

## Privacy Notice – Job Applicants

### Introduction

Under data protection law, individuals have a right to be informed about how our trust 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 in our trust**.

**Brigantia Learning Trust** is the 'data controller' for the purposes of data protection law.

Our data protection officer is **EduDataPro** (see 'Contact us' below).

### 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:

- personal information (e.g. name, address, employee or teacher number, email address, phone number, national insurance number);
- work history (e.g. previous employers, job roles);
- reference information;
- performance, attendance and disciplinary information;
- financial information (e.g. salary information, National Insurance number);
- education and qualifications;
- training records and professional memberships;
- proof of right to work (e.g. copies of documentation);
- results of pre-employment screening checks (e.g. DBS checks, fitness for role health checks, vetting and due diligence checks);
- contract and payroll set-up information;
- preferred method of contact;
- career/role preferences.

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:

- Any health conditions you have that we need to be aware of including information about disability and access requirements
- Information about race, ethnicity
- Information about disability and access requirements
- Photographs and CCTV images captured in school/on site

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

We use the data listed above to:

- a. Enable us to establish relevant experience and qualifications
- b. For employment checks (e.g. right to work)
- b. Facilitate safe recruitment, as part of our safeguarding obligations towards pupils
- d. Inform our recruitment and retention policies
- f. Enable equalities monitoring
- h. Ensure that appropriate access arrangements can be provided for people that require them

## Use of your personal data for marketing purposes

Where you have given us consent to do so, we may send you marketing information by email or text promoting events, campaigns, charitable causes or services that may be of interest to you. You can withdraw consent or 'opt out' of receiving these emails and/or texts at any time by clicking on the 'Unsubscribe' link at the bottom of any such communication, or by contacting us (see 'Contact us' below).

## 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.

## Our lawful basis for using this data

Our lawful bases for processing your personal data for the purposes listed in section 3 above are as follows:

- **Contract (GDPR Art6(1)b):** the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract. For example: Employed staff have a contract with the trust
- **Legal obligation (GDPR Art6(1)c):** the processing is necessary for you to comply with the law (not including contractual obligations). We need to process data to meet our responsibilities under law as set out here: <https://www.gov.uk/government/collections/statutory-guidance-schools> An example of this is 'safeguarding children and young people'
- **Public task (GDPR Art6(1)e):** the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law. Operating and managing an academy or trust is considered a 'task in the public interest'. Further details are available here: <https://www.gov.uk/government/collections/statutory-guidance-schools>
- We have requested for your **Consent** to use the data in a certain way

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.



Some of the reasons listed above for collecting and using personal information about you overlap, and there may be several grounds which justify the trust'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
- 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 data protection law. Conditions include:

- 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

## 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 from:

- Local authorities
- Government departments or agencies
- Police forces, courts, tribunals
- Online searches carried out by the trust or on behalf of the trust in-line with the DfE [KCSIE 2022 guidance](#) Section 221. *"...as part of the shortlisting process schools and colleges should consider carrying out an online search as part of their due diligence on the shortlisted candidates."*



## How we store this data

We keep personal information about you during the application process. We may also keep it beyond this if this is necessary. Our data retention policy sets out how long we keep information about staff. For a copy of this please contact the trust office.

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.

## 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 data protection law), we may share personal information about you with:

- Sheffield City Council – to meet our legal obligations to share certain information with it, such as safeguarding concerns
- Suppliers and service providers:
  - Signing in/Visitor system
  - Employment checking services e.g. DBS, Vetting
  - Our HR Support provider
- Professional advisers and consultants – if they are involved in the recruitment process
- Employment and recruitment agencies
- Governors or trustees – For example where they sit on a recruitment panel or where they are involved in shortlisting.

## Transferring data internationally

We may share personal information about you with the following international third parties outside of the UK, where different data protection legislation applies - including but not limited to

- Google G Suite Hosting [[Data Processing Amendment](#) and [model contract clauses](#) in place]

Where we transfer your personal data to a country or territory outside the UK, we will do so in accordance with data protection law.

In cases where we have to set up safeguarding arrangements to complete this transfer, you can get a copy of these arrangements by contacting us.

## Your rights

### 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).

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

Under 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
- 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).

### **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

### **Contact us**

Our data protection officer is:

- **Toby Wilson - EduDataPro** [dpo@edudatapro.com](mailto:dpo@edudatapro.com) Tel: 07472881114

However, our **data protection lead** has day-to-day responsibility for data protection issues in our trust.

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact them:

- **Simeon Cornelius** – [scornelius@brigantiatrust.net](mailto:scornelius@brigantiatrust.net)

