

Privacy Notice: Job Applicant

For public viewing

Link to other policies and notices:

- [Data Protection Policy](#)
- [CCTV Policy](#)
- [Data Retention Policy & Schedule](#)

Zest Academy Trust
Privacy Notice – Job Applicant

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Introduction

Under data protection law, individuals have a right to be informed about how the 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 we employ, or otherwise engage, to work for the Trust.

We, Zest Academy Trust are the 'data controller' for the purposes of data protection law. The Trust is registered as a data controller with the Information Commissioners Office (ICO). Our registration number is Z3239207

This Privacy Notice relates to Zest Academy Trust, its Academy – Waterloo Primary Academy and any other Academy which joins the trust in the future (hereafter referred to as the 'Trust').

Our data protection officer is The Schools People (see 'Contact us' below).

1. Data Protection Principles

Personal Data must be processed following the six Data Protection Principles. It must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept securely.

2. The Types of Personal Data We Collect

We process personal data relating to job applicants. The personal data that we may collect, use, store and share (when appropriate) may include, but is not restricted to:

- your current and former name, address and contact details, including email address and telephone number
- details of your present (or last) employment and reason for leaving
- full employment history, (since leaving school, including education, employment and voluntary work), including reasons for any gaps in employment
- details of your qualifications, skills, experience
- information about your current level of remuneration, including benefit entitlements
- medical details, N.I. number
- information about your entitlement to work in the UK
- a statement of the personal qualities and experience that you believe are relevant to your suitability for the post advertised and how you meet the person specification.
- details of referees
- any other personal data we will inform you of from time to time

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
- Trade union membership
- Health, including any medical conditions, disabilities, reasonable adjustments and sickness absence records, GP details, medical records (where appropriate), OH referrals and reports
- Criminal record and convictions ([see section 7, below](#))

Shortlisted candidates

Additionally: -

- Shortlisted candidate will be asked to provide a signed declaration of any criminal record or information that would make you unsuitable to work with children ([see section 7, below](#)).
- In line with the statutory guidance "[Keeping Children Safe in Education \(2022\)](#)", the Trust may carry out an online search of freely available information via search engines, websites and social media channels to identify any incidents or issues that are publicly available online, and which the Trust may wish to explore with the shortlisted candidate at interview.

3. How we Collect This Data

We collect job applicant personal data from: -

- you via application forms and CVs
- documents provided to prove your identity and entitlement to work in the UK such as passports or other identity documents
- during the interview process and other forms of assessment therein,
- third parties such as employment agencies, references from current/former employers and others
- DBS checks
- Occupational Health such as pre-employment health checks
- Online searches

In addition, the Trust uses CCTV cameras in and around the Academy site for security purposes and the protection of staff, pupils and other stakeholders.

The majority of job applicant data provided to us is mandatory, some of it is provided to us voluntarily. To comply with the UK General Data Protection Regulation, we will inform you whether you are required to provide certain information to us, if you have a choice in this and what the possible consequences of failing to provide this personal data would be.

4. Why We Collect and Process This Information

We collect personal data to enter into a contract with you, to safeguard our stakeholders, promote the objects and interests of the Trust, facilitate the efficient operations of the Trust and ensure that all relevant legal obligations of the Trust are complied with.

For example, we collect data to:

- Deciding whether to appoint you
- Checking your suitability to be an employee of the Trust

- Facilitating safe recruitment, as part of our safeguarding obligations towards pupils
- Identifying you and safely evacuating the Academy in the event of an emergency
- Enabling equalities monitoring
- Ensuring that appropriate access arrangements can be provided for job applicants who require them
- Sending you communications about your job application
- Complying with health and safety obligations
- Maintaining and promoting equality
- Monitoring recruitment statistics
- Receiving advice from external advisors and consultants
- Responding to and defending legal claims

5. Automated Decision Making

Automated decision-making takes place when an electronic system uses personal information to make decisions without human intervention. We are permitted to use automated decision-making in limited circumstances.

We **do not** envisage that any decisions will be taken about you using automated means, however, we will notify you in writing if this position changes.

6. Our Lawful Basis for Using This Data

We only collect and use personal data when the law and our policies allow us to do so. We process general category data where:

- the data subject, or a person with the lawful authority to exercise consent on the data subject's behalf, has given consent
- the processing is necessary for a contract we have with you, or because it is necessary to take steps before entering into a contract with you
- the processing is necessary for us to comply with a legal obligation
- the processing is necessary to protect your vital interest or that of another person.
- the processing is necessary for us to perform a task in the public interest or for our official functions, and this task or function is lawful

We process special category data where:

- the data subject, or a person with the lawful authority to exercise consent on the data subject's behalf, has given explicit consent
- the processing is necessary for carrying out our obligations in relation to employment law
- the processing is necessary to protect your vital interests or those of another person where you/they are physically or legally incapable of giving consent
- the processing relates to personal data which are manifestly made public by the data subject
- the processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity
- the processing is necessary for reasons of substantial public interest, based on domestic law which shall be proportionate to the aim pursued, respect the essence of the right to data

protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject

- the processing is necessary, where applicable, for preventative or occupational medicine to assess the working capacity of the job applicant or to obtain a medical diagnosis
- processing is necessary for reasons of public interest in the area of public health based on domestic law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular, professional secrecy
- Processing is necessary for archiving purposes in the public interest, scientific or historical research, or statistical purposes.

Some of the reasons listed above for collecting and using personal data overlap, and there may be several grounds which justify our use of this data.

7. Criminal Proceedings/Convictions

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our legal obligations and provided we do so in line with data protection legislation.

We envisage that we will hold information about criminal convictions if information about criminal convictions comes to light as a result of a disclosure during the recruitment process or during Disclosure and Barring Service checks. Where appropriate, such information may be shared with external agencies such as the child protection team at the Local Authority, the Local Authority Designated Officer and/or the Police.

Such information will only be processed to the extent that it is lawful to do so, and appropriate measures will be taken to keep the data secure.

8. CCTV

We use CCTV in various locations around the Trust site. The purpose of the system is to prevent crime and promote security and public safety. If in the event of viewing CCTV for the specified purpose, a safeguarding or criminal action is observed, the CCTV can and may be used to support any subsequent investigation.

We do not need to ask individuals' permission to use CCTV, but we make it clear where individuals are being recorded. Security cameras are clearly visible and accompanied by prominent signs explaining that CCTV is in use.

CCTV images will be retained for 21 days. After this period images will be permanently deleted unless they are required and retained for an ongoing investigation. For example, if an incident or crime has been recorded. In such cases, the images will be retained until the conclusion of any actions or criminal proceedings arising from the incident.

For more information about the Trust's use of CCTV please refer to [CCTV Policy](#)

Any enquiries about the CCTV system should be directed to the ICT Manager.

9. Consent

We may process personal information without your knowledge or consent, in compliance with the above lawful bases, where this is required or permitted by law and our policies.

We will ask for consent to process general personal data where there is no other lawful basis for processing it. For example, where we wish to use your photographs on our website or social media channels for promotional/marketing purposes.

In limited circumstances, we may approach you for your written consent to allow us to process 'special category' data (e.g., to obtain a pre-employment health check). If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

Where we rely solely on consent as the lawful basis for processing, consent may be withdrawn at any time.

10. Change of Purpose

We will only use your personal information for the purposes for which it was collected unless we reasonably consider that we need to use it for another reason, and that reason is compatible with the original purpose.

If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so, or seek your consent, if necessary, before the processing.

11. Data Storage and Retention

A significant amount of personal data is stored electronically. Some information may also be stored as a hard copy.

All data stored and accessed is done so in accordance with the Trust's *Data Security Policy and Data Handling Policy and Procedure*.

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including to satisfy any legal, accounting, insurance or reporting requirements. Details of retention periods for different aspects of your personal information are available in our ***Data Retention Policy and Schedule***.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your

personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances, we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you.

Following the recruitment process, we will retain and securely destroy your personal information following our **Data Retention Policy**.

12. Sharing Personal Data

We do not share job applicant data with anyone 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 routinely share job applicant data with:

- HR
- The recruitment/interview panel
- The line manager for the area with the vacancy
- The IT manager if access to the data is necessary for them to carry out their role

If you are successful in being offered the post the Academy will share your personal data with employment background check providers, the Disclosure and Barring Service and Our Occupational Health provider to obtain the necessary background, criminal records, and health checks (see section 4 above).

13. Transferring Data Outside the UK

We do not routinely share data with organisations outside the UK. Where this may be necessary, for example where your last position was for an organisation outside of the UK, we may transfer data to seek references etc, with appropriate safeguards.

We will not transfer personal data outside the UK unless such transfer complies with the UK GDPR. This means that we cannot transfer any personal data outside the UK unless:

- The Secretary of State has decided that another country or international organisation ensures an adequate level of protection for personal data
- One of the derogations in the UK GDPR applies (including if an individual explicitly consents to the proposed transfer).

14. Data Security

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. In addition, we limit access to your personal information to those employees, consultants, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions, and they are subject to a duty of confidentiality.

We have in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so and in accordance with our **Data Security Policy and Breach Procedure**.

15. Your Data Subject Rights

Under data protection legislation you have the right to:

- Make a Subject Access Request (SAR) (see below)
- Withdraw your consent to the processing at any time
- Ask us to rectify, erase or restrict the processing of your personal data, or object to the processing of it (in certain circumstances)
- Prevent the use of your personal data for direct marketing
- Challenge processing which has been justified based on public interest
- Request a copy of agreements under which your personal data is transferred outside of the UK
- Object to decisions based solely on automated decision making or profiling. (See section 5 above)
- Prevent processing that is likely to cause damage or distress
- Be notified of a data breach in certain circumstances
- Make a complaint to the ICO
- Ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances).

For more information regarding individual rights please see [here](#)

Your Duty to Inform us of Changes

The personal information we hold about you must be accurate and current. Please keep us informed if your personal information changes during the recruitment process.

Subject Access Requests

Under data protection legislation, individuals have the right to request access to their personal data held by the Trust. Subject Access Requests **may be** made to the Trust in written form or verbally.

If you would like to make a SAR in relation to your own personal data it would be helpful if this could be made in writing to the Headteacher, including:

- name and contact address
- email address and telephone number
- details of the information required.

Fulfilling A Subject Access Request

The lawful time scale for the Trust to respond to a Subject Access Request is one calendar month from receipt of a 'valid' SAR.

A SAR is only considered '**valid**' when we are fully satisfied with the identity of the requester and their entitlement to the data requested. If in any doubt we will request confirmation of identity to ensure your personal data is not inadvertently released to a third party who is not entitled to it.

If the SAR is complex or numerous, the period in which we must respond may be extended by a further two months. You will be notified of any delays in actioning the SAR and provided with a timeframe in which you can expect to receive the requested data.

Fees

You will **not** have to pay a fee to access your personal information (or to exercise any of your other data subject rights). However, we may charge a reasonable fee if your access request is manifestly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

Exercising Other Data Subject Rights

If you wish to review, verify, correct or request the erasure of your personal information; object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the Trust in the first instance (details below).

The Right to Withdraw Consent

Where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, and there is no other applicable lawful basis for processing the data, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact Nicola Lea (please see section 17 contacts below).

Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

16 Complaints

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

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

If you have any concerns that we are not able to resolve to your satisfaction you can contact our Data Protection Officer at the address below

Alternatively, you can register your concern with the UK's data protection regulator - the Information Commissioner's Office:

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

17. 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

Data Protection Officer: The Schools People

Email: DPOService@schoolspeople.co.uk

Tel: 01773 851078

Address: The Schools People

44 Tyndall Court

Peterborough

PE2 6LR

Data Controller: Zest Academy Trust

C/O Waterloo Primary Academy

Waterloo Road

Blackpool

Lancashire

FY4 3AG

Data Controllers Representative: Mrs Nicola Lea

Email: hr@zestacademytrust.co.uk

Tel: 01253 600656

18. Changes to this Privacy Notice

This Notice will be reviewed every year or as necessary in relation to changes in Data Protection legislation.

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates.

We may also notify you in other ways from time to time about the processing of your personal information.

Effective Date: May 2018

Last update: April 2023

Review Date: April 2024