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Privacy notice for Job Applicants

The Charter Schools Educational Trust

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1. Introduction

Under data protection law, individuals have a right to be informed about how The Charter Schools Educational Trust (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 **job applicants to our Trust as part of our recruitment and selection process.**

Our Trust (The Charter Schools Educational Trust, Red Post Hill, London SE24 9JH 020 7346 6600) is the 'data controller' for the purposes of data protection law.

Our data protection officer is Judicium Consulting Ltd (see 'Contact us' below).

2. The personal data we hold

Personal data that we may collect, use, store and share (when appropriate) about you includes, but is not restricted to:

- Contact details
- Date of birth, marital status and gender
- Salary information
- National Insurance number
- Recruitment information, including copies of proof of identity, right to work documentation, references and other information included in a CV or cover letter or as part of the application process
- Qualifications and employment records, including work history, job titles, teacher number (if applicable), education history, training records and professional memberships
- Information about any reasonable adjustment we need to make to the shortlisting or interview and assessment process to accommodate a disability
- Information about any disqualification or sanction imposed by a regulatory body in relation to working with children
- Information about any cautions, convictions, reprimands or final warnings that are not protected, as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended), as well as other information relevant to an assessment of your suitability to work with children
- Information about your registration with the DBS Update Service (if applicable)
- Information about any personal relationships you may have with an existing member of staff or member of the board of governors/trustees
- Special categories of data (including information about your ethnic origin and health conditions) in order for us to monitor the success of our equality policies
- Information resulting from online searches made for shortlisted candidates as required under Keeping Children Safe in Education

We collect information from your application form, your criminal records declaration form (if shortlisted for interview) and through our selection process which generally includes an interview and some other form of assessment, such as written tests and presentations.

It is our policy, in line with the Department for Education's statutory guidance, Keeping Children Safe in Education, to request references at the shortlisting stage, in advance of interview. If you have concerns about this, you should contact us before submitting your application. If you are shortlisted, we will therefore also collect personal data about you from your nominated referees. Personal data may also be collected from other previous employers listed on your application form, for example, to verify details on your application form, such as particular experience or qualifications.

3. Why we use this data

We use the data listed above in order to undertake the recruitment process and, for the successful applicant, to enter into a contract of employment. It is used to:

- a) Assess your suitability to work with children and young people, thereby facilitate safer recruitment, as part of our safeguarding obligations towards pupils and in line with Keeping Children Safe in Education
- b) Administer the application, shortlisting and selection process.
- c) Inform the development of our recruitment and retention policies
- d) Defend legal claims
- e) Enable equalities and diversity monitoring

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 the 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

(a) Consent: the individual has given clear consent for the Trust to process their personal data for a specific purpose.

(b) Contract: the processing is necessary for a contract the Trust has with the individual, or because they have asked you to take specific steps before entering into a contract.

(c) Legal obligation: the processing is necessary for the Trust to comply with the law (not including contractual obligations).

(e) Public task: the processing is necessary for the Trust to perform a task in the public interest or for its official functions, and the task or function has a clear basis in law.

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 following conditions for processing as set out in data protection law:

- We have obtained your explicit consent to use your personal data in a certain way
- We need to perform or exercise an obligation or right in relation to employment, social security or social protection law
- 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 need to process it for the establishment, exercise or defence of legal claims
- We need to process it for reasons of substantial public interest as defined in legislation
- We need to process it for health or social care purposes, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under 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
- We need to process it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the processing is in the public interest

For criminal offence data, we will only collect and use it when we have both a lawful basis, as set out above, and a condition for processing as set out in data protection law. Conditions include:

- We have obtained your consent to use it in a specific way
- 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 need to process it for, or in connection with, legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of legal rights
- We need to process it for reasons of substantial public interest as defined in legislation.

5. Collecting this data

While the majority of information we collect about you is mandatory, there is some information that can be provided voluntarily. However, failure to provide information may mean that your application cannot be processed. You should also be aware that providing false or misleading information (including by omission) may result in your application being rejected and could also be treated as a disciplinary offence, in the event that employment is subsequently offered to you.

Posts in our organisation are exempt from the Rehabilitation of Offenders Act 1974 (as amended). If you decide to apply for a position and are subsequently shortlisted, you must disclose any cautions and convictions, even if they are spent, **other than** protected cautions and convictions (ie, those which have been filtered out). Details on filtering rules applicable to certain offences can be found on the Gov.UK website:

<https://www.gov.uk/government/collections/dbs-filtering-guidance>. You will also be required to declare other information which we deem to be relevant to an assessment of your suitability to work with children.

Equality monitoring information is undertaken only for the purposes of evaluating our equality policies. It is not mandatory and its provision or otherwise will have no effect on the processing of your application form.

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:

- Local authorities
- Government departments or agencies
- Police forces, courts, tribunals

6. How we store this data

Information from your application form and from the shortlisting and selection process will be stored in a paper-based file, in electronic records within our HR system and also in other IT systems, including email.

A copy of your application form and all other personal data collected during the recruitment and selection process, with the exception of criminal records information, will be held as follows:

For **successful applicants**, this will be transferred to a personnel file where it will be held securely. You will be given a workforce privacy notice upon appointment which will explain how we will hold and process your data as an employee.

For **unsuccessful applicants**, securely for a period of six months.

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

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

7. Who we share data with

Your information will be shared with school staff with a recruitment responsibility. This will include members of our HR and administrative staff, and those responsible for shortlisting and interviewing and managers within the relevant area of work or department. Equality monitoring information is separated from the application form upon receipt and is not shared with those responsible for shortlisting and interviewing.

We do not share information about job applicants with anyone without consent unless the law and our policies allow us to do so.

We may share information about job applicants with third parties that provide us with recruitment and/or HR and legal services as part of obtaining support or advice with the recruitment and appointment process.

We will not share your data with other third parties unless and until an offer of employment is made to you. At that stage, your data will be shared to fulfil legal requirements, obtain or provide necessary information or because the third-party processes data on our behalf. These third parties include:

- The Disclosure and Barring Service in order to undertake a criminal record check.

- Suppliers and consultants that provide us with a service, such as social media online checking, occupational health, HR or legal services.
- Relevant professional bodies in order to verify your qualifications (such as the Teaching Regulation Agency for teaching posts).

When we appoint third parties to process data on our behalf, the third party is also required to process the data lawfully and fairly and in a manner that ensures appropriate security of the data, using appropriate technical or organisational measures to protect against unauthorised or unlawful processing and accidental loss.

7.1 Transferring data internationally

We may share personal information about you with the following international third parties outside of the UK, where different data protection legislation applies, for example with:

- Cloud based service providers
- App Providers

When we transfer your personal data to a country or territory outside the UK, we will do so in accordance with data protection law.

In cases where we have to set up safeguarding arrangements to complete this transfer, you can get a copy of these arrangements by contacting us.

8. Your rights

8.1 How to access personal information that we hold about you

You have a right to make a 'subject access request' to gain access to personal information that we hold about you.

If you make a subject access request, and if we do hold information about you, we will (subject to any exemptions that may apply):

- 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 the right for your personal information to be transmitted electronically to another organization 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, you have certain rights regarding how your personal data is used and kept safe. For example, you have the right to:

- Object to our use of your personal data
- Object to and challenge the use of your personal data for decisions being taken by automated means (by a computer or machine, rather than by 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 us (see 'Contact us' below).

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/make-a-complaint/>
- 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**:

Judicium Consulting Ltd
72 Cannon Street
London
EC4N 6AE

Tel: 020 3326 9174
Lead Contact: Craig Stilwell

