

## **Earlscliffe (Earlscliffe Ltd)**

### **Policy: GDPR Candidate Privacy Notice**

**Member of SLT responsible: Head Teacher (Title not name)**

**Date of review: November 2022**

**Date of next review: November 2023 (November of following school year)**

## **GDPR Candidate Privacy Notice (UK)**

### **WHAT IS THE PURPOSE OF THIS DOCUMENT?**

Earlscliffe, with registered address 29 Shorncliffe Road, Folkestone, CT20 2NB ("Earlscliffe", "we", "us") is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. You are being presented with a copy of this privacy notice because you are applying for work with us (whether as an employee, worker or contractor). It makes you aware of how and why your personal data will be used, namely for the purposes of the recruitment exercise, and how long it will usually be retained for. It provides you with certain information that must be provided under the General Data Protection Regulation ((EU) 2016/679) (GDPR) and Data Protection Act 2018.

### **DATA PROTECTION PRINCIPLES**

We will comply with data protection law and principles, which means that your data will be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept securely.

### **THE KIND OF INFORMATION WE HOLD ABOUT YOU**

In connection with your application for work with us, we will collect, store, and use the following categories of personal information about you:

- The information you have provided to us in your curriculum vitae and covering letter.
- The information you have provided on our application form, including name, title, address, telephone number, personal email address, date of birth, gender, employment history, qualifications.
- Any information you provide to us during an interview or in the course of any recruitment assessments that we may run.

We may also collect, store and use criminal offences information and the following "special categories" of personal information:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions.
- Information about your health, including any medical condition, health and sickness records.

## HOW IS YOUR PERSONAL INFORMATION COLLECTED?

We collect personal information about candidates from the following sources:

- You, the candidate.
- Recruitment agencies, if they are assisting us with the recruitment process, from which we may collect any of the categories of personal data listed above.
- Disclosure and Barring Service in respect of criminal convictions.
- Your named referees, from whom we collect the following categories of data: dates of employment, performance information, salary information, disciplinary information.

## HOW AND WHY WE WILL USE INFORMATION ABOUT YOU

Having received your CV and covering letter and/or your application form, we will process that information to decide whether you meet the basic requirements to be shortlisted for the role. If you do, we will decide whether your application is strong enough to invite you for an interview. We will also undertake If we decide to call you for an interview, we will use the information you provide to us at the interview (along with your CV, covering letter and application, as relevant) to decide whether to offer you the role. If we decide to offer you the role and you accept, we will then take up references, carry out a criminal record check where relevant and carry out other safeguarding checks before confirming your appointment.

If you are successful, any personal information that you submit in the course of the recruitment process may become a part of your personnel file and may be used later for the management of the contractual relationship.

We use the personal information we collect about you on the following lawful bases:

- **To fulfil contractual obligations:** to reimburse you for any agreed expenses incurred in the application process.
- **For purposes which are in our (or a third party's) legitimate interests, and where these interests are not overridden by your freedoms, rights or interests:** to decide whether to appoint you to a role by assessing your skills, qualifications, and suitability for the role and carrying out background and reference checks, where applicable; keeping records related to our hiring processes; equal opportunities and diversity monitoring; and communicating with you and answer queries that you may have about the recruitment process.
- **To comply with legal obligations:** as relevant, we will process your personal information to comply with applicable laws and protect our legal rights including, but not limited to, in connection with legal claims (including disclosure of information in connection with legal process or litigation). If your application is successful, this will include verifying whether you have the right to work in the UK, checking whether the information you have provided in the application is correct and carrying out other background checks as permitted or required by local law. We will provide further information about these checks before they are carried out.
- **With your consent:** in limited circumstances we may ask for your consent to process your personal data. Where this is the case, we will explain the purposes of this processing at the time that we ask for your consent.

### If you fail to provide personal information

If you fail to provide information when requested, which is necessary for us to consider your application (such as evidence of qualifications or work history), we will not be able to process your application. For example, if we require references for this role and you fail to provide us with relevant details, we will not be able to take your

application further.

## **HOW AND WHY WE USE 'SPECIAL CATEGORY' PERSONAL INFORMATION**

We will use special category personal information in the following ways:

- We will use information about your disability status to consider whether we need to provide appropriate adjustments during the recruitment process, for example whether adjustments need to be made during an interview.
- We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.

We use the special category information we collect about you on the following lawful bases:

- In limited circumstances, with your explicit written consent.
- Where we need to carry out our legal obligations or exercise rights in connection with employment.
- Where it is needed in the public interest, such as for equal opportunities monitoring.
- Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your vital interests (or someone else's vital interests) and you are not capable of giving your consent, or where you have already made the information public.

## **HOW AND WHY WE USE INFORMATION ABOUT CRIMINAL CONVICTIONS**

We envisage that we will process information about criminal convictions.

We will collect information about your criminal convictions history if we would like to offer you the role and you accept the role, conditional on checks and any other conditions, such as references, being satisfactory. We are required to carry out a criminal records check in order to satisfy ourselves that there is nothing in your criminal convictions history which makes you unsuitable for the role. In particular:

- We are legally required to carry out criminal record checks for those carrying out work in our college.
- Any role working with children or young people is one which is listed on the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (*SI 1975/1023*) and is also specified in the Police Act 1997 (Criminal Records) Regulations (*SI 2002/233*) so is eligible for an enhanced check from the Disclosure and Barring Service.

We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data.

## **AUTOMATED DECISION-MAKING**

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making.

## **DATA SHARING**

### **Why might you share my personal information with third parties?**

We will only share your personal information with third parties for the purposes of processing your application and administering the recruitment process. Third party service providers will process personal information on our behalf for the purposes identified earlier in this notice. We use third party providers for the following categories, including but not limited to: website hosting, identity checking, criminal record checks, online recruitment platforms, recruitment agencies, legal advisors, IT support and payroll.

All our third-party service providers who process personal data on our behalf (as 'data processors') and other entities in the group are required to take appropriate security measures to protect your personal information in line

with our policies. We do not allow our third-party service providers who are data processors to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

Personal information will be shared with government authorities and/or law enforcement officials if required for the purposes listed earlier in this notice, if mandated by law or if required for the legal protection of our legitimate interests in compliance with applicable laws. In the event that the business is sold or integrated with another business, your personal information will be disclosed to our advisers and any prospective purchaser's adviser and will be passed to the new owners of the business.

## **DATA SECURITY**

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. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need-to-know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality. Details of these measures may be obtained from the senior management team.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

## **DATA RETENTION**

### **How long will you use my information for?**

If your application is unsuccessful, we will retain your personal information for a period of 12 months after we have communicated to you our decision about whether to appoint you to the role. We retain your personal information for that period so that we can show, in the event of a legal claim, that we have not discriminated against candidates on prohibited grounds and that we have conducted the recruitment exercise in a fair and transparent way. After this period, we will securely destroy your personal information in accordance with our data retention policy and applicable laws and regulations.

If we wish to retain your personal information on file, on the basis that a further opportunity may arise in future and we may wish to consider you for that, we will write to you separately, seeking your explicit consent to retain your personal information for a fixed period of one year on that basis.

If you are successful, any personal information that you submit in the course of the recruitment process may become a part of your personnel file, and will be

## **YOUR DATA PROTECTION RIGHTS**

### **Your rights in connection with personal information**

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and along with supplementary information about our data processing.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information in certain circumstances..

- **Object to processing** of your personal information in certain circumstances, in particular where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have an absolute right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information in a structured, commonly used and machine readable format to yourself or to another party (known as data 'portability').

These rights may be limited, for example if fulfilling your request would reveal personal information about another person, where they would infringe the rights of a third party (including our rights) or if you ask us to delete information which we are required by law to keep or have compelling legitimate interests in keeping. Relevant exemptions are included in both the GDPR and in the Data Protection Act 2018. We will inform you of relevant exemptions we rely upon when responding to any request you make.

If you want to exercise any of your data protection rights, please contact a member of the Senior Management Team at [privacy@dukeseducation.com](mailto:privacy@dukeseducation.com).

## RELYING ON OUR LEGITIMATE INTERESTS

We have carried out balancing tests for all the data processing we carry out on the basis of our legitimate interests, which we have described above. To obtain information on any of our balancing tests please contact the senior management team on [privacy@dukeseducation.com](mailto:privacy@dukeseducation.com).

## RIGHT TO WITHDRAW CONSENT

To the extent that you have provided consent to us processing your personal information for the purposes of the recruitment exercise, you have the right to withdraw your consent to processing for that purpose at any time. To withdraw your consent, please contact the senior management team at [privacy@dukeseducation.com](mailto:privacy@dukeseducation.com). Once we have received notification that you have withdrawn your consent, we will stop processing your personal information to the extent that such processing was performed on the basis of your consent and no other lawful basis for the processing exists. Please note that this will not affect the lawfulness of any processing performed before you withdraw your consent.

## HOW TO CONTACT US

The senior management team will oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact them at [privacy@dukeseducation.com](mailto:privacy@dukeseducation.com). You also have the right to make a complaint at any time to the Information Commissioner's Office ([www.ico.org.uk](http://www.ico.org.uk)), the UK supervisory authority for data protection issues.

The local Data Protection Champion will oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact your local Data Protection Champion Joss Williams at [josswilliams@earlscliffe.co.uk](mailto:josswilliams@earlscliffe.co.uk) or the Senior Management Team at Dukes Education [privacy@dukeseducation.com](mailto:privacy@dukeseducation.com). You have the right to make a complaint at any time to the Information Commissioner's Office ([www.ico.org.uk](http://www.ico.org.uk)), the UK supervisory authority for data protection issues.

I, \_\_\_\_\_ (candidate name), acknowledge that on \_\_\_\_\_  
(date), I received a copy of Earlscliffe's Candidate Privacy Notice and that I have read and understood it.

Signature

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Name

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