

# Privacy Notice for Applicants – How we use your information

## 2020/21

### Who are we?

Learning Today Leading Tomorrow is the 'data controller'. This means we are responsible for how your personal information is processed and for what purposes.

Learning Today Leading Tomorrow is registered as the Data Controller with the Information Commissioner's Office (ICO); Registration Number: ZA138738.

You can contact the Academy Trust as the Data Controller in writing at:

Learning Today Leading Tomorrow

Rugby Free Secondary School

Anderson Avenue

Rugby

CV22 5PE

Or

[info@learningleading.org](mailto:info@learningleading.org)

### What is a Privacy Notice?

A Privacy Notice sets out to individuals how we use any personal information that we hold about them. We are required to publish this information by data protection legislation. This Privacy Notice explains how we process (collect, store, use and share) personal information about job applicants.

### What is Personal Information?

Personal information relates to a living individual who can be identified from that information. Identification can be by the information alone or in conjunction with any other information in the data controller's possession or likely to come into such possession.

'Special category' personal information relates to personal information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

### What personal information do we process about Applicants?

The categories of applicant information that we collect, hold and share include:

- The information you have provided on your application form, including name, title, address, telephone number, personal email address, date of birth, gender, teacher number, employment history, criminal

records disclosures, qualifications, subjects taught and other training and development activities

- Information you provide as part of the Monitoring and Equality form including ethnicity, sexual orientation and faith
- Any test results which arise as part of this application process
- Verification of right to work in the UK
- Information about your current level of remuneration, including benefit entitlements
- Information provided to us by your referees
- DBS

Where you have named referees on your application form, we shall assume that they have consented to being approached by us.

We may also collect, hold and share the following “special categories” of more sensitive personal information:

- information such as gender, age, ethnic group, religious belief, sexual orientation
- Information about your health, including any medical condition, health and sickness records
- Information about criminal records
- Information about being barred from working with children or vulnerable people
- Any information you provide to us during an interview

### **How is your personal information collected?**

We collect personal information about candidates from the following sources:

- You, the job applicant
- Disclosure and Barring Service in respect of criminal convictions and information about being barred from working with children or vulnerable people (once a job offer has been made)
- From former employers (once a job offer has been made)

### **For what purposes do we use applicants’ personal information?**

We will use your personal information to:

- Assess your skills, qualifications and suitability for the role
- Carry out background checks
- Communicate with you about the process
- Keep records
- Comply with legal or regulatory requirements including statutory Safeguarding in Recruitment guidance

We need to process your personal data in order to decide whether to enter into a contract of employment with you. It is ultimately in our legitimate interests to process personal data during the recruitment process and for keeping records of this process. Actively managing this data allows the recruitment process to be efficient and adequately confirm your suitability for the job.

LT2 Applicant Privacy Notice

Last Update: July 2021

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 successfully.

Information about your disability status may be used in order to consider where reasonable adjustments need to be made during the recruitment process

Information about your age, gender, race or national or ethnic origin, religious beliefs and sexual orientation will be used to ensure meaningful equal opportunity monitoring and reporting.

### **What are the legal reasons for us to process your personal information?**

We are required to process personal information in accordance with data protection legislation and only do so when the law allows us to. Data Protection law sets out the lawful reasons we have to process your personal information and these are as follows:

#### **1) To comply with the law**

We collect applicant information in order to meet certain legal requirements and legal obligations placed upon the school by UK law. We therefore have the right to process your personal information for such purposes without the need to obtain your consent.

Details of the type of processing that we must undertake, the personal data that is processed, the legislation which requires us to do so and who we may share this information with is set out in Table 1.

#### **2) To protect someone's vital interests**

We are able to process personal information when there is an emergency and/or where a person's life is in danger. Details of the type of processing that we may undertake on this basis and who we may share that information is set out in Table 2.

#### **3) With the consent of the individual to whom that information 'belongs'**

Whilst much of the personal information is processed in accordance with a legal requirement, there is some personal information that we can only process when we have your consent to do so. In these circumstances, we will provide you with specific and explicit information regarding the reasons the data is being collected and how the data will be used.

Details of the type of processing that we may undertake on this basis and who we may share that information is set out in Table 3.

#### **4) To perform a public task**

Keeping Children Safe in Education 2020 sets out statutory guidance to which all schools must adhere to ensure that their safeguarding obligations are met in the recruitment process. It is also a day-to-day function of the school to ensure that staff members receive the training and support they require. Much of this work is not set out directly in any legislation but it is deemed to be necessary in order to ensure that staff are properly supported and able to do their job.

Details of the type of processing that we may undertake on this basis and who we may share that information is set out in Table 4.

In certain circumstances, an individual has the right to object to any processing where it is likely to cause or is causing harm or distress. To exercise this right, individuals should do so by contacting the trust to inform them of their reasons for the objection. These reasons should relate to your specific circumstances. Upon receipt of an objection, the trust will consider the reasons for the objection and balance this against the legitimate grounds to process data.

#### 5) We have a legitimate interest

Occasionally we have reasons to process information which fall outside of our usual day-to-day school functions. Details of the type of processing that we may undertake on this basis are set out in Table 5.

In certain circumstances an individual has the right to object to any processing where it is likely to cause or is causing harm or distress. To exercise this right, individuals should do so by contacting the trust to inform them of their reasons for the objection. These reasons should relate to your specific circumstances. Upon receipt of an objection, the trust will consider the reasons for the objection and balance this against the legitimate grounds to process data.

### Special category personal information

In order to process 'special category' data, we must be able to demonstrate how the law allows us to do so. In addition to the lawful reasons above, we must also be satisfied that ONE of the following additional lawful reasons applies:

- Explicit consent of the data subject
- Processing relates to personal data which is manifestly made public by the data subject
- Necessary for establishing, exercising or defending legal claims
- Necessary for reasons of substantial public interest
- Necessary for preventive or occupational medicine, or for reasons of public interest in the area of public health
- Necessary for archiving, historical research or statistical purposes in the public interest

The lawful reasons for each type of special category personal information data that we process is set out in the tables attached.

### Collecting applicant information

Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the UK General Data Protection Regulation, we will inform you whether you are required to provide certain information to us or if you have a choice in this.

### **NHS Test and Trace/Public Health Agencies:**

It may be necessary for us to share limited information with the above agencies in the event that an individual tests positive for the Coronavirus, or if there is an outbreak. This will enable the named agencies to liaise with families to provide advice and support, and to take appropriate steps in responding to an outbreak. You have the right to object to the sharing of information with such agencies. This is not an absolute right and will be assessed on a case by case basis.

### **Covid-19 – Data Collection Requirements:**

It may be necessary for us to share limited information with the Department of Public Health if an individual tests positive for Coronavirus, or if there is a Coronavirus outbreak. This will enable the named agencies to liaise with families to provide advice and support, and to take appropriate steps in responding to an outbreak.

### **Testing in schools**

To enable lateral flow testing in schools, we need to process personal data of pupils taking part. For information on the data processed in relation to testing in schools, please refer to the privacy information provided by the DfE and published on our website.

### **Who might we share your information with?**

We may share applicant information with members of our staff who are involved in the recruitment process such as HR and managers who hold vacancies.

For vacancies at Rugby Free Secondary School, applicants have the choice to apply via the TES recruitment portal and their data is stored and tracked on the TES system. The data itself is not shared externally.

LT2 has a contract with Strictly Education who process applications to the Disclosure and Barring Service on the Trust's behalf. Applicant's data will be shared with strictly education for the processing of DBS checks during the interview process.

Appropriate security measures have been put in place to prevent personal information being accidentally lost, used or accessed in an unauthorised way.

We will not share your data with third parties, unless your application for employment is successful and an offer has been made. They will only process personal information on our instructions and are subject to a duty of confidentiality.

Procedures are also in place to deal with suspected data security breaches and you will be notified of a suspected breach where we have a legal obligation to do so.

### **What do we do with your information?**

All personal information is held in a manner which is compliant with Data Protection legislation. Personal information is only processed for the purpose it was collected. The Trust monitors the personal information it processes and will only share personal information with a third party if it has a legal basis to do so.

LT2 Applicant Privacy Notice

Last Update: July 2021

## How long do we keep your information for?

In retaining personal information, the Trust complies with the Retention Schedules provided by the Information Record Management Society. The schedules set out the Statutory Provisions under which the Trust are required to retain the information.

A copy of those schedules can be located using the following link:

<http://irms.org.uk/page/SchoolToolkit>

## Transferring data internationally

Where we transfer personal data to a country or territory outside the UK, we will do so in accordance with data protection law. We intend only to share to countries that have an adequacy decision. Where we share data to the USA, which includes Microsoft Office, we use Standard Contractual Clauses as a secure transfer mechanism, under Article 46 of the GDPR.

## What are your rights with respect of your personal information?

Under data protection law, parents and pupils have the right to request access to information about them that we hold. To make a request for your personal information, or to have access to your child's educational record, contact the Trust directly via email at [sar@learningleading.org](mailto:sar@learningleading.org) or alternatively;

Learning Today Leading Tomorrow

Rugby Free Secondary School

Anderson Avenue

Rugby

CV22 5PE

**\*\*Please ensure you specify which school your request relates to.**

**In certain circumstances** where the trust processes data for the purposes of legitimate interests or to fulfil their public task, individuals have a right to object to the processing where it is likely to cause, or is causing, harm or distress. When exercising this right, individuals should contact the school/academy trust to inform them of their reasons for their objection. The school/academy trust will consider the reasons for any objection and assess the risk to the individual against the purposes for the processing. In the event the trust is unable to comply with an objection, we will ensure we can demonstrate compelling legitimate grounds to continue with the processing.

You also have the right to:

- Object to processing of personal data that is likely to cause, or is causing, damage or distress;
- Prevent processing for the purpose of direct marketing;
- Object to decisions being taken by automated means;
- In certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- Claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

### **Review**

The content of this Privacy Notice has been updated in line with advice for COVID-19. The next full reviewed will take place in March 2022.

**Table 1 – Personal information we are required to process to comply with the law:**

<b>Information Type</b>	<b>Relevant legislation</b>	<b>Special Category– additional lawful reason</b>	<b>Third Parties with whom we share the information</b>	<b>Lawful reason for sharing</b>
DBS Check, barred list checks, prohibition from teaching and employment history	The School Staffing (England) Regulations 2009, Schedule 2 Part 2 - requirement to keep a Single Central Record  Legal Obligation Protection of Freedoms Act 2012, Part 5 - Safeguarding Vulnerable Groups	Public Interest – KCSIE 2020, Safeguarding in Recruitment	Strictly Education	Contract
Criminal Records Disclosures	Legal Obligation Protection of Freedoms Act 2012, Part 5 - Safeguarding Vulnerable Groups  The School Staffing (England) Regulations 2009, Schedule 2 Part 2 - requirement to keep a Single Central Record	Public Interest - KCSIE 2020 Safeguarding in recruitment		
Verification of Right to work in the U.K (Single Central Record)	Immigration, Asylum and Nationality Act 2006, Section 15  The School Staffing (England) Regulations 2009, Schedule 2 Part 2	Public Interest - KCSIE 2020 Safeguarding in recruitment		



	- requirement to keep a Single Central Record			
Disability Information (Reference and Monitoring Form)	Legal Obligation Equality Act 2010, section 20 - duty to make reasonable adjustments	Necessary for preventive and occupational medicine Public Interest Necessary for archiving, historical research or statistical purposes in the public interest	TES (Application Form)	Contract

**Table 2 – Personal information we are required to process as it is necessary to protect someone’s vital interests**

<b>Information Type</b>	<b>Special Category - additional lawful reason</b>	<b>Third Parties with whom we share the information</b>	<b>Lawful reason for sharing</b>
Religious belief (Reference and Monitoring Form)	Necessary to protect vital interests of the data subject Public Interest Necessary for archiving, historical research or statistical purposes in the public interest	Medical staff i.e. paramedics/ambulance	Vital Interest
		TES (Application Form)	Contract

**Table 3 - Personal information we are required to process with the consent of the individual to whom that information ‘belongs’**

<b>Information Type</b>	<b>Special Category - additional lawful reason</b>	<b>Third Parties with whom we share the information</b>	<b>Lawful reason for sharing</b>

Photographs	Public Interest	Inventry/EDIT (Sign-in systems)	Public Task
Sexual Orientation (Reference and Monitoring Form)	Necessary for archiving, historical research or statistical purposes in the public interest Legitimate Interest	TES (Application Form)	Contract

**Table 4 - Personal information we are required to process because it is necessary to do so in order to perform a public task**

Please note that the right to object applies to *some* of this processing, please see the section above that refers to ‘*What are your rights with respect of your personal information?*’

Information Type	Special Category - additional lawful reason	Third Parties with whom we share the information	Lawful reason for sharing
Information entered onto the application form including Full Name, Current employment (incl. grade, company, job title), employment history (incl. dates), Date of Birth, Subjects taught, contact details, qualifications and training		TES	Contract
Gender (Reference and Monitoring Form)		TES	Contract
Information required for COVID-19 Track and Trace:	Necessary for reasons of public health	Public Health and NHS Test and Trace	Public Task

Name and contact details, result of COVID-19 testing.			
Information required for Covid-19 testing in school: Name. Date of birth, year group, Gender, Ethnicity, Home, postcode, Email address, Mobile number, Unique barcode assigned to each individual test and which will become the primary reference number for the tests, Test result, Parent/guardians contact details (if required)	Legal Obligation - para 7 of the Schedule to Education (Independent School Standards) Regulations 2014  Reasons of public interest on public health grounds	Department of Health and Social Care, NHS, Public Health England Your GP Local Authority	Legal Obligation - Regulations 3(1) and (4) of the Health Service (Control of Patient Information) Regulations 2002

### Table 5 - Personal information we process because we have a legitimate interest.

Please note that the right to object will apply to **some** of this processing, please see the section above that refers to 'What are your rights with respect of your personal information?'

Information Type	Special Category - additional lawful reason	Third Parties with whom we share the information.	Lawful reason for sharing
Images captured on our CCTV system.	n/a	This is not shared routinely.	n/a