

# **East Midlands Academy Trust**

## **Privacy Notice Job Applicants**

**'Every child deserves to be the best they can be'**

<b>Scope: East Midlands Academy Trust &amp; Academies within the Trust</b>	
<b>Version: V3</b>	<b>Filename:</b> Privacy Notice Job Applicants
<b>Approval: May 2024</b>	<b>Next Review: May 2025</b> <i>This Policy will be reviewed &amp; approved by owner annually</i>
<b>Owner:</b> Head of Shared Services	

<b>Policy type:</b>	
Statutory	Replaces Academy's current policy

### Revision History

RevisionDate	Revisor	Description of Revision
V3 May 2024	DU	Major change to coincide with moving to new DPO provider new privacy notice by new DPO to ensure compliance with GDPR (UK)
V2 April 2022	DU	Minor revisions and review
V1 April 2021	DU	New Pupil Privacy Notice Issued

This document will be reviewed annually and sooner when significant changes are made to the law.

Guidance from the Department for Education about school policies can be found here:

<https://www.gov.uk/government/publications/statutory-policies-for-schools-and-academy-trusts/statutory-policies-for-schools-and-academy-trusts>

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# Privacy Notice Job Applicant

## 1. Privacy Notice (How we use job applicant information)

East Midlands Academy Trust (EMAT) collect, hold, use and share information about our job applicants. This is known as “personal data” and you have rights around that data, including knowing how and why we are processing the data. “Processing” data means everything from collecting, to storing, using, sharing and disposing of it. The School workforce includes all those employed to teach, or otherwise engaged to work, either on a paid, contracted or voluntary basis, at the school.

For the purposes of Data Protection legislation EMAT is a data controller and is registered as such with the Information Commissioner’s Office.

## 2. The categories of job applicant information that we process include:

- personal information (such as name, address, national insurance number)
- characteristics information (such as gender, age, ethnic group)
- contract information (such as start date, hours worked, post, previous roles and salary information)
- qualifications (and, where relevant, subjects taught)
- photographic and CCTV records
- information about medical or health conditions, including whether you have a disability for which the school needs to make reasonable adjustments
- equalities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief
- next of Kin and emergency contact details
- recruitment information including right to work documentation, references, application and/or CV
- residency status
- right to work documentation
- checks made regarding online presence including social media searches

We may also collect, use and store information about criminal convictions, offences and prohibitions. This information may have come from other organisations including former employers, Teacher Regulation Agency, social services and the Disclosure & Barring Service.

## 3. Why we collect and use job applicant information

We use job applicant data to:

- To enable you to work for us
- To support you in teaching and learning
- To maintain a safe environment for our pupils
- To provide appropriate pastoral care for our students
- To ensure your health and safety
- To take steps to enter into a contract with you

To comply with a legal obligation (such as health and safety legislation, under statutory codes of practice and employment protection legislation) Under the UK General Data Protection Regulation (UK GDPR), the legal basis for processing your personal information include:

- Article 6(a) – Your consent (for any processing which does not fall into the other bases explained below)
- Article 6(b) Contract (contract of employment)
- Article 6(c) - Compliance with our legal obligations

In particular, but not exclusively:

- Section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments
  - Keeping Children Safe in Education 2023 (statutory guidance from the Department for Education issued under Section 175 of the Education Act 2002 etc).
  - Equality and Health & Safety legislation.
- Article 6(e) – Carrying out tasks in the Public Interest.
  - Article 6(f) – For legitimate Interests

The ways we collect and use *sensitive* job applicant information are lawful based on: your explicit consent; for compliance with certain legal obligations, or for exercising certain legal rights; for protecting a person's vital interests in an emergency; for health and public health reasons; or for carrying out tasks that are in the substantial public interest including for safeguarding purposes.

Please refer to our Special Category Data Policy document for full details of these lawful bases for processing this data. Types of data that are special category are indicated above by \*.

### 3.1 Automated decision making & profiling.

We do not currently process any personal data through automated decision making or profiling. Should this change in the future, privacy notices will be updated to explain both the processing and your right to object to it.

## 4. How we collect job applicant information

We collect this information in a variety of ways. For example, data is collected through application forms, obtained from your passport or other identity documents such as your driving licence, from forms completed by you at the during the application and interview process, from correspondence with you, or through interviews, meetings, images provided by individuals, local authorities, previous employers, NHS, the Police, the Disclosure and Barring Service

Job applicant data is essential for the School's /Local authority's operational use. Whilst the majority of personal information you provide to us is mandatory, some of it is requested on a voluntary basis. We will inform you at the point of collection, whether you are required to provide certain information to us and your rights in relation to this.

## 5. How, where and for how long we job applicant information

We store job applicant information securely on the EMAT's IT network this will either be in Secure storage for paper based located in school or EMAT's central trust office or digitally in one of the following cloud bases HR systems, , file storage system or email system, all cloud based systems data centres are located in the UK and access is possible only via access controlled authentication.

We only keep the information for the length of time we need it for, as shown in our data retention schedule. For more information on our data retention schedule, please visit our [website](#)

We dispose of personal information securely when we no longer need it.

## 6. Who we share job applicant information with

We routinely share this information with:

- our Local Authority (particularly in relation functions related to HR, payroll and Criminal Records checks)
- our Governing Body
- the Department for Education (DfE) inc. the Teaching Regulation Agency
- HMRC
- The Disclosure and Barring Service
- Employers where references are requested
- Police
- External systems used by the School to carry out day to day processes and requirements. For example, and not limited to;
  - LGPS -Pension Provider
  - EduPay – Payroll system
  - SAM People – HR System
  - Face Ed – Online application system
  - Microsoft – File repository and communications platform
  - SafeSmart Ltd – Training records management
  - SignIn App -Sign in and site access record
  - Social Media

Your personal information may be transferred outside the UK and the European Economic Area ('EEA'), including to the United States. Where information is transferred outside the UK or EEA to a country that is not designated as "adequate" in relation to data protection law, the information is adequately protected by the use of International Data Transfer Agreements and security measures, and other appropriate safeguards. For more information on international transfers, please contact us at the details below.

## 7. Why we share job applicant information

We do not share information about our job applicants with anyone without consent unless the law and our policies allow us to do so.

## 8. Freedom of Information Act and Environmental Information Regulations 2004

As a public body, EMAT is subject to requests made under the above legislation. Therefore, we have a legal obligation to process any personal data we hold when considering requests under these laws.

However, we will never disclose personal data in our responses to these requests where to do so would contravene the principles of data protection.

## 9. Requesting access to your personal data

Under data protection legislation, you have the right to request access to information about you that we hold. To make a request for your personal information, contact the School Office, the Headteacher or the Data Protection Officer.

You also have the right to:

- be informed about the collection and use of your personal data.
- rectification, ie to have inaccurate personal data rectified, or completed if it is incomplete.
- erasure, often known as the ‘right to be forgotten’; however this does not apply where, amongst other things, processing is necessary to comply with a legal obligation.
- restrict processing, although, as above this is a limited right.
- object; though other than for marketing purposes, this is also limited as above.
- Where we rely on your consent to process your data, you have the right to withdraw that consent. If you do change your mind, or you are unhappy with our use of your personal data, please let us know – our contacts are in section 2.14 at the end of this document.
- You also have rights in relation to automated decision making and profiling, though these are not currently relevant
- Finally, the right to seek redress, either through the ICO, or through the courts.

If you make a request, we will keep a record of the request and any personal data supplied for a suitable period after its fulfilment, in order to deal with any questions you, your representatives or regulators may have about it.

## 10. Contacts

If you have a concern about the way we are collecting or using your personal data or you would like to discuss anything in this privacy notice, we ask that you raise your concern with us in the first instance.

Please contact the School Office, Headteacher or School Data Protection Officer:

**Data Protection Officer** Education Data Hub (GDPR for Schools), Derbyshire County Council

**DPO Email:** [dpforschools@derbyshire.gov.uk](mailto:dpforschools@derbyshire.gov.uk)

**DPO Phone:** 01629 532888

**DPO Address:** County Hall, Smedley Street, Matlock, Derbyshire, DE4 3AG

If however you are dissatisfied with our response to your concerns you can of course contact the ICO quoting our ICO registration number ZA044022 and stating that the Data Controller is East Midlands Academy Trust

**Information Commissioners' Office**

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number

Fax: 01625 524 510

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