

Privacy Notice – Job Applicants



Reviewed: September 2021

Privacy Notice for job applicants for posts at the Russell Education Trust both centrally at the Trust and in the Trust's individual schools.

1. Background

This Russell Education Trust ('the Trust') Privacy Notice applies to all personal data held by the Trust as a multi-academy trust and by individual schools in the Trust.

The Trust aims to ensure that all personal data collected by the Trust and in its individual schools, is collected, stored and processed in accordance with the [General Data Protection Regulation \(EU\) 2016/679 \(GDPR\)](#) and the Data Protection Act 2018 (DPA 2018) .

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 applying for jobs at our individual schools and the Trust.

The Russell Education Trust, Manor House, 1 The Crescent, Leatherhead, Surrey, KT22 8DY is the 'data controller' for the purposes of data protection law.

Our data protection officer ("DPO") is Jo Townsend (see 'Contact us' below).

2. The personal data we hold

We process data relating to those applying to work at our Trust and in our individual schools. Personal data that we may collect, use, store and share (when appropriate) about you includes, but is not restricted to:

- Contact details including name, date of birth, address, email address and contact numbers
- Personal information supplied as part of the application process
- Copies of right to work documentation
- References
- Evidence of academic qualifications
- Employment records, including work history, job titles, training records and professional memberships
- Assessments carried out as part of the recruitment process
- Identification documents reviewed as part of the recruitment process

We may also collect, use and store information about you that falls into "special categories" of more sensitive personal data. This includes but is not restricted to:

- Information about race, ethnicity, religious beliefs, sexual orientation and political opinions
- Information about disability and access requirements
- Information about dietary requirements which may include health conditions
- Photographs and CCTV images captured in school

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, social services and the Disclosure and Barring Service in respect of criminal offence data.

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3. Why we use this data

The purpose of processing this data is to aid the recruitment process by:

- Enabling us to establish relevant experience and qualifications
- Facilitating safe recruitment, as part of our safeguarding obligations towards students
- Enabling equalities monitoring
- Ensuring your health and safety and the safety of others whilst attending the Trust's offices or one of our school sites
- Ensuring that appropriate access and catering arrangements can be provided for candidates who require them

3.1 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 future, we will amend any relevant privacy notices in order to explain the processing to you, including your right to object to it.

4. 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:

- Processing is necessary to enter into a contract with you or because we have asked you to take specific steps before we enter into a contract with you
- To comply with a legal obligation e.g. we must check an applicant's entitlement to work in the UK before employment starts; safer recruitment procedures in schools require appropriate checks to be made on people who work with children
- Carry out a task in the public interest or for official purposes by the Trust or its individual schools
- You have given us explicit and specific consent to use it in a certain way
- Where it is necessary for our legitimate interests (or those of a third party) and your interests, rights and freedoms do not override those interests e.g. to inform the recruitment process, assess and confirm a candidate's suitability for employment and decide to whom to offer a job
- To protect an individual's vital interests (i.e. protect your life or someone else's life) such as in a medical emergency during the recruitment process

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 go about withdrawing consent if you wish to do so.

4.1 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 conditions for processing as set out in data protection law including:

- We need to perform our obligations or exercise our rights in relation to employment and the safeguarding of your fundamental rights.
- 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 have obtained your explicit consent to use your personal data in a certain way
- We need to process it for the establishment, exercise or defence of legal claims
- We need to use it for health or social care purposes and it is used by or under the direction of a professional obliged to confidentiality under the 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

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- We need to process it for archiving or for statistical purposes, and the processing is in the public interest.
- In addition, we rely on the processing condition at Schedule 1 part 1 paragraph 1 of the Data Protection Act 2018. This relates to the processing of special category data for employment purposes.

4.2 Criminal convictions and offences

For some roles, we are obliged to seek information about criminal convictions and offences. Where we seek this information, it does so because it is necessary to carry out our obligations and exercise specific rights in relation to employment.

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where it is necessary to carry out our legal obligations in relation to safer recruitment of staff. We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so in accordance with one of the lawful bases listed at 4) above. Additionally, we rely on the processing conditions set out at Schedule 1 of the Data Protection Act 2018.

5. Collecting this information

While the majority of the information we collect from you is mandatory, there is some information that you can choose whether or not to provide to us.

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 third parties, including:

- Local authorities
- Government departments or agencies such as the Disclosure and Barring Service
- Previous employers
- Police forces, courts or tribunals

6. How we store this data

We keep personal information about you during the recruitment process. We may also keep it beyond this if it is necessary. Our Data Retention Schedule sets out how long we keep information about applicants, which you can request from the Trust.

If your application is unsuccessful, the school may keep your personal data on file in case there are future employment opportunities for which you may be suited. The school will ask for your consent before it keeps your data for this purpose and you are free to withdraw your consent at any time.

We have security measures in place to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

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

7. Who we share your data with:

We do not share information about you with any third party without your 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:

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- Local authorities – to meet our legal obligations and to share certain information, such as safeguarding concerns
- Government department and agencies, such as the Department of Education, the Education Skills Funding Agency and the Regional Schools Commissioner
- Our regulator, Ofsted, to meet our obligations under the legislative framework for the monitoring and evaluation and assessment of schools
- Suppliers and service providers – to enable them to provide the service we have contracted them for, such as HR, recruitment and IT support
- Employment and recruitment agencies
- Professional advisers and consultants such as our lawyers in the defence of legal claims
- Other Russell Education Trust schools and centrally employed staff to support the effective management and operation of the Trust, for example to facilitate benchmarking exercises or support recruitment processes
- Police forces, courts and tribunals - to meet our obligations to share certain information in accordance with legislation
- Our internal and external auditors
- Health authorities e.g. where necessary, sharing your details with NHS Test and Trace/Public Health England, in relation to Coronavirus (Covid 19).

7.1 Transferring data internationally

We do not routinely transfer staff personal data overseas but when this is necessary we ensure that we have the appropriate safeguards in place.

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

8. Your rights

8.1 How to access the personal information we hold about you

You have a right to make a 'subject access request' to gain access to personal information that the Trust and its individual schools hold about you.

If you make a subject access request, and if we do hold information about you, we will:

- 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 a 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).

8.2 Your other rights regarding your data

Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe. You have the right to:

- Object to the use of your personal data
- Prevent your data being used to send direct marketing

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- Object to the use of your personal data for decisions being taken by automated means (by a computer or machine, rather than 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 our data protection officer at DPO@russelleducationtrust.org.uk

9. 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/concerns/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

10. 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:** Jo Townsend
- **Email address:** DPO@Russelleducationtrust.org.uk
- **Address:** Data Protection Officer, Russell Education Trust, Manor House, The Crescent, Leatherhead, Surrey, KT22 8DY. Please mark private and confidential for the attention of the Data Protection Officer.