

Ladywood Primary School

PRIVACY NOTICE *Job Applicants*

Privacy Notice - Data Protection Act 1998: How we use your information

This Job Applicant Privacy Notice sets out what personal data we, Ladywood Primary hold about you, how we collect and use it during and after the recruitment process. It applies to anyone who is applying to work for us, whether as an employee, worker, volunteer, consultant, (together referred to as 'Job Applicant' or 'you').

Please note that we will not necessarily hold, use or share all of the types of personal data described in this Privacy Notice in relation to you. The specific types of data about you that we will hold, use and share will depend on the role for which you are applying, the nature of the recruitment process, how far you progress in the recruitment process and your individual circumstances.

Who is the controller?

We Ladywood Primary School are the Data Controller for the purposes of the Data Protection Act.

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, or biometric or genetic data that is used to identify an individual is known as special category data. (The rest is ordinary personal data).

What type of ordinary personal data do we hold about you and why?

At the initial stages of recruitment, we collect, hold and use the following types of ordinary personal data about you:

- Information contained in your application form/CV/covering letter, including your name, title, contact details, employment history, experience, skills, qualifications/training (including educational, vocational, driving licences where appropriate), referees' names and contact details, etc.
- Publicly available information about you, such as your business 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 hold and use this personal data so that we can:

- process your application and correspond with you about it;
- assess whether you have the required skills, experience, qualifications and training for a role within the company;
- make informed recruitment decisions;
- verify information provided by you;
- check and demonstrate that you have the legal right to work in the UK;
- keep appropriate records of our recruitment process and decisions;

What are our legal grounds for using your ordinary personal data?

Data protection law specifies the legal grounds on which we can hold and use personal data.

We rely on one or more of the following legal grounds when we process your ordinary personal data:

- We need it to take steps at your request in order to enter into a contract with you (entry into a contract), because by applying for a job with us you are effectively asking us to enter into a contract with you [whether this is an employment contract, a contract for services or another type of contract].
- We need it to comply with a legal obligation (legal obligation), e.g. the obligation not to discriminate during our recruitment process, or the obligation not to employ someone who does not have the legal right to work in the UK.
- It is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests (legitimate interest). For example, it is in our legitimate interests to review and consider your personal data (as listed above) so that we can select the most appropriate candidate for the job.

What type of special category personal data do we hold about you, why, and on what legal grounds?

We will only collect, hold and use limited types of special category data about you during the recruitment process, as described below.

Since special category data is usually more sensitive than ordinary personal data, we need to have an additional legal ground (as well as the legal grounds set out in the section on ordinary personal data, above) to collect, hold and use it. The additional legal grounds that we rely on to collect, hold and use your special category data are explained below for each type of special category data.

At the initial stages of recruitment, we collect, hold and use the following special category data about you:

Equal opportunities monitoring

Equal opportunities monitoring data which could include information about your race or ethnicity, religious beliefs, sexual orientation or health. We use this information to monitor equality of opportunity and diversity in our recruitment process. Our additional legal ground for using this information is that it is necessary in the public interest for the purposes of equal opportunities monitoring and is in line with our Data Protection Policy.

Adjustments for disability/medical conditions

Information relevant to any request by you for adjustments to the recruitment process as a result of an underlying medical condition or disability. We use this information to enable us to carry out a fair, non-discriminatory recruitment process by considering/making reasonable adjustments to our process as appropriate. Our additional legal ground for using this information is that we need it to comply with a legal obligation/exercise a legal right in relation to employment - namely, the obligations not to discriminate, and to make reasonable adjustments to accommodate a disability - and such use is in line with our Data Protection Policy. 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 special category personal data about you:

Pre-employment health questionnaires/medicals

We collect information about your health in a pre-employment medical questionnaire and/or examination, as well as any information about underlying medical conditions and adjustments that you have brought to our attention. We use this information to assess whether you are fit to do the job with adjustments, to consider/arrange suitable adjustments and to comply with health and safety requirements. Our additional legal grounds for using this information are that: we need it to comply with a legal obligation/exercise a legal right in relation to employment - namely, the obligation to make reasonable adjustments to accommodate a disability - and such use is in line with our Data Protection Policy; and it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.

Criminal records information/DBS checks

We may request criminal records checks from the DBS. We use this information to assess your suitability for the role and verify information provided by you. Our additional legal ground for using this information is to comply with our obligations in terms of safeguarding and /or financial responsibilities.

How do we collect your personal data?

You provide us with most of the personal data about you that we hold and use, for example in your written application, by completing any assessments and during any interviews.

Some of the personal data we hold and use about you is generated from internal sources during the recruitment process. For example, the person interviewing you may score your suitability for the role and we record the reasons for decisions made about whether or not your application is successful.

Some of the personal data about you that we hold and use may come from external sources. For example, a recruitment agency provides us with a shortlist of candidates. If we offer you a role, we will carry out pre-employment checks, such as taking up references from past employers or

education providers and we may check your qualifications by contacting the awarding body. We may ask an occupational health professional to report to us on your fitness to do the job. We may seek a criminal record check from the DBS. In some circumstances, we may ask the Home Office for information about your immigration status to verify your right to work in the UK.

Who do we share your personal data with?

Recruitment/supply agencies

We may engage recruitment/supply agencies to provide us with the details of suitable candidates for our available vacancies, to communicate with those candidates, to handle administration in connection with the recruitment process. If we have received your initial application details from an agency, we will share with them any of your personal data that is necessary to enable them to fulfil their functions for us. Our legal grounds for doing so are that: it is necessary for entry into a contract; and it is in our legitimate interest to engage service providers to assist us with the recruitment process.

Medical/occupational health professionals

We may share information relevant to any request by you for adjustments to the recruitment process as a result of an underlying medical condition or disability with medical/occupational health professionals to enable us to identify what, if any, adjustments are needed in the recruitment process and, if you are successful, once you start work. We may also share details of disclosed medical conditions and/or answers to pre-employment health questionnaires with medical/occupational health professionals to seek a medical report about you to enable us to assess your fitness for the job and whether any adjustments are needed once you start work.

This information may also be used by the medical/occupational health professionals to carry out assessments required by health and safety legislation. Our legal grounds for sharing this personal data are that: it is necessary for entry into a contract; it is in our legitimate interests to consider adjustments to enable Job Applicants to participate fully in the recruitment process and to assess the fitness for work of applicants to whom we have offered jobs; and it is necessary to comply with our legal obligations/exercise legal rights in the field of employment (obligations not to discriminate, to make reasonable adjustments, to comply with health and safety requirements).

*** COVID-19 Update: Sharing personal data with NHS/Track and Trace**

Schools are entitled (and have lawful basis) to share personal data relating to health where necessary relating to employees, pupils, parents and visitors to school under the GDPR and Data Protection Act 2018. More information about the NHS Test and Trace is available in the scheme's Privacy Notice <https://contact-tracing.phe.gov.uk/help/privacy-notice>

Legal/professional advisers

We share any of your personal data that is relevant, where appropriate, with our legal and other professional advisers, in order to obtain legal or other professional advice about matters related to you or in the course of dealing with legal disputes with you or other applicants. Our legal grounds for sharing this personal data are that: it is in our legitimate interests to seek

advice to clarify our rights/obligations and appropriately defend ourselves from potential claims; it is necessary to comply with our legal obligations/exercise legal rights in the field of employment; and it is necessary to establish, exercise or defend legal claims. We may also share your personal data with our HR providers who are responsible for issuing contracts to successful candidates. Our legal grounds for sharing this personal data are that: it is in our legitimate interest and is necessary for entry into a contract.

Home Office

We may share your right to work documentation with the Home Office, where necessary, to enable us to verify your right to work in the UK. Our legal ground for sharing this personal data is to comply with our legal obligation not to employ someone who does not have the right to work in the UK

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 will we keep your personal data?

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 an workforce Privacy Notice which will include information about what personal data we keep from the recruitment process.

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.

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.

Your rights

Depending on the lawful basis for processing, you may also have the right to:

- See a copy of the information we hold about you
- object to processing of personal data that is likely to cause, or is causing, damage or distress

- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

If you would like to exercise any of the above rights, please contact Mrs Cheryl Hodgson, Business Manager, email: c.hodgson@ladywoodprimary.co.uk in writing. Note that these rights are not absolute and in some circumstances we may be entitled to refuse some or all of your request.

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues. Details of how to contact the ICO can be found on their website: <https://ico.org.uk>

Further information

If you would like to discuss anything in this privacy notice, please contact:

Data Protection Office: Mr Tim Pinto

School Business Manager: Mrs Cheryl Hodgson

Ladywood Primary School

Nancy Road

Grimethorpe

Barnsley

S72 7JX

Tel: 01226 711488