



## Data Privacy Notice - Applicants

<b>Approved by:</b>	Board of Directors	<b>Date:</b> 23/03/2022
<b>Last reviewed:</b>	02/12/2020	
<b>Next review due by:</b>	30/03/2023	

We, The Rainbow Multi Academy Trust of Unit 7, King Edward Mine, Troon, Camborne, Cornwall, TR14 9HW, are the 'Data Controller' for the purposes of UK data protection law. Our Data Protection Officer is Glyn Pascoe (see 'Contact us' section below).

### **1.1 What is a 'privacy notice'?**

A privacy notice is often called a 'fair processing notice' and is designed to inform individuals when data about them is collected, held and processed.

Typical examples of personal data that we may collect, use, store or share (when appropriate) for the purposes of recruitment are:

- Contact details such as name, address, phone numbers, email addresses
- Date of birth
- Marital status
- Gender
- Country of birth
- National Insurance number
- Emergency contact information
- Evidence of how you meet the requirements of the job, including CVs and references
- Evidence of your right to work in the UK and immigration status
- Qualifications and employment records, including work history, working hours along with training and professional memberships
- Work-related performance information including supporting evidence relating to disciplinary procedures, absence and related data
- Supporting collateral for the above, e.g. driving license, passport, birth certificate, photographs
- If you contact us regarding your application, a record of that correspondence.
- The status of your application and updates on how it moves forward.
- CCTV footage collected from our site(s)

The above should be viewed as a non-exhaustive list and additional data may be stored where it is deemed relevant.

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

- Diversity and equal opportunity monitoring information – this can include race, ethnicity, religious beliefs, sexual orientation and political opinions.
- Trade union membership
- Health, including any medical conditions, and sickness records

We may also collect, use, store and share (when appropriate) information regarding criminal convictions and offences.

We may also hold data about you that we have received from other organisations, including other education institutes, social services and the Disclosure and Barring Service (DBS) in respect of criminal offence information.

### **1.2 What is the purpose of holding the data?**

- Statutory reporting e.g. to demonstrate equal opportunities employment
- To provide safe recruitment in line with government/group/local authority best practise
- To ensure you are the right candidate for the role
- To make contact with yourself
- To ensure that appropriate access arrangements can be provided for candidates.

### **1.3 Use of personal data in automated decision making and profiling?**

We do not process and personal data through automated decision making or profiling.

### **1.4 What is our lawful purpose?**

Data must only be collected and processed when allowable by UK data protection law. Typically, this is when:

- We are required to process data to fulfil a contract – Employment or pre-employment checks.
- We are required to hold data to comply with legal obligations – To ensure candidates are entitled to work in the UK.
- It is in the public interest to do so – processing personal data to perform a task in the public interest.

In addition to the above, it is allowable to hold/process personal data when we have received explicit consent to do so and/or to protect your or someone else's vital interests.

Where you have provided us with consent to use your data, you may withdraw this consent at any time. 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 academy's use of your data.

Processing criminal convictions and sensitive information; we collect, use and hold sensitive information such as criminal convictions on the lawful basis of contract, legal obligation and public task.

### **1.5 What is our basis for using special category data?**

We only collect, store and process special category data when we have both a lawful basis and one of the below conditions for processing as set out in UK data protection law:

- Explicit consent has been obtained
- Protecting an individual's vital interests in emergency cases where you are physically or legally incapable of giving consent
- The data has already been made public by you
- Processing for legal claims
- Processing for substantial public interest as defined in legislations

- Processing 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 another person obliged to confidentially under law
- Processing for public health reasons, and the processing is done by or under the direction of a health professional or by another person obliged to confidentially under law
- Processing for archiving purposes, scientific or historical research purposes or for statistical purposes and the processing is in the public interest.
- Performing an obligation or right in relation to employment, social security or social protection law

Criminal offence data is only collected, stored and processed when we have both a lawful basis and one of the below conditions for processing as set out in UK data protection law:

- Consent has been obtained
- Protecting an individual's vital interests in emergency cases where you are physically or legally incapable of giving consent
- The data has already been made public by you
- Processing it for or in connection with legal proceedings, to obtain legal advice or exercise or defence of establishment legal rights
- Processing for reasons of substantial public interest as defined in legislation

### **1.6 How is information collected?**

Personal data will fall into two categories: mandatory (in as much as you must comply with the request to provide the data) and optional (where there is a choice whether to supply information or not). As a Data Controller, we must highlight to you which of the above scenarios is applicable.

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, courts, tribunal

### **1.7 How is data stored?**

Personal data is kept secure and may only be used for the purposes relevant to administering your recruitment. At the end of the retention period, the data will be subject to our standard record retention schedule and then disposed of securely.

A copy of this schedule can be obtained from the [Information and Records Management Society's Toolkit for Schools](#).

### **1.8 How we share your data**

Data will not be shared with any third party without your consent unless either allowable by law or indicated as part of our policies. Assuming either of the above apply, data can be shared with:

- Cornwall local authority – to meet our legal obligations to share certain information with them, such as safeguarding concerns.
- Our regulator Ofsted – to meet our legal obligations such as safer recruitment and monitoring data.
- 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

Where allowable and appropriate, data may be transferred internationally in accordance with UK data protection law.

### **1.9 How can I see what personal information is held about me? Your rights**

To gain access to a report of the data held about you, please complete a 'subject access request'. If we do hold information about you, we will provide the following information:

- A description of the data
- A reason for holding the data
- Where we obtained the data if not from you
- How long the data will be retained for
- Whether the data has been shared and with whom
- Whether any automated decision-making has been applied
- A copy of the data in an intelligible format

To request access please contact the academy's Data Protection Representative.

### **1.10 Other rights**

As a data subject, you have the right to:

- Formally object to the use of your data
- In certain circumstances have inaccurate data corrected, removed or restrictions placed on its processing
- In certain circumstances have the data we hold about you deleted or destroyed
- In certain circumstances, be notified of a data breach
- Claim compensation for damages caused by a breach of the data protection regulations
- Make a complaint to the Information Commissioner's Office (ICO)
- Object to the use of your data in decisions being made by automated processes
- Prohibit your data being used to send direct marketing

To exercise any of these rights, please contact the academy's Data Protection Representative (DPR).

### **1.11 Complaints process**

To make a complaint or discuss a situation where you believe your data may be being misused, please contact the academy in the first instance requesting to speak to the Data Protection Officer.

The Information Commissioner's Office (ICO) can also receive complaints around data handling:

- Via their web form at: <https://ico.org.uk/make-a-complaint/>
- Via live chat on the ICO website
- By calling: 0303 123 1113
- In writing to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

### **1.12 Contact us**

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please in the first instance contact the academy's Data Protection Representative (DPR).

If you feel your concern has not been answered or you have an issue that needs to be escalated, please contact our Data Protection Officer (DPO).

#### **Academy Data Protection Representative:**

Sam Hassett                      [shassett@rainbowacademy.org.uk](mailto:shassett@rainbowacademy.org.uk)

#### **Data Protection Officer:**

Glyn Pascoe                      [dpo@ict4.co.uk](mailto:dpo@ict4.co.uk)