



FAIR PROCESSING NOTICE FOR PROSPECTIVE EMPLOYEES

We collect data and information about our prospective employees so that we can run effectively as a school and we need this information to assess your suitability as a candidate. This Fair Processing Notice explains what data we process, why we process it, our legal basis, how long we keep it and the rights of prospective employees.

We will always make sure that our prospective employee's information is protected and treated securely. Any information that we process will be held in accordance with the General Data Protection Regulation (GDPR), the Data Protection Act 2018 and other UK or EU data protection legislation

Our contact details

St Bernard's High School

Milton Road, Westcliff-on-Sea, Essex, SS0 7JS

tel: 01702 343583 | fax: 01702 390201 | email: head@stbernards.southend.sch.uk

Our Data Protection Officer is Kristy Gouldsmith and she can be contacted at the school email address.

What data do we process?

In order to employ you, we are required to process the following personal data:

1. Proof of your identity, including a copy of your birth certificate and passport (if any), as evidence of the right to work in the UK (name, date of birth, nationality, biometric photo, passport number);
2. Name, address and date of birth;
3. Documentary evidence of any relevant qualifications;
4. A copy of each reference obtained for you;
5. Either—
 - (a) where the certificate is required for the position, an enhanced criminal record certificate; or
 - (b) for all other positions, a criminal record certificate.
6. Details of any criminal offences—
 - (a) of which you have been convicted, including details of any convictions which are spent within the meaning of section 1 of the Rehabilitation of Offenders Act 1974(4) and which may be disclosed by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(5); or
 - (b) in respect of which you have been cautioned by a constable and which, at the time the caution was given, you admitted it.

We collect information about our prospective employees when they apply for employment with us and we process it on an on-going basis.

Why do we need to process personal data on our prospective employees?

We need to process personal data about our prospective employees in order to assess your suitability as a candidate and to fulfil our legal obligations.

Our legal basis for processing personal data

By law, we need a legal basis for processing the personal data of an employee. Your submission of your CV or application is with your consent. We will then process the data in your application or CV and the data collected on you during the recruitment process in order to assess your suitability for the position.

Consent:

Consent is given where we ask you for permission to use your information in a specific way and you agree to this. Where we use your information for a purpose based on consent, you have the right to withdraw consent for this purpose at any time. For example, you apply for a position with us because you wish to.

Legal obligation:

We have a basis to use your personal information where we need to do so to comply with one of our legal or regulatory obligations. For example, we need to check that you have the right to work in the UK.

Legitimate interests

We have a basis to use your personal information if it is reasonably necessary for us to do so and in our “legitimate interests” (provided that what the information is used for is fair and does not unduly impact your rights).

For example, we have a legitimate interest to keep your personal data on our systems in order to keep it secure, process it and to provide you with a service.

We only rely on legitimate interests where we have considered any potential impact on you, whether or not our processing is excessive and that our processing does not override your right.

Special categories of personal data are data revealing health, race, religious beliefs, political views, trade union membership, sex life or sexuality or genetic/biometric information. We will process this type of information about you only if we are required to do so and if we have a specific exemption under the GDPR, which are: your explicit consent or if we are required to do so for employment or social security and social protection law purposes.

*We process the following data because we have a **legal obligation** to do so. We cannot employ a person without this data.*

1. Proof of your identity, including a copy of your birth certificate and passport (if any), as evidence of the right to work in the UK (name, date of birth, nationality, biometric photo, passport number);
2. Name, address and date of birth;
3. Either—
 - (a) where the certificate is required for the position, an enhanced criminal record certificate; or
 - (b) for all other positions, a criminal record certificate
4. Details of any criminal offences—
 - (a) of which you have been convicted, including details of any convictions which are spent within the meaning of section 1 of the Rehabilitation of Offenders Act 1974(4) and which may be disclosed by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(5); or

in respect of which you have been cautioned by a constable and which, at the time the caution was given, you admitted it.

*We process the following personal data due to our **legal obligation** to share it*

1. Government agencies for the criminal record checks
2. Government agencies for the right to work checks, if required

*We process the following personal data under **Public Interest** for Equality and Diversity purposes:*

- data revealing racial or ethnic origin, religious or philosophical beliefs, health or sexual orientation.

This processing is necessary under the Data Protection Act 2018 Section 8 (1)(b).

*We process the following personal data with the **explicit consent** of the prospective employee, if the prospective employee needs reasonable adjustments in order to attend for an interview:*

- data concerning health

*In the case of any disputes, we will process the following personal data because we have a **legitimate interest** and the processing is necessary for the establishment, exercise or defence of legal claims:*

- all personal data will be shared, as required, with our legal advisors and our insurers

*We will process the following personal data because it is a **legitimate activity**:*

- We hold your CV and all data collected during the recruitment process for six months in the unlikely event of any employment tribunal claims;
- All personal data is stored securely on servers and in the cloud; and
- Images captured by CCTV for the safety and security of our clients, staff and visitors;
- Documentary evidence of any relevant qualifications; and
- A copy of each reference obtained for you.

We will process the following personal data with your consent:

- We will hold your application for six months if you are not successful and wish us to hold your application for any future positions

How long do we hold the personal data of our employees?

We hold all records of an unsuccessful prospective employee for six months in the unlikely event of any employment tribunal claims. We will hold your CV in case of any future positions for six months and only with your consent.

If you are successful, your application will become part of your employee file.

Who do we share prospective employee data with?

We share data, where required, with:

- Government agencies for criminal record and right to work checks;
- Our insurance providers;
- Our legal advisors;
- Our software and cloud service providers.

Transferring data internationally

While we make every effort to ensure that data is kept in the EU or EEA, some of our software providers may host the data in countries outside of the EU or EEA. Please enquire if you wish to have this information.

What are your privacy rights

Under GDPR, you have the right to request access to information about you. To make a request for your personal information, please contact our DPO.

Depending on the lawful basis above, you may 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
- a right to seek redress, either through the ICO, or through the courts

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/>

For more information about your Data Subject Rights, please refer to the ICO website – <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulations-gdpr/individual-rights/>

We are registered with the Information Commissioner's Office.

Contact

If you would like to discuss anything in this privacy notice, please contact our DPO.