


SAINT NICHOLAS SCHOOL

PRIVACY NOTICE FOR JOB APPLICANTS



Approved by:	 Headmaster Chair of Governors	Date: October 2023
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Note: This privacy notice applies to all sections of the school including EYFS - This notice is available to job applicants on the school website.

PRIVACY NOTICE FOR JOB APPLICANTS

CONTENTS

1. INTRODUCTION	3
2. THE PERSONAL DATA WE HOLD	3
3. WHY WE USE THIS DATA	3
4. OUR LAWFUL BASIS FOR USING THIS DATA	4
5. COLLECTING THIS DATA	5
6. HOW WE STORE THIS DATA	5
7. WHO WE SHARE DATA WITH	5
8. YOUR RIGHTS	6
8.2 YOUR OTHER RIGHTS REGARDING YOUR DATA.....	6
9. COMPLAINTS.....	7
10. CONTACT US.....	7

1. INTRODUCTION

Under UK data protection law, individuals have a right to be informed about how our 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 applying for jobs at our school.

We, Saint Nicholas School, Hobbs Cross Road, Harlow, Essex, CM17 0NJ, are the 'data controller' for the purposes of UK data protection law.

Our data protection officer is Yvette Mardel, Bursar (see 'Contact us' below).

2. THE PERSONAL DATA WE HOLD

Personal data that we may collect, use, store and share (when appropriate) about you includes, but is not restricted to:

- your name, date of birth, address and contact details, including email address and telephone number;
- details of your qualifications, skills, experience and employment history;
- information about your current level of remuneration, including benefit entitlements;
- information about your entitlement to work in the UK; and
- copies of pre-vetting recruitment and identity checks including, where appropriate, Standard or Enhanced Disclosure and Barring Service Checks, Barred Lists Checks, prohibition checks / section 128 checks and disqualification checks, for example under the Childcare (Disqualification) Regulations 2009 and any further checks that are required if you have lived or worked outside the UK).

We may also collect, use, store and share (when appropriate) information about you that falls into "special categories" of more sensitive personal data. This includes, but is not restricted to:

- Information about race, ethnicity, religious beliefs, sexual orientation and political opinions
- Information about disability and access requirements
- Photographs and CCTV images captured in school

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

3. WHY WE USE THIS DATA

We need to process data to take steps at your request prior to entering into a contract with you. We may also need to process your data to enter into a contract with you. We use the data listed above to:

- a) Enable us to establish relevant experience and qualifications,
- b) Facilitate safe recruitment, as part of our safeguarding obligations towards pupils,
- c) Satisfy right to work checks,
- d) Enable equalities monitoring,
- e) Ensure that appropriate access arrangements can be provided for candidates that require them.

3.2 USE OF YOUR PERSONAL DATA IN AUTOMATED DECISION MAKING AND PROFILING

We do not currently process any personal data through automated decision making or profiling. If this changes in the future, we will amend any relevant privacy notices in order to explain the processing to you, including your right to object to it.

4. OUR LAWFUL BASIS FOR USING THIS DATA

We have a legitimate interest in processing personal data during the recruitment process and for keeping records of the process, in order for us to satisfy both statutory legislation requirements (Keeping Children Safe in Education) and also to comply with legal responsibilities, for example right to work checks under the Immigration, Asylum and Nationality Act 2006.

Processing data from job applicants allows us to manage the recruitment process, assess and confirm a candidate's suitability for employment and decide to whom to offer a job. We may also need to process data from job applicants to respond to and defend against legal claims. We may process special categories of data, such as information about ethnic origin, sexual orientation or religion or belief, to monitor recruitment statistics.

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 our obligations and exercise specific rights in relation to employment.

If your application is unsuccessful, we may keep your personal data on file in case there are future employment opportunities for which you may be suited. We will ask for your consent before we keep your data for this purpose, and you are free to withdraw your consent at any time.

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 would go about withdrawing consent if you wish to do so.

4.1 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 UK 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 defense 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,
- We need to process it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the processing is in the public interest,

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 UK data protection law. Conditions include:

- We need to perform or exercise an obligation or right in relation to employment, social security or social protection law,
- We have obtained your consent to use it in a specific way,
- 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, or in connection with, legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of legal rights,
- We need to process it for reasons of substantial public interest as defined in legislation.

5. COLLECTING THIS DATA

While the majority of information we collect about you is mandatory, there is some information that can be provided voluntarily.

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 that we have received from other organisations, including other schools, local authorities and social services, and the Disclosure and Barring Service in respect of criminal offence data. We may also collect personal data about you from third parties, such as references supplied by former employers. We will seek information from third parties prior to interview using the contact information you have provided on the application form.

6. HOW WE STORE THIS DATA

If your application for employment is unsuccessful, then we will hold your data on file for 6 (six) months after the end of the relevant recruitment process. If you agree to allow us to keep your personal data on file, we will hold your data on file for a further 6 (six) months for consideration for future employment opportunities. At the end of that period, or once you withdraw your consent, your data is deleted or destroyed. Should you be unsuccessful in securing employment you will be asked when you are advised of the outcome of your application whether you give us consent to hold your details for the full 12 months in order to be considered for other positions or not.

If your application for employment is successful, personal data gathered during the recruitment process will be transferred to your Human Resources file (electronic and paper based) and retained during your employment.

For details of how we process employee data please see the Privacy Notice for School Employees available on the school's website. 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 personal data securely when we no longer need it.

7. WHO WE SHARE DATA WITH

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

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

- Professional advisers and consultants
- Employment and recruitment agencies

8. YOUR RIGHTS

8.1 HOW TO ACCESS PERSONAL INFORMATION THAT WE HOLD ABOUT YOU

You have a right to make a 'subject access request' to gain access to personal information that we hold about you.

If you make a subject access request, and if we do hold information about you, we will (subject to any exemptions that may apply):

- 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 us (see 'Contact us' below).

8.2 YOUR OTHER RIGHTS REGARDING YOUR DATA

Under UK data protection law, you have certain rights regarding how your personal data is used and kept safe. For example, you have the right to:

- Object to our use of your personal data,
- Prevent your data being used to send direct marketing,
- Object to and challenge the use of your personal data for decisions being taken by automated means (by a computer or machine, rather than by a person),
- In certain circumstances, have inaccurate personal data corrected,
- In certain circumstances, have the personal data we hold about you deleted or destroyed, or restrict its processing,
- Withdraw your consent, where you previously provided it for the collection, processing and transfer of your personal data for a specific purpose,
- 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 us (see 'Contact us' below).

9. 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.

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

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

10. CONTACT US

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact us 01279 429910.