

Privacy Notice for Job Applicants

Overview

Learning Academies Trust (LAT) are a data controller for the purpose of the Data Protection Act 2018 and General Data Protection Regulations (GDPR). This means the LAT are responsible for deciding how it processes personal data relating to you as a job applicant. The LAT are required by Data Protection Law to provide you with the information contained in this privacy notice.

1. Data Processing

'Processing' includes obtaining, recording or holding information or data, transferring it to other companies associated with us or any other statutory, governmental or regulatory body for legitimate purposes.

1.1 Principles of GDPR:

- Your data will be lawfully and fairly processed in a transparent manner.
- Your data is collected on the grounds of clear, transparent and legitimate reasons.
- We will only ask for you data when necessary, explain when and with whom your data will be shared.
- Your data will be accurate, kept up to date and erased, without delay, should your data no longer be required for the reason for which it was originally processed.
- Your data will be retained for as long as necessary.
- Your data will be kept secure at all times.

An additional principle sets out the Accountability, where we shall be responsible for and demonstrate compliance according to General Data Protection regulations.

1.2 Your Rights.

The points below are clear rights you have under the data protection (GDPR). Please ask us for more information and an explanation of each, should you wish to:

- The right to be informed
- The right of access
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability

- The right to object
- Rights to automated decision and profiling.

Where you have provided consent to our use of your data, you also have the unrestricted right to withdraw that consent at any time. Withdrawing your consent means that we will stop processing the data that you had previously given us consent to use. There will be no consequences for withdrawing your consent. However, in some cases, we may continue to use the data where so permitted by having a legitimate reason for doing so.

1.3 Why we process your data

The law on data protection allows us to process your data for certain reasons only:

- In order to perform the employment contract that we are party to
- In order to carry out legally required duties
- In order for us to carry out our legitimate interests
- To protect your interests and
- Where something is done in the public interest.

All of the processing carried out by us falls into one of the permitted reasons. Generally, we will rely on the first 3 reason set out above to process your data.

We need to collect your data to ensure we are complying with legal requirements such as:

- Carrying out checks in relation to your right to work in the UK and
- Making reasonable adjustments for disabled employees.

We also collect data so that we can carry out activities which are in the legitimate interests of the trust. We have set these out below:

- Making decisions about who to offer employment to
- Making decisions about salary and other benefits
- Assessing training needs
- Dealing with legal claims against us

If you are unsuccessful in obtaining employment, your data will not be used for any reason other than in the ways explained in relation to the specific application you have made.

1.4 Typical Data we process

- Personal Information (names, addresses, date of birth, email address, phone numbers)
- Your photograph
- Gender
- Marital Status
- Whether or not you have a disability
- Information included on your CV or application form including references, education history and employment history
- Documentation relating to your right to work in the UK

- Driving Licence

1.5 How we collect your data

We collect data about you in a variety of ways. This includes the information you would normally include in a CV or a job application covering letter, or notes made by staff during a recruitment interview. Further information will be collected directly from you when you complete forms at the start of your employment, for example your bank and next of kin details. Other details may be collected directly from you in the form of official documentation such as your driving licence, passport or other right to work evidence.

In some cases we will collect data about you from third parties, such as employment agencies and former employers when gathering references or credit reference agencies.

Personal data is kept in personnel files or within the LAT's HR & IT systems.

1.6 Special categories of data

Special categories of data relate to your:

- Health
- Sex life
- Sexual orientation
- Race
- Ethnic origin
- Political opinion
- Religion
- Trade union membership and
- Genetic and biometric data

We must process special categories of data in accordance with more stringent guidelines. Most commonly, we will process special categories of data when the following applies:

- You have given explicit consent to the processing
- We must process the data in order to carry out our legal obligations
- We must process data for reasons of substantial public interest
- You have already made the data public.

We will use your special category data:

- For the purposes of equal opportunity monitoring

We do not need your consent if we use special categories of personal data in order to carry out our legal obligations or exercise specific rights under employment law. However, we may ask for your consent to allow us to process certain particularly sensitive data. If this occurs, you will be made fully aware of the reasons for the processing. As with all cases of seeking consent from you, you will have full control over your decision to give or withhold consent and there will be no consequences where consent is withheld. Consent, once given, may be withdrawn at any time. There will be no consequences where consent is withdrawn.

1.7 Criminal Conviction Data

We will only collect criminal conviction data where it is appropriate given the nature of your role and where the law permits us. This data will usually be collected at the shortlisting stage of the recruitment process, however, may also be collected during your employment should you be successful in obtaining employment.

We process this data because of our legal obligation - reasons of substantial public interest and to make an informed recruitment decision. To ensure we carry out statutory checks, DBS checks and other regulatory authorities as required.

1.8 If you do not provide your data to us

One of the reasons for processing your data is to allow us to carry out an effective recruitment process. Whilst you are under no obligation to provide us with your data, we may not be able to process, or continue with your application.

2. Data Sharing

Your data will be shared with colleagues within the LAT where it is necessary for them to undertake their duties with regard to recruitment. This includes, for example,

- The HR Department – those in the department where the vacancy is who are responsible for screening your application and interviewing you
- The IT Department – Where you require access to our systems to undertake any assessments requiring IT equipment.

In some cases, we will collect data about you from third parties, such as employment agencies.

Your data will be shared with third parties if you are successful in your job application. In these circumstances, we will share your data in order to obtain references as part of the recruitment process, and to obtain a criminal record check (DBS).

We do not share your data with bodies outside of the European Economic Area.

3. Retention of your information

The LAT will only retain your information for as long as we need it for. This will depend on whether or not you are successful in obtaining employment with us.

If your application is not successful and we have not sought consent, or you have not provided consent upon our request to keep your data for the purpose of future suitable job vacancies, we will keep your data for 6 months once the recruitment exercise ends.

If we have sought your consent to keep your data on file for future job vacancies, and you have provided consent we will keep your data for 6 months once the recruitment period ends. At the end of this period, we will delete or destroy your data. If you have already withdrawn your consent to our processing your data, it will be deleted or destroyed upon your withdrawal of consent request.

If your application is successful, your data will be kept and transferred to the systems we administer for employees. We have a separate privacy notice for employees, which will be provided to you.

4. **Automated decision making**

No decision will be made about you solely on the basis of automated decision making (where a decision is taken about you using an electronic system without human involvement) which has a significant impact on you.

5. **Raising a Concern**

If at any time, you wish to action any of your rights under Data Protection Act 2018 in relation to for us or any company associated with us, to processing personal data or sensitive data,

Please contact Data Protection Officer (DPO)

Email: dpo@learningat.uk

If in the instance you believe your data has been wrongfully processed or not kept secure you have the right to raise a complaint with the 'Information Commissioner's Office' (ICO).

<https://ico.org.uk/make-a-complaint/>