

# Privacy Notice – Job Applicants

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## Introduction

The school must process your personal data when you apply for a job role with us in order to review your application and assess your suitability for the role in question. To meet our obligations under the UK General Data Protection Regulation (UK-GDPR), we must inform you about how and why we process your personal data; this information is outlined in the following privacy notice.

## Data Controller

The school is the 'Data Controller' for the personal information that we process about you during the recruitment process. This means that we are responsible for your data and make decisions on how it is used.

## Data Protection Officer

The school has appointed a Data Protection Officer (DPO) who is responsible for overseeing compliance with the relevant data protection legislation. Our DPO provides support to the school and acts as the first point of contact for any questions or queries regarding data protection.

Our DPO is Miss Danielle Eadie from RADCaT Ltd who is supported by the senior leadership team at the school. The DPO is contactable via the school office in the first instance.

## What personal data do we process about you and why we need it?

**Important note:** the school do not currently use 'artificial intelligence' (AI) or automated decision making in the recruitment process.

### Application Stage:

We collect the following personal data directly from you as part of your application to assess your suitability for the role and fulfil our employment, equality and safeguarding obligations:

- Name & contact details
- D.O.B and NI number
- Gender, ethnicity and religion
- Education history and qualifications

- Employment history
- Medical conditions or disabilities that may affect your employment.
- Details of any criminal convictions you wish to make us aware of.
- Referee details
- Personal statement

#### Shortlisting:

If you are shortlisted for a position, we will collate the following personal information to support with our interview and selection process:

- Interview notes & correspondence with you
- References that include details of your conduct, any grievance or performance issues, appraisals and attendance.
- \_\_\_Pre-employment checks

Please review the school's '**visitor privacy notice**' if you attend site as part of the interview process.

#### Selection:

If your application is successful and a conditional offer is made, you will be subject to a number of pre-employment checks which will be recorded as part of your recruitment record. The school will collate the following pre-employment check records where applicable:

- Photographic ID: proof of identity
- Evidence of Qualifications: certificates etc to confirm suitability.
- DBS: safeguarding and security.
- Right to Work: legal obligation to check entitlement to work in the UK.
- Occupational Health: if you have disclosed a health & wellbeing concern that may impact on your role with the school.
- Prohibition of Teachers & Management: confirm suitability for role.

Once your pre-employment checks have been completed and approved, any records relating to the recruitment process will form the basis of your personnel file. A staff privacy notice will be issued to you upon induction which outlines how staff personal data is processed.

#### **Where we get your information?**

Most of the information that we process will be provided directly from you as part of your application, we will also receive data from your previous employer(s) when requesting references. Further information such as interview notes and pre-employment checks will be collated by us as part of the recruitment process.

The information that we process about you is mandatory to meet our legal obligations and operational duties as an employer and education provider. We will however inform you in situations where data processing is optional.

#### **The lawful basis for processing personal data**

Under the UK-GDPR, we must have a lawful basis to process personal data; personal data is any data that can identify a living individual. The school rely on the following lawful bases when we process your personal data:

- We have a **contractual obligation** to process your personal data; more specifically, we are taking steps towards entering into a potential employment contract with you when you apply for a job with us.
- We have a **legal obligation** to perform pre-employment checks for safer recruitment and safeguarding under 'Keeping Children Safe in Education' (2023). We must process characteristics like your gender and ethnicity to meet our obligations under the Equalities Act (2010) to prevent discrimination. Further government regulations and employment law requires that we perform further checks such as 'Right to Work' in the UK.

### Special Category Data

Special Category Data is information about you that is much more sensitive in nature, examples include details about your health and wellbeing and special characteristics like your religion, gender and ethnicity. The school must meet an additional lawful basis from the UK-GDPR to process such data, we rely upon the following:

- The processing of your data is necessary to meet our obligations in the field of **employment, social security and protection**. For instance, if we must check your eligibility to work in the UK or exchange health information about you with Occupational Health professionals.
- The processing is necessary for reasons of **substantial public interest**, particularly when processing special characteristics about you such as gender and ethnicity to ensure we meet our obligations as an equal opportunity's employer and performing pre-employment checks to meet our safeguarding obligations.

Less commonly, we may be required to process your personal data in the act of protecting or saving your life or that of another person in emergency situations. Our lawful basis for processing your personal data in such scenarios is to protect the **vital interests** of yourself or another third party.

Similarly, if the school is involved in a legal claim that involves you, we may need to process your data for the purposes of **legal claims and other judicial acts**.

### **Storing and retaining your data**

To comply with the UK-GDPR, the school only keep personal data for as long as necessary to meet our legal and operational duties.

Our 'Records Management Policy & Retention Schedule' (available at our school office) outlines how long your records are kept and how we determine and manage these periods. As a rule of thumb, unsuccessful applications will be kept for 6months from the date we appoint the successful candidate. If your application is successful, it will form part of your personnel file which will be kept for a period of 6years post-employment with the school.

Personal data is stored securely on site. Records kept in electronic format are stored securely on carefully selected databases and systems that are fully encrypted with password protection and two factor authentication utilised where available. Physical records are kept in locked cabinets within locked offices and archive rooms; key access is strictly limited depending upon role.

If we must transfer your data to third parties, we will ensure this is done so using secure transfer methods.

School staff and those third parties accessing key records are subject to DBS checks and strict confidentiality agreements.

### **Who we share your personal information with?**

The school does not routinely share your personal data with any third parties unless your application is successful, at which point your data will be exchanged with the following third parties where applicable:

- DBS provider
- Occupational Health provider
- Government (checking eligibility to work in education).

From time to time, the school is subject to statutory and non-statutory audits. As part of this process, auditors will perform random checks on our records to ensure that we comply with best practice standards in recruitment; your personal data may be reviewed as part of such audits.

We only provide the limited amount of data necessary to fulfil each activity respectively. Any third parties with whom we share data are subject to a compliance check to ensure they meet the same high standards of data protection compliance and security as the school.

We do not process recruitment records outside of the UK unless the law or our policies require us to do so. In such circumstances, we will ensure the relevant safeguards are in place and data protection standards are complied with fully.

### **What are your rights?**

Under the UK-GDPR, you have a right to access the personal data that we hold about you by making a subject access request (SAR). If you make a SAR and we do process the data you have requested access to, we will:

- Give you a description of it.
- Explain why we are processing it and how long we will hold it.
- Explain where we collected the data if not from you.
- Outline if the data has been or will be shared with any other parties.
- Inform you if any automated decision making has been applied to the data and provide any consequences of this.
- Provide you with a copy of the data in an intelligible form.

Along with the right to access your personal data, you also have the following rights under the UK-GDPR:

- The right to ask us to rectify any personal information you feel is inaccurate or incomplete.
- The right to ask us to erase your personal data in certain circumstances.
- The right to ask us to restrict the processing of your personal data in circumstances.
- The right to object to the processing of your personal data in certain circumstances
- The right to ask us to transfer the personal data you provided to another organisation in certain circumstances.

If you would like to exercise any of your rights, please contact the school office in the first instance.

A response will be provided to you within one calendar month. The school reserves the right to extend the response time by a further two calendar months if your request is complex, we will however inform you of any intention to extend within the first month.

### **Complaints**

If you have any concerns at all about how we process your personal data, please contact us in the first instance so that we can help resolve any issues.

You can also complain to the Information Commissioners Office (ICO) if you are unhappy with how we have used your data:

Information Commissioners Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Helpline: 0303 123 1113

Website: <https://www.ico.org.uk>