# UK GDPR - JOB APPLICANTS PRIVACY NOTICE

| Version control | |
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| UK GDPR- Job Applicants Privacy Notice [2024-09-01] | Reviewed and no changes required. |
| UK GDPR- Job Applicants Privacy Notice [2022-09-01] | Reviewed and updated previous version to align with new DPO appointment. |

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# UK GDPR- PRIVACY NOTICE FOR JOB APPLICANTS

Aspirations Academies Trust is committed to protecting the privacy and security of your personal information. This privacy notice describes how the Trust collects and uses personal information about applicants during and after the job application process, in accordance with the General Data Protection Regulations (UK GDPR).

Successful candidates should refer to our privacy notice for staff for information about how their personal data is stored and collected.

## Who Collects This Information

The Aspirations Academies Trust and each of its academies is a "data controller" and is therefore responsible for deciding how personal information about job applicants is held and used.

The Academy administrating the job application process is required under data protection legislation to notify job applicants of the information contained in this privacy notice. This notice does not form part of any contract of employment or other contract to provide services and the Academy may update this notice at any time.

It is important that applicants read this notice, together with any other privacy notice that may be provided on specific occasions when the Academy is collecting or processing personal information about them, so that they are aware of how and why such information is being used.

## Data Protection Principles

The Academy will comply with the data protection principles when gathering and using personal information, which can be requested from info@aspirayionsacademies.org

### The Categories of Information that we collect, process, hold and share

We may collect, store and use the following categories of personal information about you up to the shortlisting stage of the recruitment process: -

- Personal information and contact details such as name, title, addresses, date of birth, marital status, phone numbers and personal email addresses;
- Emergency contact information such as names, relationship, phone numbers and email addresses;
- Information collected during the recruitment process that is retained during an individual's employment including proof of right to work in the UK, information entered on the application form, CV, qualifications;
- Details of applicant's employment history including job titles, salary and working hours;
- Information regarding applicant's criminal record as required by law in relation to those working with children;
- Details of applicants' referees and references;
- Details of racial or ethnic origin and gender, disability status.
- Details collected through any pre-employment checks including online searches for data

We may also collect information after the shortlisting and interview stage in order to make a final decision on whether to recruit, including criminal record information, references, information regarding qualifications. We may also ask about details of any conduct, grievance or performance issues, appraisals, time and attendance from referees provided by you.

## How this information is collected

- The Academy may collect this information from you, your referees, your education provider, relevant professional bodies, the Home Office and from the DBS.

## How the Academy uses job applicants' information

The Academy will only use personal information about job applicants when the law allows it to. Most commonly, information will be used in the following circumstances: -

- Where the Academy needs to perform the contract entered into with a staff member;
- Where the Academy needs to comply with a legal obligation (such as health and safety legislation, under statutory codes of practice and employment protection legislation);
- Where it is needed in the public interest or for official purposes;
- Where it is necessary for the Academy's legitimate interests (or those of a third party) and the interests, rights and freedoms of the relevant staff member do not override those interests.
- When consent to process personal data has been appropriately provided.

The Academy needs all categories of information in the list above primarily to enable it to facilitate safe recruitment and determine suitability for the role.

The Academy will also collect data in order to carry out equal opportunities monitoring and to ensure appropriate access arrangements are put in place if required.

If a job applicant fails to provide certain information when requested, the Academy may not be able to take the steps to enter into a contract with you (for example if incorrect references are provided), or the Academy may be prevented from complying with its legal obligations (such as to determine suitability to work with children).

The Academy will only use personal information of job applicants for the purposes for which it has been collected, unless it reasonably considers that the information needs to be used for another reason and that reason is compatible with the original purpose. If the Academy needs to use a job applicant's personal information for an unrelated purpose, the individual will be notified and provided with an explanation of the legal basis which allows the Academy to do so.

## How the Academy uses particularly sensitive information

Sensitive personal information (as defined under the UK GDPR as "special category data") requires higher levels of protection and further justification for collecting, storing and using this type of personal information. The Academy may process this data in the following circumstances: -

- In limited circumstances, with the job applicant's explicit written consent;
- Where the Academy needs to carry out its legal obligations in line with its data protection policy;
- Where it is needed in the public interest, such as for equal opportunities monitoring (or in relation to the Academy's pension schemes);
- Where it is needed to assess a job applicant's working capacity on health grounds, subject to appropriate confidentiality safeguards. Less commonly, the Academy may process this type of information where it is needed in relation to legal claims or where it is necessary to protect a job applicant's interests (or someone else's interests) and the job applicant is not capable of giving their consent.

## Criminal convictions

The Academy may only use information relating to criminal convictions where the law allows it to do so. This will usually be where it is necessary to carry out legal obligations. The

Academy will only collect information about criminal convictions if it is appropriate given the nature of the role and where it is legally able to do so.

Where appropriate the Academy will collect information about criminal convictions as part of the recruitment process or be notified of such information directly by job applicants in the course of them working for the Academy.

## Sharing data

The Academy may need to share data of job applicants with third parties, including third party service providers where required by law, where it is necessary to administer the working relationship with the job applicant or where the Academy has another legitimate interest in doing so. These include the following: -

- Academic or regulatory bodies to validate qualifications/experience (for example the teaching agency);
- Other academies within the Trust;
- Referees;
  Law enforcement officials such as police, HMRC;
- Professional advisors such as lawyers and consultants;
- The Local Authority;
- Occupational Health;
- DBS; and
- Recruitment and supply agencies.

The Academy may also need to share some of the above categories of personal information with other parties, such as HR consultants and professional advisers.
Information will be provided to those agencies securely or anonymised where possible.
The recipient of the information will be bound by confidentiality obligations. The Academy requires them to respect the security of data and to treat it in accordance with the law.

## Retention periods

Except as otherwise permitted or required by applicable law or regulation, the Academy only retains personal data for as long as necessary to fulfil the purposes it was collected for, as required to satisfy any legal, accounting or reporting obligations, or as necessary to resolve disputes.

To determine the appropriate retention period for personal data, the Academy considers the amount, nature, and sensitivity of personal data, the potential risk of harm from unauthorised use or disclosure of personal data, the purposes for processing the personal data, whether the Academy can fulfil the purposes of processing by other means and any applicable legal requirements.

How long the Academy retains job applicant's information will depend on whether their application is successful and the job applicant becomes employed by the Trust, the nature of the information concerned and the purposes for which it is processed. Full details on how long the Academy keeps personal data for is set out in the Data Retention Policy.

## Security

The Academy has put in place measures to protect the security of job applicants' information (i.e. against it being accidentally lost, used or accessed in an unauthorised way). In addition, the Academy limits access to job applicants' personal information to those employees, agents, contractors and other third parties who have a business need to know.

Details of these measures are available from the **Information Security Policy**.

Third parties will only process personal information of job applicants on instructions from the Academy and where they have agreed to treat information confidentially and to keep it secure.

The Academy has put in place procedures to deal with any suspected data security breach and will notify job applicants and any applicable regulator of a suspected breach where it is legally required to do so.

**Job applicants' rights of access, correction, erasure and restriction**

It is important that the personal information the Academy holds about job applicants is accurate and current. Job applicants are asked to keep the Academy informed if their personal information changes during their working relationship with the Academy.

Under certain circumstances by law job applicants have the right to:

- Access their personal information (commonly known as a "subject access request"). This allows them to receive a copy of the personal information the Academy holds about them and to check the Academy is lawfully processing it. Job applicants will not have to pay a fee to access their personal information. However, the Academy may charge a reasonable fee if a job applicants request for access is clearly unfounded or excessive. Alternatively, the Academy may refuse to comply with the request in such circumstances.
- Correct the personal information the Academy holds about them. This enables the job applicant to have any inaccurate information the Academy holds about them corrected.
- Ask the Academy to delete or remove their personal data if there is no good reason for the Academy continuing to process it.
- Ask the Academy to suspend processing personal information about them in certain circumstances, for example, if they want the Academy to establish its accuracy before processing it.
- Object to processing in certain circumstances (for example for direct marketing purposes).
- Ask the Academy to transfer your personal information to another party.

Job applicants wishing to exercise any of the above rights should contact compliance@aspirationsacademies.org in writing.

The Academy may need to request specific information to help confirm identity and ensure the right to access the information (or to exercise any other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

**Right to withdraw consent**

In the limited circumstances where a job applicant may have provided their consent to the collection, processing and transfer of their personal information for a specific purpose, they have the right to withdraw their consent for that specific processing at any time. To withdraw consent, please contact the Academy DP Lead. Once the Academy has received notification that consent has been withdrawn, it will no longer process the job applicant's information for the purpose or purposes that had originally been agreed, unless the Academy has another legitimate basis for doing so in law.

**How to raise a concern**

In the first instance, queries about the Academy's use of information about job applicants should be raised with the Director of HR and Compliance.

The Academy has appointed a data protection officer (DPO) to oversee compliance with data protection and this privacy notice. If queries about how the Academy handles personal information cannot be resolved by the Director of HR and Compliance, then the DPO can be contacted as per the details below: -

Data Protection Officer: Judicium Consulting Limited
Address: 72 Cannon Street, London, EC4N 6AE
Email: dataservices@judicium.com
Web: www.judiciumeducation.co.uk
Lead Contact: Craig Stilwell

Job applicants have the right to make a complaint at any time to the Information Commissioner's Office, the UK supervisory authority for data protection issues.

**Changes to this privacy notice**

The Academy reserves the right to update this privacy notice at any time, and will provide a new privacy notice when making any substantial updates. The Academy may also notify job applicants in other ways from time to time about the processing of their personal information.