

## Data Privacy notice (Applicants)

Job applicants have a right to be informed about how our Trust processes personal data/information that we hold about them.

SAND Academies Trust is the 'data controller' for the purposes of data protection law.

If you have any queries about data protection, please contact Lynn Davies [lynn.davies@sandmat.uk](mailto:lynn.davies@sandmat.uk)

Our data protection officer is Gloucestershire County Council and can be contacted via [schoolsdpo@gloucestershire.gov.uk](mailto:schoolsdpo@gloucestershire.gov.uk)

## Personal information we process

The personal information we may process about you includes:

- Contact details
- Copies of right to work documentation
- Copies of identification documents, such as birth certificate
- References
- Evidence of qualifications
- Employment records, including work history, job titles, training records and professional memberships

We may also process information about you that falls into "special categories" or more sensitive personal data, such as:

- Your race, ethnicity, religious beliefs, sexual orientation and political opinions
- Any relevant disability or health condition
- Any reasonable adjustments, including access issues that may be required
- Photographs and CCTV images captured in school

We may process information about criminal convictions and offences and any relevant disclosures you make to us during the course of the recruitment process.

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

## Reasons we need to use this information

We use the information above so that we can, for example:

- a) Check your experience and qualifications
- b) Ensure we use appropriate safe recruitment practices in line with all of our safeguarding duties, including those set out in Keeping Children Safe in Education 2020
- c) Comply with our duties in respect of equality and diversity monitoring
- d) Make any reasonable adjustments and provide you with appropriate access arrangements(should these be needed)
- e) Make the best recruitment decisions for our school

### SAND Academies Trust

Lyn Dance CEO & Executive Headteacher

Registered in England: Company Number 11968610

Registered Office: The Milestone School, Longford Lane, Gloucester, GL2 9EU - Telephone: 01452 874000 – [www.sandmat.uk](http://www.sandmat.uk)

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

We do not process any personal information through automated decision making or profiling.

### **Lawful basis for processing your personal information**

Our lawful bases for processing your personal data for the following purposes:

- For the purposes of acting in accordance with the 'public task' basis, we need to process data to fulfil our statutory function as a school. For example, we need to ensure that we fulfil our safer recruitment responsibilities
- To fulfil certain legal obligations, we need to process data to meet our responsibilities under law. For example, to ensure that we make any reasonable adjustments in our recruitment process for individual candidates
- For the purposes of 'vital interests' – we will use this personal data in a life-or-death situation
- We process your personal data, such as your identification documents. For example, your birth certificate to enable us to enter into a contract of employment with you
- When we process information relating to your qualifications or employment record, we do this in our legitimate interests to satisfy ourselves that you are properly qualified for the role.

### **Reasons we my process special category and criminal record data (or sensitive information)**

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

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For criminal offence data, we will only process this type of data in limited circumstances: 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 need to perform or exercise an obligation or right in relation to employment, social security or social protection law
- 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

### **How we collecting the information we use during recruitment**

While the majority of information we collect about you is mandatory, there is some information that can be provided voluntarily.

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

### **How we may share your personal information**

We may also need to share some of the above categories of personal information with other parties, such as HR consultants and professional advisers. Usually, information will be anonymised but this may not always be possible. The recipient of the information will be bound by confidentiality obligations. We may also be required to share some personal information with the local authority; Department of Education and Ofsted, or as required to comply with the law.

### **Transferring data internationally**

In the main, our data is processed in the UK and EEA. Our school servers are located in the UK. However, for example, we do share data with:

- Other schools or educational establishments
- Government departments or agencies
- Security organisations
- App or cloud server providers ordinarily based in the UK

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Occasionally, whilst sharing in this way or, for example, when using email, your data may be transferred outside of the UK and EEA. We always ensure that we do so in accordance with the law and where the appropriate protections and agreements or contracts are in place.

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

## **How we keep your information secure**

We have appropriate security measures in place to prevent personal information from being accidentally lost, or used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine business need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality.

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 – to meet our legal obligations to share certain information with it, such as safeguarding concerns
- 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 we do share information we ensure that there are contracts and agreements in place that ensure data privacy compliance.

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

## **How long we retain your data**

We keep the personal information that we obtain about you during the recruitment process for no longer than is necessary for the purposes for which it is processed. How long we keep your information will depend on whether your application is successful and you become employed by us, the nature of the information concerned, and the purposes for which it is processed.

We will keep recruitment information (including interview notes) for no longer than is reasonable, taking into account the limitation periods for potential claims, such as race or sex discrimination (as extended to take account of early conciliation), after which they will be destroyed. If there is a clear business reason for keeping recruitment records for longer than the recruitment period, we may do so, but will first consider whether the records can be anonymised, and the longer period for which they will be kept.

If your application is successful, we will keep only the recruitment information that is necessary in relation to your employment. For further information, see our data protection policy and staff privacy notices.

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Further details on our approach to information retention and destruction are available in our data retention policy.

## **Your rights**

### **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 organisation in certain circumstances.

If you would like to make a request, please contact us (see 'contact us' below).

### **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
- Prevent your data being used to send direct marketing
- 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).

## **Complaints**

We take any complaints about our collection and use of personal information very seriously.

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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

### **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**:

However, our **data protection lead** has day-to-day responsibility for data protection issues in our school.

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact them:

Our data protection officer is Gloucestershire County Council and can be contacted via [schoolsdpo@gloucestershire.gov.uk](mailto:schoolsdpo@gloucestershire.gov.uk)