

Privacy Notice – Job Applicants

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Introduction

Fir Tree College must process your personal data when you apply for a job role with us in order to assess your suitability for the role in question. To meet our obligations under the UK General Data Protection Regulation (UK-GDPR), we must inform you about how and why we process your personal data; this information is outlined in the following privacy notice.

Data Controller

The college is the 'Data Controller' for the personal information that we process about you during the recruitment process. This means that we are responsible for the personal data that we collect about you and make decisions on how it is used.

Data Protection Officer

The college has appointed a Data Protection Officer (DPO) who is responsible for overseeing compliance with the relevant data protection legislation. Our DPO provides support to the college and acts as the first point of contact for any questions or queries regarding data protection.

Our DPO is Miss Danielle Eadie from RADCaT Ltd who is supported by Senior Leadership Team (SLT) at the college. The DPO is contactable via the college office in the first instance.

What personal data do we process about you and why we need it?

Application Stage:

We collect the following personal data directly from you as part of your application to assess your suitability for the role and fulfil our employment, equality monitoring and safeguarding obligations:

- Name & contact details
- D.O.B and NI number
- Gender and ethnicity
- Education history and qualifications
- Employment history
- Medical conditions or disabilities that may affect your employment.
- Details of any criminal convictions you wish to make us aware of.
- Referee details

Shortlisting:

If you are shortlisted for a position, we will collate the following personal information to support with our interview and selection process:

- Interview notes & correspondence with you
- References that include details of your conduct, any grievance or performance issues, appraisals and attendance.

Please note that if your interview is on site, we will collect some further information from you upon arrival to meet our health & safety and safeguarding obligations. You can find out more in our 'Visitor Privacy Notice' available on our website or at the college office.

Selection:

If your application is successful and a conditional offer is made, you will be subject to a number of pre-employment checks which will be recorded as part of your recruitment record. The college will collate the following pre-employment check records where applicable:

- Proof of identity (photographic ID)
- Evidence of qualifications (certificates etc)
- DBS information (reference number, date and time of check)
- Right to work documentation if your country of origin is outside of the UK
- Prohibition checks if your role is for a teaching or management position
- Occupational health check, report and associated records if you have declared a medical condition to us that impacts your role with the college

Once your pre-employment checks have been completed and approved, any records relating to the recruitment process will form the basis of your personnel file. A staff privacy notice will be issued to you upon induction which outlines how staff personal data is processed.

Where we get your information?

Most of the information that we process will be provided directly from you as part of your application, we will also receive data from your previous employer(s) when requesting references. Further information such as interview notes and pre-employment checks will be collated by us as part of the recruitment process. We obtain a small amount of information from the government if we need to perform prohibition checks for your role.

The information that we process about you is mandatory to meet our legal obligations and operational duties as an employer and education provider. We will however inform you in situations where data processing is optional.

The lawful basis for processing personal data

Under the UK-GDPR, we must have a lawful basis to process your personal data. The college rely on the following:

- We have a **contractual obligation** to process your personal data; more specifically, we are taking steps towards entering into a potential employment contract with you when you apply for a job with us. We cannot do this without processing your personal data.
- We must process your personal data to fulfil a **legal obligation**, namely:

- Keeping Children Safe in Education (2024): in respect of your DBS and prohibition checks
- Equality Act (2010): to ensure equality of opportunity and treatment we must process special characteristics including your gender and ethnicity and also any medical conditions or disabilities that may impact your role
- Immigration, Asylum and Nationality Act (2006): performing right to work checks if your country of origin is outside of the UK
- Health & Safety at Work Act (1974): collating health records to make reasonable adjustments for your role if you have a disability or medical condition

Special Category Data

Information about you that is much more sensitive in nature is referred to as special category data. Examples include health data and special characteristics about a person such as their gender, ethnicity and religion. The UK-GDPR requires us to apply additional safeguards to protect such information; as such we must meet a further lawful basis. For the most part, the college rely upon the following:

- The processing of your special category data is necessary to meet our obligations in the field of **employment, social security and protection**. For instance, if we must check your eligibility to work in the UK or exchange health information about you with Occupational Health professionals.
- The processing is necessary for reasons of **substantial public interest**, particularly when processing special characteristics about you such as gender and ethnicity to ensure we meet our obligations as an equal opportunity's employer and performing pre-employment checks to meet our safeguarding obligations.

How long we keep your data?

To comply with the UK-GDPR, the college only keep personal data for as long as necessary to meet our legal and operational duties. As a rule of thumb, we will retain records relating to unsuccessful candidates for up to 6months from the date the post applied for is filled. If you are successful, your recruitment records will be added to your personnel file and retained for at least 7years post employment.

How we keep your data secure?

Records held in electronic format are stored securely on carefully selected databases and systems that are fully encrypted; two factor authentication utilised where available. Physical records are kept in locked cabinets within locked offices and archive rooms. Access to records is strictly limited on a need to know basis; all staff are subject to vetting checks and confidentiality agreements.

If we must transfer your data to third parties, we will ensure this is done so using secure transfer methods.

Who we share your personal information with?

We do not routinely share applicant and recruitment records with any external parties; shortlisting and interviews are conducted internally by ourselves with support from the governing body where necessary. Your personal data will only be shared at the recruitment phase in the following scenarios:

- We correspond with the referees provided on your application
- We are subject to a statutory audit (Ofsted etc) and must disclose records to the auditor to assess our compliance and fair recruitment practices
- An accident or incident occurs that you are party to and we must share data to meet a legal obligation and / or keep you or another person safe. Parties in such instances may include:
 - o Local Authority of Government Departments
 - o Police & Emergency Services
 - o Governing Bodies (HSE, ICO etc)
 - o Professional Advisors
 - o Insurance Provider
 - o Courts

In circumstances where we must share your data, we will ensure that it is limited to what is strictly necessary and sent via secure transfer methods.

We do not transfer your personal data outside of the UK. If a situation arises in which we must do so, we will ensure the relevant safeguards are in place to comply with data protection law.

What are your rights?

All individuals have the following rights in respect of their own personal data in certain circumstances:

- The right to be informed about how and why we process your personal data
- The right to access and ask for copies of the personal data we hold about you
- The right to ask that we rectify any personal data you feel is inaccurate or incomplete
- The right to object to the processing of your personal data in certain circumstances
- The right to ask us to erase the personal data that we hold about you in certain circumstances
- The right to ask us to restrict the processing of your personal data
- The right to ask that we transfer your personal to another controller via automated means (data portability)
- The right to ask that your personal data is not subject to automated decision making and profiling

Please contact the college office if you would like to exercise any of these rights. A response will be provided to you within one calendar month; the college reserves the right to extend more complex requests by a further two months, we will however notify you of any intention to extend within the first month.

Our 'Data Protection Policy' is available on our website if you would like further information on your rights.

Complaints

If you have any concerns about how and why we process your personal data, please contact us in the first instance so that we can resolve any issues accordingly.

You can also complain to the Information Commissioners Office (ICO) if you are unhappy with how we have used your data:

ICO: <https://ico.org.uk/make-a-complaint/data-protection-complaints/>

