

## Privacy Notice - Job Applicants

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## Introduction

Under data protection law, individuals have a right to be informed about how the Partnership Trust (Trust), and the schools within it, use 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 who apply to us for employment. Please read the following privacy policy to understand how the Trust uses and protects the information you provide.

The overarching policies detailing how we process data generally may be found on our Trust and School websites.

We, The Partnership Trust are the 'data controller' for the purposes of data protection law.

Our Data Protection Officer is provided by i-West (see 'Contact' section).

Successful candidates should refer to our 'Privacy Notice for the Workforce' for information about how their personal data is collected, stored and used.

## The information we collect and hold

As part of any recruitment process, the Partnership Trust collect and process personal data relating to job applicants. We process data relating to those applying to work at our Trust. Personal data that we may collect, use, store and share (when appropriate) about you includes, but is not restricted to:

- Application form:
  - your name, address and contact details, including email address and telephone number
  - details of your qualifications, skills, experience, professional memberships and employment history
  - information about your current level of remuneration, including benefit entitlements
  - information about your entitlement to work in the UK
  - your national insurance number
- copies of right to work and identity documentation
- evidence of qualifications
- notes from interviews and activities we ask you to complete as part of the recruitment process
- references from previous employers
- CCTV footage at those schools that have CCTV cameras on site
- we may live stream interviews via an online platform - we will advise you if it is to be recorded

The Trust may also collect, store and use information that falls into special categories of more sensitive personal data. This includes information about (where applicable):

- equal opportunities monitoring information, including information about your ethnic origin, race, sexual orientation, health, and religion or belief
- data concerning health
- whether or not you have a disability for which we need to make reasonable adjustment during the recruitment process
- trade union membership

Please refer to our Data Protection Policy for further information as to how we process special categories of personal data.

### **How we collect this information**

As part of the recruitment process we are required to collect certain information from you to comply with our legal responsibilities. We collect this information in a variety of ways. For example, data might be obtained from our online applicant tracking system (MyNewTerm), from application forms, from your passport or other identity documents, or collected through interviews or other forms of assessment. We may also collect personal data about you from third parties, such as references supplied by former employers, information from employment background check providers and information from criminal records checks via the Disclosure and Barring Service.

While the majority of information the Trust collects from individuals is mandatory, there is some information that individuals can choose whether or not to provide. Whenever the Trust seeks to collect information from an individual, it will make it clear whether an individual must provide this information (and if so, what the possible consequences are of not complying), or whether the individual has a choice.

As aforementioned, as of March 2023 the Partnership Trust moved to an applicant tracking system provided by MyNewTerm. Applicants are strongly encouraged to read MyNewTerm's privacy policy in conjunction with this privacy notice for further information: <https://www.mynewterm.com/privacy-policy>

### **How we use this information**

We use this information:

- to manage the recruitment process
- to facilitate safer recruitment, as part of our safeguarding obligations towards our students
- to assess and confirm a candidate's suitability for employment
- to decide to whom to offer a job
- to ensure the Trust is complying with its legal obligations, for example eligibility to work in the UK
- to ensure the Trust is complying with statutory safeguarding requirements
- to ensure that appropriate access arrangements can be provided for candidates that require them
- for equal opportunities monitoring purposes
- to keep you informed of available roles as they arise, if you join our talent pool (as this is carried out under your consent you may withdraw your consent at any point via your MyNewTerm account)

As an education provider, the Trust is obliged to seek information about criminal convictions and offences for successful candidates. Where the Trust seeks this information, it does so because it is necessary for it to carry out its obligations and exercise specific rights in relation to employment. We may process data about criminal convictions or offences. This will usually be where such processing is necessary to carry out our obligations, to exercise our rights, to look after our students and staff or to support the police and other relevant agencies. We will only use information about criminal convictions or offences where the law allows us to. Usually this will either be either on the basis of our legal obligations in relation to safeguarding, preventing fraud, health and safety or with your consent. We also need to identify the relevant condition for the processing, this will usually be substantial public interest. We do not retain DBS certificates beyond a period of 6 months.

We will not use your data for any purpose other than the recruitment application process of which you are a part.

### **How we hold this information**

Personal data we collect as part of the job application process is stored in line with our data retention policy, which is available on our website or a hard copy upon request. The personal information we collect is stored with our third-party applicant tracking system provider and/or the Trust or school's IT system and

is accessed by authorised employees for the purposes of recruitment. Any interview notes taken by Trust employees may be stored in hard copy or electronically and maintained for the purposes of recruitment. It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during our recruitment process.

### **How long we keep the information**

Personal data we collect as part of the job application process is stored in line with our data retention policy, which is available on our website or a hard copy upon request. For unsuccessful candidates the information is retained for 6 months after the date of the application. For successful candidates this is held for the duration of your employment, plus 6 years after termination of your employment, unless there is good reason for us to retain it for a longer period – for example in conjunction with our safeguarding responsibilities, or if we are notified of a legal claim.

When it is no longer required, we will delete or securely dispose of the information.

### **Why we use this data**

We only collect and use personal information about you when the law allows us to. Most commonly to:

- Take steps to enter into a contract (e.g. employment contract with you)
- Comply with a legal obligation
- Carry out a task in the public interest

Less commonly, we may also use personal information about you where:

- You have given us consent to use it in a certain way
- We need to protect your vital interests (or someone else's interests)

Where we process more sensitive data (known as special category personal data) on you we need a separate condition for processing. The conditions we mainly use are:

- Employment, social security and social protection (if authorised by law)
- Substantial public interest:
  - Statutory and government purposes (e.g. Ofsted, DfE)
  - Equality of opportunity or treatment
  - Preventing and detecting unlawful acts
  - Preventing fraud
  - Support for individuals with a particular disability or medical condition
- Explicit consent

Where you have provided us with consent to use your data, you may withdraw this consent at any time. In such cases, we will cease to process the data. We will make this clear when requesting your consent and explain how you go about withdrawing consent if you wish to do so.

Some of the reasons listed above for collecting and using personal information about you overlap, and there may be several grounds which justify the Trust and its schools' use of your data.

### **Who has access to the data**

Your information will be shared internally for the purposes of the recruitment exercise. This includes members of the recruitment panel, interviewers involved in the recruitment process, managers in the area with a vacancy and IT staff if access to the data is necessary for the performance of their roles.

Other than to request references in line with safer recruitment practices and to obtain relevant background and right to work checks, the Trust will not share your data with third parties, unless your application for employment is successful and you receive an offer of employment.

### **Sharing the data with third parties**

We do not share information about you with any third party without your consent, unless the law and our policies allow or require 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:

- Our local authority or other statutory bodies – to meet our legal obligations to share certain information with it, such as shortlists of candidates for a headteacher position
- Suppliers and service providers – to enable them to provide the service we have contracted them for, such as HR and recruitment support
- Professional advisers and consultants
- Employment and recruitment agencies
- Internally with Governors or Trustees if they were involved with the appointment process
- Occasionally with our Data Protection Officer e.g. in the event of a subject access request

### Once a job offer has been made:

- We disclose personal data about you to the Disclosure and Barring Service for the purposes of carrying out checks on your suitability to work with children.
- We disclose details about you including national insurance number to our payroll provider to enable you to be paid.
- We share your identity and pay information with HMRC in conjunction with your legal obligation to pay income tax and make national insurance contributions.
- We share your details with your pension provider in order to make sure that you pay the correct amount and maintain your entitlement to a pension upon your retirement. For teachers the scheme is the TPS, for support staff the scheme is LGPS.
- We disclose details about you including contact details and absence information to our Occupational Health Providers to ensure that you are fit for work and that correct support measures are provided, if required.

### **Transferring data internationally**

In the event that we have to transfer personal data from the UK to a country or territory outside of the European Economic Area, we will do so in accordance with data protection law and obtain sufficient safeguards.

### **How to access the personal information we hold about you**

Individuals have a right to make a 'subject access request' to gain access to personal information that the Trust (and the schools within it) holds about them.

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 the Trust office.

### 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 if we are processing it on the basis of public interest; the exercise of official authority, or legitimate interests, in which case we will consider your objections particularly those around damage or distress, and balance them against the interests of the Trust and the schools within it to continue to process the data
- Object to your data being used to send you direct marketing
- Object to the use of your personal data for decisions being taken by automated means (by a computer or machine, rather than a person)
- Request that data which you believe to be inaccurate is amended
- In certain circumstances, have personal data deleted or destroyed, or the processing of the data restricted
- A right to seek redress, either through the ICO, or through the courts

To exercise any of these rights, please contact the Trust office or our Data Protection Officer.

### Contact and Complaints

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please either contact the Operations Director at The Partnership Trust, Fosse Way School, Longfellow Road, Bath BA3 3AL (01761 404 207; email: [office@thepartnershiptrust.com](mailto:office@thepartnershiptrust.com)) or our Data Protection Officer One West, Bath and North East Somerset Council, Guildhall, High Street, Bath, BA1 5AW Email: [i-west@bathnes.gov.uk](mailto:i-west@bathnes.gov.uk) 01225 395959.

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 consider raising 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/> or call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

### Updates to our Privacy Notice

We may update this privacy notice periodically. This version was last updated in March 2023.