

## Privacy Notice – Brigshaw Learning Partnership job applicants

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

This privacy notice explains how we collect, store and use personal data about individuals we employ, or otherwise engage, to work at our schools or individuals who apply to work in our schools.

We, The Brigshaw Learning Partnership are the 'data controller' for the purposes of data protection law.

Our Data Protection Officer is Mrs Wendy Harrington (see 'Contact us' below).

## The personal data we hold

We process data relating to those we employ, or otherwise engage, to work at our school. We will also process the data of those applying to work in the school. The categories of personal data that we may collect, use, store and share (when appropriate) about you includes, but is not restricted to:

- Personal information (such as name, ID number such as on passport, employee or teacher number, national insurance number and telephone contact information)
- Characteristics information (such as gender, age, ethnic group and nationality)
- Car registration
- Recruitment information, including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process
- Qualifications (and, where relevant, subjects taught) and employment records, including work history, job titles, working hours, training records, subjects taught and professional memberships
- Work related qualifications such as first aid and health and safety courses undertaken
- Absence data (such as number of absences and reasons)
- Copy of driving licence
- Copy of passport
- Photographs
- DBS information

Under Article 9 of the GDPR, 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 and political opinions
- Information about disability and access requirements
- CCTV footage captured in school

We may also collect, use, store and share (when appropriate) information about criminal convictions and offences.

We may also hold data about you that we have received from other organisations, including other schools and social services, and the Disclosure and Barring Service in respect of criminal offence data.

## Why we use this data

The purpose of processing this data is to help us run the school, including to:

- Facilitate safe recruitment, as part of our safeguarding obligations towards pupils
- Inform our recruitment and retention policies
- Enable ethnicity, disability and other equality monitoring
- Ensure we are providing a safe working environment with appropriately qualified staff
- To manage and protect public monies effectively
- To comply with the law regarding education
- Provide and monitor a first-aid service
- Protect public health
- Ensure that appropriate access arrangements can be provided for candidates that require them

## Our lawful basis for using this data

We collect and use staff and volunteer information for a number of different reasons:

- Requirements of the Education Act 1996 and 2011
- Article 6 and Article 9 of the new GDPR laws, provide some of the underpinning purposes for school's data collection.
- The school workforce (SWF) census
- The School Staffing (England) Regulations 2009,
- Statutory guidance such as Keeping Children Safe in Education
- Equalities Act 2010
- Section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

Most commonly, we use it where we need to:

- Comply with a legal obligation
- Carry out a task in the public interest

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, we will use this personal data in a life-or-death situation or during a pandemic

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.

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.

## **Our basis for using special category data**

For 'special category' data, we only collect and use it when we have both a lawful basis, as set out above, and one of the following conditions for processing as set out in data protection law:

We have obtained your explicit consent to use your personal data in a certain way

We need to perform or exercise an obligation or right in relation to employment, social security or social protection law

We need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent

The data concerned has already been made manifestly public by you

We need to process it for the establishment, exercise or defence of legal claims

We need to process it for reasons of substantial public interest as defined in legislation

We need to process it for health or social care purposes, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law

We need to process it for public health reasons, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law

For criminal offence data, we will only collect and use it when we have both a lawful basis, as set out above, and a condition for processing as set out in data protection law.

## **Collecting this information**

We collect information from you on job application forms and references etc. While the majority of information we collect from you is mandatory, there is some information that you can choose whether or not to provide to us.

Occasionally we may need to collect medical data to provide parents and other visitors with first aid.

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.

Most of the data we hold about you will come from you, but we may also hold data about you from:

- Local authorities
- Government departments or agencies
- Police forces, courts, tribunals

## **How we store this data**

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

We will dispose of your or your family's personal data securely when we no longer need it.

We have a record retention schedule which sets out how long we must keep information. Copies of this schedule can be obtained from the school office.

## Data sharing

We do not share information about you with any third party without consent unless the law and our policies allow us to do so.

We are required to share information about our school employees with our local authority (LA) and the Department for Education (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

We will also share information with our HR providers. Where your data is outsourced to a third party processor who provides a service to us, the same data protection standards that the school upholds are imposed on the processor. We will check that organisations comply with GDPR strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

We will not, without your express consent, provide your personal information to any third parties for the purpose of direct marketing.

Where it is legally required, or necessary (and it complies with data protection law) we may share personal information about you with:

- *Our Local Authority – to meet our legal obligations to share certain information with it, such as safeguarding concerns and DBS checks*
- *The directors, leaders and members of the BLP and individual school Local Governing Bodies - to meet our legal obligations for recruitment procedures*
- *Your family or representatives in an emergency situation*
- *Suppliers, software and service providers – to enable them to provide the service we have contracted them for, such as HR*
- *Professional advisers and consultants such as occupational health*
- *Police forces, courts, tribunals*
- *PFI companies who hold staff contact and CCTV images (in schools managed by Pinnacle)*
- *Other educational establishments we collaborate with. For example, Temple Moor and Virtual school to enable us to provide our sixth form provision*

## Transferring data internationally

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.

## Your rights

## How to access personal information we hold about you

Individuals have a right to make a **'subject access request'** to gain access to personal information that the school holds about them.

If you make a Subject Access Request, and if we do hold information about you, you can request us to:

- 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

You may also have the right for your personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request, please contact our Data Protection Officer.

## 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:

- In certain circumstances, object to the use of your personal data if it would cause, or is causing, damage or distress where there is no compelling reason for its continued processing
- Prevent your data being used to send direct marketing
- In certain circumstances, have inaccurate personal data corrected, deleted or destroyed, or restrict processing
- In certain circumstances, be notified of a data breach
- Make a complaint to the Information Commissioner's Office
- Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact our Data Protection Officer.

## Complaints

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

If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance.

To make a complaint, please contact our Data Protection Officer.

Alternatively, you can make a complaint to the Information Commissioner's Office:

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

You may also wish to refer to our whistleblowing policy, copies of this can also be found in the google drive.

## Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our Data Protection Officer (DPO):

- Wendy Harrington: [DPO@brigshawtrust.com](mailto:DPO@brigshawtrust.com)

The DPO role is to oversee and monitor the school's data protection procedures, and to ensure they are compliant with the GDPR. If you feel your school's data procedures are not fully compliant in any way, please contact the DPO to discuss the matter.

## Privacy Policy Changes

Although most changes are likely to be minor, the Brigshaw Learning Partnership may change its Privacy Policy from time to time, and in the Brigshaw Learning Partnership's sole discretion.

## Brigshaw Learning Partnership (BLP)

Brigshaw Learning Partnership is the data controller for your school. The BLP can be contacted at: Brigshaw High School, Brigshaw Lane, Allerton Bywater, Castleford, WF10 2HR Tel: 0113 2878900