St Margaret's Academy Privacy Notice - Job Applicants

Introduction

St Margaret's Academy is covered by the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018 (DPA 2018), and the Data (Use and Access) Act 2025 (DUAA)

Under data protection law, individuals have a right to be informed about how the Academy 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 individuals applying for jobs at our Academy. The overarching privacy notice detailing how we process data may be found on our Academy website.

We, St Margaret's Academy are the 'data controller' for the purposes of data protection law.

Our Data Protection Officer is provided by i-West (see 'Contact us' below).

Successful candidates should refer to our privacy notice for the school workforce for information about how their personal data is collected, stored and used.

The personal data we hold

We process data relating to those applying to work at our Academy. Personal data that we may collect, use, store and share (when appropriate) about you includes, but is not restricted to:

- Application forms
- Contact details
- Copies of right to work and identity documentation
- References
- Evidence of qualifications
- Employment records, including work history, job titles, training records and professional memberships

We may also collect, store and use information about you that falls into "special categories" of more sensitive personal data:

- racial or ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- 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

We will also hold the details of any criminal convictions or cautions that you may have provided and the results of any DBS checks. We do not retain DBS certificates themselves.

Please refer to our *Special Categories of Personal Data Policy* for further information as to how we process this.

Why we use this data

The purpose of processing this data is to aid the recruitment process by:

- Enabling us to establish relevant experience and qualifications and information provided to assist us to appoint the most suited candidate for the advertised position
- Facilitating safe recruitment, as part of our safeguarding obligations towards pupils Enabling equalities monitoring
- Ensuring that appropriate access arrangements can be provided for candidates that require them

Our lawful basis for using this data

We only collect and use personal information about you when the law allows us to. Most commonly, we use it where we need to:

- Take steps to enter into a contract (e.g. employment contract with you)
- Comply with a legal obligation
- Carry out a task in the public interest

Less commonly, we may also use personal information about you where:

- You have given us consent to use it in a certain way
- We need to protect your vital interests (or someone else's interests)

Where we process more sensitive data (known as special category personal data) on you we need an additional legal basis. The bases we mainly use are:

- Legal obligation
- Substantial public interest:
    - Statutory and government purposes (e.g. Ofsted, DfE) ○ Equality of opportunity or treatment
- Explicit consent
- For the purpose of medical diagnosis and prevention (e.g. School nurse Team, ensuring staff are aware of allergies)

- To maintain your vital interests where consent is physically or legally incapable of giving consent (e.g. where you are unconscious and in need of medical assistance), and where your health data is then shared)

Where you have provided us with consent to use your data, you may withdraw this consent at any time. In such cases, we will cease to process the data unless another lawful basis applies – for example in connection with our safeguarding responsibilities. We will make this clear 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 school's use of your data.

Collecting this information

As part of the recruitment process we are required to collect certain information from you to comply with our legal responsibilities, and mandatory fields on application forms must be fully completed. However, you can choose whether or not to provide some information to us for example information required in connection with equal opportunities monitoring. 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.

How we store this data

Personal data we collect as part of the job application process is stored in line with our data retention policy, which is available upon request. For unsuccessful candidates the information is retained for 6 months after the date of the appointment. For successful candidates this is held for the duration of your employment, plus 6 years after termination of your employment, unless there is good reason for us to retain it for a longer period – for example in conjunction with our safeguarding responsibilities or if notified of a legal claim.

When it is no longer required, we will delete or securely dispose of your information.

Data sharing

We do not share information about you with any third party without your consent, unless the law and our policies allow or require us to do so.

Where it is legally required or necessary (and it complies with data protection law), we may share personal information about you with:

- Our local authority or other statutory bodies – to meet our legal obligations to share certain information with it, such as shortlists of candidates for a headteacher position
- 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

Transferring data internationally

Where we transfer personal data from the UK to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

How to access the personal information we hold about you

Individuals have a right to make a 'subject access request' to gain access to personal information that the school holds about them.

If you make a subject access request, and if we do hold information about you, we will:

- 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 a right for your personal information to be transmitted electronically to another organisation in certain circumstances. If you would like to make a request, please contact the school office.

Your other rights regarding your data

Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe. You have the right to:

- Object to the use of your personal data if we are processing it on the basis of public interest; the exercise of official authority, or legitimate interests, in which case we will consider your objections particularly those around damage or distress, and balance them against the interests of the School to continue to process the data
- Object to your data being used to send you direct marketing
- Object to the use of your personal data for decisions being taken by automated means (by a computer or machine, rather than a person)
- Request that inaccurate data is amended
- In certain circumstances, have personal data deleted or destroyed, or the processing of the data restricted

To exercise any of these rights, please contact the school office or our Data Protection Officer.

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 consider raising this with us in the first instance.

To make a complaint, please contact our data protection officer.

Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at https://ico.org.uk/concerns/ or call 0303 123 1113

- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please either contact the school office Karen Colmer on 01803 327090 or email kcolmer@st-margarets.torbay.sch.uk

or our Data Protection Officer:

- i-west@bathnes.gov.uk 01225 395959