



# Job Applicants Privacy Notice

**To be reviewed on an annual basis by the Trust Board**

## History of Document

Issue No	Author	Date Reviewed	Approved by Trust Board	Comments
1	DPO	13/11/18	-	1 <sup>st</sup> issue
2	DPO	18/11/18	-	Add data controller, what is personal data & consequences of non provision, how long held and individuals rights
3	DPO	8/1/20	-	cctv added
4	DPO	20/8/20	-	Covid-19 pandemic – track and trace
5	DPO	23/11/20	17/12/20	Data shared internationally, more information on an individual's rights and how to complain
6	DPO	May 2021	27/5/21	Social media reference – inclusion of personal social media

## Overview

We are required by data protection law to provide the information in this Privacy Notice. It is important that you read the Privacy Notice carefully, together with any other similar or additional information that we might give you from time to time about how we collect and use your personal data. Should your application be successful, when you start to work for us, we will provide you with another privacy notice that explains how we deal with your personal data whilst you are working for us.

This Privacy Notice applies from 25 May 2018, when the General Data Protection Regulation came into force. It does not give you any contractual rights. We may update this Privacy Notice at any time.

## Data Controller

The Active Learning Trust is the “controller” for the purposes of data protection law. This means that we are responsible for deciding how we hold and use personal data about you.

Our Data Protection Officer is Mrs Caroline Driver, email: [dataprotection@activelearningtrust.org](mailto:dataprotection@activelearningtrust.org). As Data Protection Officer, they are responsible for informing and advising us about our data protection law obligations and monitoring our compliance with these obligations. They also act as your first point of contact if you have any questions or concerns about data protection.

## What is Personal Data?

Personal data means any information relating to a living individual who can be identified (directly or indirectly) in particular by reference to an identifier (e.g. name, NI number, employee number, email address, physical features). It can be factual (e.g. contact details or date of birth), an opinion about an individual’s actions or behaviour, or information that may otherwise impact that individual in a personal or business capacity.

Data protection law divides personal data into two categories: ordinary personal data and special category data. Any personal data that reveals racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health conditions, sexual life or sexual orientation, biometric or genetic data that is used to identify an individual is known as special category data. (The rest is ordinary personal data).

## Categories of Personal Data we process

We process personal data relating to those applying to work for the Trust. Personal data that we may collect, use, store and share (where appropriate) about you includes, but is not restricted to the following from your application form, covering letter and references:

- Contact details (such as name, address, contact numbers, email address)
- Characteristics information (such as gender and age)

- Recruitment information (such as right to work documentation, references and curriculum vitae)
- Evidence of qualifications
- National insurance number
- Employment records, including work history, job titles, current salary, reasons for wanting to leave, training records and professional memberships, experience and skills, teacher number
- information about your current level of remuneration, including benefit entitlements
- Images captured by CCTV on/adjacent to the school's premises and in any school- owned areas, apparatus or modes of transport etc – if the school has CCTV and you visit the school or attend an interview.

Also

- Publicly available information about you, such as your business and personal social media presence
- Selection information, including correspondence, interview notes, internal notes, the results of any written or online selection tests

If you are shortlisted for a position, or you receive a conditional offer of employment, we may collect, hold and use the following additional types of ordinary personal data about you:

- Pre-employment check information, including references and verification of qualifications
- Right to work checks and related documents

We may also collect, use, store and use information about you that falls into special categories of more sensitive personal data. This may include:

- Characteristics information (such as race, ethnicity, religious beliefs, sexual orientation, religious belief and political opinions).
- Relevant medical information (such as disabilities, health, allergies and access requirements).

Additional information for Covid-19 pandemic:

- You may be asked to email us digital copies of your documentation, including identification documents, right to work documentation and qualifications. Please ensure you password protect any requested documentation and send the password separately or give verbally by phone. The original documentation will be required to be presented in person in school as soon as it is possible to do so.
- Interviews may be conducted remotely, by telephone or online using Microsoft Teams. Where practical, interviews may be recorded to facilitate the recruitment process.

## How we use Personal Data

We process such personal data to aid in the recruitment process to:

- Enable us to establish relevant experience and qualifications
- Facilitate safe recruitment as part of our safeguarding obligations towards pupils
- Identify you and safely evacuate the school in the event of an emergency
- Enable equalities monitoring
- Ensuring that appropriate access arrangements can be provided for applicants that require them
- Enable us to recruit

## Collecting and using Personal Data in this way is lawful because:

- The processing is necessary for the performance of a legal obligation to which the Trust is subject, for example our legal duty to safeguard pupils.
- In the case of special category personal data, the processing is necessary for a safeguarding purpose i.e. to protect pupils from harm. This is in the substantial public interest.
- You may have given us consent to use your personal data in a certain way. You can withdraw such consent at any time though this may have consequences for our ability to continue to consider your candidature.
- We need to protect your vital interests.

## How we collect Personal Data

When we collect personal information on our forms, we will make it clear whether there is a legal requirement for you to provide it, and whether there is a legal requirement on the school to collect it. If there is no legal requirement then we will explain why we need it and what the consequences are if it is not provided.

We also collect information from previous employer(s) or educational establishment(s). You will know about this because you will have supplied us with the relevant contact details.

## How we store Personal Data

Personal Data that we collect as part of the job application process is stored in line with our Records Retention Policy. Applications which do not result in an employment offer are held for six months and then securely destroyed. Your data will be stored in a range of different places, including on your application record, in HR management systems and on other IT systems (including email). When it is no longer necessary we will delete your personal data and information in accordance with the Trust's current policies on the management of records.

## Data Sharing

We will not share information about you with third parties without your consent unless the law allows us to. We are required, by law, to pass on some of the personal data which we collect to:

- A Local Authority Designated Person/Safeguarding Leaders, when requested, for purposes of fulfilling their child safeguarding responsibilities
- Suppliers and service providers – to enable them to provide the service we have contracted them for e.g. HR and recruitment support
- Professional advisers and consultants
- Employment and recruitment agencies including online
- Medical occupational health professionals

Your information may be shared internally for the purposes of the recruitment exercise. This includes members of the Trust's Leadership Team involved in the recruitment process, interviewers involved in the recruitment process, senior leaders of a school and members of the Trust Board or the Local Governing Body and IT staff if access to the data is necessary for the performance of their roles.

## Consequences of not providing personal data

We only ask you to provide personal data that we need to enable us to make a decision about whether or not to offer you a role. If you do not provide particular information to us, then we will have to make a decision on whether or not to offer you a role without that information, which in some cases could result in us deciding not to recruit you. For example, if we ask you to provide an example of previous written work/ a certificate verifying a qualification and you do not, we will have to decide whether to recruit you without that information. If you do not provide us with names of referees or a reference when asked, we will not usually be able to offer you the role.

In addition, some of the personal data you provide to us is required by law. For example, if you do not provide us with the documentation we need to check your right to work in the UK, then we cannot by law employ you.

If you choose not to provide us with personal data requested, we will tell you about the implications of any such decision at the relevant time.

## How long we keep your personal information

We will keep your personal data throughout the recruitment process.

If your application is successful, when you start work for us you will be issued with a Workforce Privacy Notice which will include information about what personal data we keep from the recruitment process and how long we keep your personal data whilst you are working for us and after you have left.

If your application is unsuccessful, we will keep your personal data for up to 6 months from the date we notify you of our decision. (Note, we may keep your personal data for longer than 6 months if you have asked us to consider you for future vacancies – see ‘Application held on file’ below). There may, however, be circumstances in which it is appropriate for us to keep particular items of your personal data for longer. We will base these decisions on relevant circumstances, taking into account the following criteria:

- the amount, nature, and sensitivity of the personal data
- the risk of harm from unauthorised use or disclosure
- the purposes for which we process your personal data and how long we need the particular data to achieve these purposes
- how long the personal data is likely to remain accurate and up to date
- for how long the personal data might be relevant to possible future legal claims
- any applicable legal, accounting, reporting or regulatory requirements that specify how long certain records must be kept

### Application held on file

If you are unsuccessful for the role for which you have applied, or you sent us a speculative application, then, if you have consented to us doing so, we will keep your personal data on file to identify if you might be suitable for any other vacancies that may arise in the next two complete academic years and may contact you if we believe this is the case. We will not keep your personal data for this purpose for longer than two complete academic years.

Full details are given in our Records Retention Policy which can be found on our website.

If during the period that we have your personal data on file, you wish to apply for any particular vacancy that we have open, please do contact us to make us aware of this – particularly if it is not a close match with your previous experience or is in a different area of our Trust from a vacancy you applied for previously, as we may not otherwise realise that the vacancy would be of interest to you.

When applying for a particular role, there is no obligation for you to consent to us keeping your personal data on file for consideration for other roles if you do not want to. Your application for the particular role you are putting yourself forward for will not be affected.

If you change your mind about us keeping your personal data on file, you have the right to withdraw your consent at any time – see ‘Your Rights’, below.

## References

If you give us details of referees, we require you to inform them what personal data of theirs you are giving to us. You must also give them our contact details and let them know that they should contact us if they have any queries about how we will use their personal data.

## Automated decision-making

Recruitment processes are not based on automated decision-making.

## 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. We currently transfer personal data outside the EEA as we store personal data on cloud systems based in the EEA that have backup systems that may sometimes be located outside the EEA.

## Your rights – requesting access to your personal data

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 ground of the complexity of the request

You may also have the **right to request that we transfer your personal data** to another party, in respect of data that you have provided where our legal ground for using the data is that it is necessary for the performance of a contract or that you have consented to us using it (this is known as the right to “data portability”).

If you would like to make a request, please contact your school’s Data Protection Lead – usually the school’s Business Manager or contact ALT’s Data Protection Officer at [dataprotection@activelearningtrust.org](mailto:dataprotection@activelearningtrust.org)

## Other rights

You have a number of legal rights relating to your personal data which are outlined here:

- **The right to request that we correct incomplete or inaccurate personal data** that we hold about you.
- **The right to request that we delete or remove personal data** that we hold about you 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).
- **The right to object to our processing your personal data** where we are relying on our legitimate interest (or those of a third party), where we cannot show a compelling reason to continue the processing
- **The right to request that we restrict our 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.
- **The right to withdraw your consent to us using your personal data.** As described above, we do not normally rely on your consent as the legal ground for using your personal data. However, if we are relying on your consent as the legal ground for using any of your personal data and you withdraw your consent, you also have the right to request that we delete or remove that data, if we do not have another good reason to continue using it.

## Complaints/Concerns

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/complaint about our data processing, please raise this with our Data Protection Officer in the first instance.

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 (local rate)
- Call 01625 545 745 (national rate)
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF