- Enabling equalities monitoring
- Ensuring that appropriate access arrangements can be provided for candidates that require them

## Our lawful basis for using this data

We only collect and use personal information about you when the law allows us to.

Data Protection law requires us to have a lawful reason ('lawful basis') for processing all the personal data we use. These reasons are listed under Article 6 of the General Data Protection Regulation (GDPR). Our lawful basis for processing will be explained at the point at which we collect personal information unless there is a lawful reason not to do so (for example where it is for the prevention or detection of crime).

Westbury on Trym CE Academy processes a wide range of personal data for a variety of purposes, as described above. The lawful bases we use in relation to our workforce are:

- To take steps to enter into and perform a contract with you (e.g. employment contract with you)
- We need to comply with the law (we have a legal obligation)
- We need to carry out a task in the public interest or for such other official purposes
- Where it is in ours, or a third party's, legitimate interests to process the data. Where this is the case, we will ensure that we have considered whether our legitimate interests or those of a relevant third party are overridden by your rights and freedoms as the job applicant. Specifically, Westbury on Trym CE Academy has a legitimate interest in:
  - Providing educational services to our pupils
  - Safeguarding and promoting the welfare of our pupils
  - Making sure that we are able to enforce our rights
  - Facilitating the efficient operation of our school

If you object to us using your information where we are relying on our legitimate interests as explained above please contact the school office or Academy Business Manager.

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

- You have given us consent to use it in a certain way
- We need to protect your vital interests (or someone else's interests). For example, a life and death type situation or where someone is seriously hurt.

Where we process special category data we need an additional legal basis to do so, under Article 9 of the GDPR. Those types of data require higher levels of protection. The legal bases we mainly use to process special category data are:

- Where it is necessary to process your information to carry out our legal obligations or exercise our rights under employment law and we do so in accordance with our school Data Protection Policy, Records Management Policy and Information Security Policy and / or other relevant policies.
- Where it is necessary to process your information in the substantial public interest and we do so in accordance with our school Data Protection Policy, Records Management Policy, Information Security Policy and / or other relevant policies. Our processing for these purposes include where we use the personal data:
  - For statutory and government purposes (e.g. Ofsted, DfE)
  - For equality of opportunity or treatment (e.g. for equal opportunities monitoring purposes generally and also to ensure racial and ethnic diversity at senior levels of the organisation).



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- To prevent or detect unlawful acts
- To prevent or detect fraud
- Where it is necessary to protect you or another personal from harm
- For public health reasons
- In limited circumstances, with your explicit consent.
- For the purpose of medical diagnosis and prevention (e.g. school nurse team, ensuring staff are aware of allergies where relevant to your interview process)
- Where the processing is necessary to assess your working capacity on health grounds, provided that our processing is subject to appropriate confidentiality safeguards and in compliance with the applicable UK data protection legislation.
- To protect your vital interests (or someone else's vital interests) and where you or they are not capable or giving consent (e.g. where you are unconscious and in need of medical assistance), and where your health data is then shared)
- Where we need to process the information in relation to legal claims
- Where the information has been deliberately made public by you
- Where we need to process the information for national security reasons.

Please refer to our Special Categories of Personal Data Policy contained within our Data Protection Policy for further information as to how we process special category 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 (see more below).

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

### **Information about criminal convictions and offences**

We only collect and use information relating to criminal convictions and offences where the law allows us to do so and where it is appropriate for your role.

We process information relating to criminal convictions and offences in the following circumstances:

1. Where the processing is necessary to carry out our legal obligations and exercise our rights and provided we do so in line with our school Data Protection Policy and / or other relevant policies. This will usually be in relation to safeguarding, including looking after our pupils and staff, preventing fraud, supporting law enforcement agencies, and maintaining health and safety.
2. Where you have given your consent
3. Where the processing is necessary to protect your vital interests (or someone else's vital interests) and you or they are not capable of giving consent
4. Where the processing is necessary in relation to legal claims
5. Where you have already made the information public
6. We will collect information from the Disclosure and Barring Service (DBS) about criminal convictions as part of the recruitment process. We will collect information about your criminal convictions history if we would like to offer you the work or role (conditional on checks and any other conditions, such as references, being satisfactory). We are required to carry out a criminal records check in order to satisfy ourselves that there is nothing in your criminal convictions history which makes you unsuitable for the role. In particular:
  - We are legally required to carry out criminal record checks for those working in school.

We have in place appropriate safeguards which we are required by law to maintain when processing such data.



We will also hold the details of any criminal convictions or cautions that you may have provided and the results of any DBS checks. We do not retain DBS certificates themselves.

### **Automated decision-making**

Automated decision-making (including profiling) takes place when an electronic system uses personal data to make a decision without human intervention.

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making.

### **Collecting this information**

As part of the recruitment process, we are required to collect certain information from you to comply with our legal responsibilities and mandatory fields on application forms must be fully completed. However, there is some information that you can choose whether or not to provide to us, for example information required in connection with equal opportunities monitoring. Whenever we seek to collect information from you, we make it clear whether you must provide this information (and if so, what the possible consequences are of not complying), or whether you have a choice.

### **How we store this information**

Personal data we collect as part of the job application process is stored in line with our data retention / records management policy, which is available upon request. For unsuccessful candidates the information is retained for 6 months after the date of the appointment. For successful candidates this is held for the duration of your employment, plus 6 years after termination of your employment, unless there is good reason for us to retain it for a longer period – for example in conjunction with our safeguarding responsibilities or if notified of a legal claim.

When it is no longer required, we will delete or securely dispose of your information.

### **Who we share information with**

We do not share information about you with any third party without your consent, unless the law permits or requires this.

Your information will be shared:

- Internally within the school, for example with members of the recruitment team, with senior managers or school governors who are involved in the recruitment process, for the purposes that are set out in this Privacy Notice.
- With third party data processors, including third party service providers such as IT and cloud service providers or service providers that we have contracted for HR or recruitment support. We require those third parties to respect the security of your data and treat any such disclosures in accordance with the applicable UK data protection legislation. When they do so, they will be processing your personal data on our behalf, and we will remain responsible for deciding how and why they hold and use personal data about you. We do not allow data processors to use your personal data for their own purposes.
- Where it is legally required, or necessary as part of the recruitment process (and it complies with data protection law), we may share personal information about you with third party data controllers:
  - Our local authority or other statutory bodies – to meet our legal obligations to share certain information with it, such as shortlists of candidates for a headteacher position
  - Professional advisers and consultants



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- Employment and recruitment agencies
- With former employers. Where your application for employment is successful and we make you an offer of employment. We will share your information, for example, with former employers to obtain references for you, with employment background check providers and with the DBS to obtain necessary criminal records checks.

When we do so, they then become responsible for deciding how and why they hold and use personal data about you. They should also provide you with their own privacy notice to explain what personal data they hold relating to you, how you can expect your personal data to be used by them and for what purposes.

- Where we have another legitimate business interest in doing so, for example, to obtain references about you (for example, in relation to academic performance, qualifications or experience).
- Where we are permitted to do so under the exemptions under the applicable data protection legislation (for example to regulators, law and tax enforcement agencies and fraud prevention agencies).

Where it is necessary for the purpose of, or in connection with, any legal proceedings (including prospective legal proceedings) for the purpose of obtaining legal advice, or it is otherwise necessary for the purposes of establishing, exercising or defending legal rights.

*Please see more detailed information below about all of these data sharing situations.*

### **Transferring data internationally**

Some of the external third parties we share personal data with are based outside the United Kingdom (UK) and / or the European Economic Area (EEA) so the processing of your personal data may involve a transfer of data outside the UK and / or the EEA.

Where we transfer personal data to a country or territory outside the UK or EEA, we will do so in accordance with the applicable UK data protection law by ensuring at least one of the following safeguards is implemented:

- a) A transfer of your personal data to countries that the UK government have deemed to provide an adequate level of protection for personal data. For further details, see the information about adequacy decisions on the UK ICO website).
- b) Where we use certain suppliers, we may use specific contracts approved by the UK government that give personal data the same protection that it has in the UK. For further details, see the information about model contracts for the transfer of personal data to third countries on the UK ICO website.

If you require further information about our international transfer of personal data and the protective safeguards and measures that we have in place, please contact the school office.

### **If you fail to provide personal data**

If you fail to provide certain information when requested, which is necessary for us to consider your application (such as evidence of qualifications or work history), we may be prevented from processing your application properly or at all; or from entering into a contract of employment with you if you are successful in your application; or from complying with our legal obligations (such as to ensure that you are legally entitled to work in the UK. For example, when we request references for a role and you fail to provide us with the relevant details, we will not be able to take your application further.





### **Change of purpose**

We will only use your personal data 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 data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your consent if one or more of the other reasons for processing your personal data set out in this Job Applicant Privacy Notice apply. We may also process your personal data without your knowledge in some limited situations where an appropriate exemption under the applicable data protection legislation applies. For example, where we are asked to share information with law enforcement agencies or HMRC as part of their investigations. In these situations, we would however comply with the applicable UK data protection legislation.

### **Data security**

We have put in place appropriate security measures to prevent your personal data from being accidentally or unlawfully used, destroyed, lost, altered, disclosed or accessed.

In addition, we limit access to your personal data to those of our employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions, and they are subject to a duty of confidentiality. They must also comply with their obligations under the applicable data protection legislation.

We have put in place procedures to deal with any suspected data security breach and will notify you and any other applicable regulator of a suspected breach without undue delay where we are legally required to do so.

### **How to access the personal information we hold about you**

Individuals have the right to request access to information about them that we hold. This is known as making a Subject Access Request (SAR). If you make a subject access request, and if we hold information about you, we will:

- Give you a description of it
- Tell you why we are holding and processing it, and how long we will keep it for
- Explain where we got it from, if not from you
- Tell you who it has been, or will be, shared with
- Let you know whether any automated decision-making is being applied to the data, and any consequences of this
- Give you a copy of the information in an intelligible form within a month, unless an extension is necessary on the grounds of the complexity of the request.

You may also have the right for your personal data to be transmitted electronically to another organisation in certain circumstances. If you would like to make a request, please contact the school office at [info@westburyontrym.academy](mailto:info@westburyontrym.academy).

### **Your other rights regarding your data**

Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe. You have the right to:

- Request to have personal data rectified if you feel it is inaccurate or incomplete.
- In certain circumstances, to request the deletion or removal of personal data e.g. where there is no compelling reason for its continued processing.
- Restrict our processing of personal data (i.e. permitting its storage but no further processing) under limited circumstances.



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- Object to the use of your personal data if we are processing it on the basis of public interest; the exercise of official authority, or legitimate interests, in which case we will consider your objections particularly those around damage or distress, and balance them against the interests of the school and others to continue to process the personal data.
- Object to direct marketing (including profiling relating to that marketing) and in certain circumstances to processing for the purposes of scientific/historical research and statistics.
- Object to decisions based purely on automated processing where it produces a legal or similarly significant effect – unless you have agreed or in other limited circumstances.
- In the limited circumstances where our processing is based on your consent (or explicit consent), you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the school office. 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 the applicable data protection legislation otherwise permits us to do so (for example, as a result of exemptions under the applicable UK data protection law). This will not affect the lawfulness of the processing that you consented to before you withdrew your consent.
- To lodge a complaint with the UK's Information Commissioner (see below).

To exercise any of these rights, please contact the school office or our Data Protection Officer.

Unless it proves impossible or involves disproportionate effort, we will notify others to whom we have shared your personal data of your request to rectify, erase or restrict the processing of your personal data.

### No fee usually required

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 – we may also refuse to comply with the request in those circumstances; or
- In the event that you ask for further copies of information.

### What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal data is not disclosed to any person who has no right to receive it.

## Contact and Complaints

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact either the school office at [info@westburyontrym.academy](mailto:info@westburyontrym.academy) or the Academy Business Manager, Jacqui Appleby on 0117 3772605.

We take any complaints about our collection and use of personal data very seriously.

If you think that our collection or use of personal data is unfair, misleading or inappropriate, or have any other concern about our data processing, please consider raising this with us in the first instance or please contact our Data Protection Officer i-West at:

Email: [j-west@bathnes.gov.uk](mailto:j-west@bathnes.gov.uk) Tel: 01225 395959

Alternatively, you can make a complaint to the Information Commissioner's Office, but they generally expect you to have raised issues with us in the first instance:

- Report a concern online at <https://ico.org.uk/concerns/> or call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF



## Westbury-on-Trym CE Academy



### Updates to our Privacy Notice

We may need to update this privacy notice periodically. This version was last updated June 2023.