

HAYDON SCHOOL



Privacy Notice for Prospective Employees (How we use prospective employees' information)

Haydon School ('the School') is a charitable company limited by guarantee (registration number 07557791) whose registered office is Haydon School, Wiltshire Lane, Eastcote, Pinner, Middlesex, HA5 2LX.

This Privacy Notice describes how we collect and use personal information about you when you apply for a position with us, in accordance with the General Data Protection Regulation ('the GDPR') and the Data Protection Act 2018 ('the DPA 2018').

Haydon School is a data controller. This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this Privacy Notice. This Notice does not form part of any contract of employment or other type of contract to provide services. We may update this Notice at any time.

It is important that you read this Notice, together with our GDPR Policy and any other Privacy Notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

Our Data Protection Officer is Mrs L Faraj, dpo@haydonschool.org.uk.

What categories of information are processed?

The categories of personal information that we process include the following:

- personal information such as your name, contact details (telephone number and email address), National Insurance number, a copy of your passport or similar photographic identification and proof of address documents, DfE teacher number (if applicable);
- characteristics information (gender, date of birth, ethnic group, religion or belief, sexual orientation and personal relationship – for equal opportunities monitoring);
- recruitment information, e.g. documentation relating to employment checks, DBS check, medical questionnaire, references, employment and education history including your qualifications and, where relevant, the subjects and age groups taught, professional courses attended, job application, details of your skills, experience and interests, information about your current level of remuneration, right to work information and details of any criminal convictions that you declare, dates available to begin new job;
- whether or not you have a disability for which the School needs to make reasonable adjustments during the recruitment process;
- interview notes and other forms of assessment;
- full clean driving licence declaration (only applicable for the posts that require driving);
- CCTV images – when you attend an interview with us (further information is available in our CCTV Policy).

This list is not exhaustive – to access the current list of information the School collects, please contact our HR Team. Please note checks may be made to verify the information provided.

Why do we collect and use your information?

We collect and use your information for the following reasons:

- the School needs to assess and confirm your suitability for employment and decide to whom to offer a job;
- the School needs to process data to take steps at your request prior to entering into a contract with you. We may also need to process your data to enter into a contract with you;
- to check your eligibility to work in the UK before employment starts;
- to manage our recruitment process and to ensure a fair recruitment process has taken place;
- to facilitate safer recruitment, as part of our safeguarding obligations towards our students;
- to inform the development of recruitment and retention policies;
- enable ethnicity and disability monitoring in accordance with the Equality Act;
- ensure reasonable adjustments can be made for those applicants who have a disability.

Under the GDPR, the legal basis/bases we rely on for processing personal information for general purposes are:

- Article 6(1)(b) which relates to processing necessary for the performance of a contract;
- Article 6(1)(c) so we can comply with our legal obligations as your employer - for example, it is required to check a successful applicant's eligibility to work in the UK before employment starts. Safer recruitment procedures in schools also require appropriate checks to be made on people who work with children;
- Article 6(1)(d) in order to protect your vital interests or those of another person;
- Article 6(1)(e) for the performance of our public task;
- Article 6(1)(f) for the purposes of our legitimate interest - the School has a legitimate interest in processing personal data during the recruitment process and for keeping records of the process. Processing data from job applicants allows the School to manage the recruitment process, assess and confirm a candidate's suitability for employment and decide to whom to offer a job. The School may also need to process data from job applicants to respond to and defend against legal claims;
- for the purpose of facilitating safer recruitment, in accordance with the legal basis of public task, Article 9 and the School Staffing (England) Regulations 2009.

The School may process **special categories of data**, such as information about ethnic origin, religion or belief or sexual orientation to monitor recruitment statistics. The School may also collect information about whether or not applicants are disabled to make reasonable adjustments for candidates who have a disability. We rely on certain conditions listed in Article 9 of the GDPR and set out in Part 1 of Schedule 1 of the DPA 2018 when processing special categories of data.

For all roles, the School is obliged to seek **information about criminal convictions and offences**. Where the School seeks this information, it does so because it is necessary for us to carry out our obligations and exercise specific rights in relation to employment. The lawful basis we rely to process this data are set out in Article 6(1) of the GDPR.

Equal opportunities information form is attached to the relevant application when you apply for a role at the School. This information is not made available to any staff outside of our recruitment team (including hiring managers) in a way which can identify you.

How do we collect your information?

We collect your personal information via the following methods:

- application forms;
- questionnaires;
- interviews and/or other forms of assessment, e.g. lesson observations;
- correspondence with you;
- references;
- passports or other identity documents;
- information from criminal records check.

Whilst most of the information you provide to us is required to assess your suitability for the role, some of it may be requested on a voluntary basis. We will inform you at the point of collection whether you are required to provide certain information to us or if you have a choice.

You are under no statutory or contractual obligation to provide data to the School during the recruitment process. However, if you do not provide the information, the School may not be able to process your application properly or at all.

How do we store your information?

Data will be stored in a range of different places, including on your application record (we create a file for each vacancy), in HR management systems and on other IT systems (including email). The information is kept secure and only used for purposes directly relevant to the recruitment of the post. Your personal information is retained and disposed of in line with the School's Records Management and Retention Policy, available from the DPO. Please be advised that we employ services of a confidential waste disposal company (Restore Datashred) for secure disposal of paper records.

For more information about how we securely store your information, please see our E-Safety and ICT Policy (available on the school website). We also have internal controls in place to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by our employees in the proper performance of their duties.

Unsuccessful job applicant's data is held in a temporary folder in a locked cabinet for six month after the end of the recruitment process. At the end of that period the data is securely destroyed.

If your application for employment is successful, personal data gathered during the recruitment process will be transferred to your personnel file and retained during your employment. We advise that you view our Privacy Notice for Haydon Employees (on the school website) on your appointment.

Who do we share your information with and why?

We do not share information about you with anyone without your permission, unless the law and our policies allow us to do so.

Your information may be shared internally for the purposes of the recruitment exercise. This includes members of the HR and recruitment team (including payroll), interviewers involved in the recruitment process, members of the SLT, Governors, line managers in the area with a vacancy, IT staff, and receptionists if access to the data is necessary for the performance of their roles.

In keeping in line with Keeping Children Safe in Education guidance, the School will obtain references from your former employers where possible prior to the interview. If your application for employment is successful and the School makes you an offer of employment, the School will then share your data with employment background check providers to obtain necessary background checks and the Disclosure and Barring Service to obtain necessary criminal records checks.

In the event you are successful, the School is required, by law, to pass certain information about those engaged by us to specified external bodies, such as our local authority (LA) and the Department for Education (DfE), so that they are able to meet their statutory obligations.

We also share information with Ofsted – to evidence the school's recruitment process and equality of opportunity, in accordance with the School Staffing (England) Regulations 2009 and the Equality Act 2010.

Any information we share with other parties is transferred securely and held by the other organisation in line with their data security policies.

Please be advised that we may use Google G-Suite for Education to provide short-term storage and document creation/sharing.

With cloud-based storage and some other services sometimes being supplied outside the UK, personal data can be sent to other jurisdictions. Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law. Our servers and storage systems are based in the EU or the European Economic Area (EEA) and we have ensured that appropriate safeguards are in place to protect your personal data.

What are your rights?

You have specific rights to the processing of your data, these are the right to:

- request access to the information that we hold about you;
- restrict our processing of your personal data, i.e. permitting its storage but no further processing;
- object to direct marketing (including profiling) and processing for the purposes of scientific/historical research and statistics;
- have your personal data rectified if it is inaccurate or incomplete;
- not be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect on you. Please note that our recruitment decisions are not based solely on automated decision-making;
- request the deletion or removal of personal data where there is no compelling reason for the continued processing;
- seek compensation, either through the ICO or the courts.

The Information Commissioner (ICO) is a source of further information about your data protection rights.

If you would like to request access to the personal information we have about you, please contact our DPO, dpo@haydonschool.org.uk.

Confidential references

Under the DPA 2018, an exemption has been made to allow references to be confidential, and therefore not accessible under a Subject Access Request. This exemption applies if a confidential reference is given or received for the purposes of prospective or actual:

- education, training or employment of an individual;
- placement of an individual as a volunteer;
- appointment of an individual to office; or
- provision by an individual of any service.

It exempts the reference from the GDPR's provisions on:

- the right to be informed;
- the right of access; and
- all the principles, but only so far as they relate to the right to be informed and the right of access.

This means that the School has an absolute discretion to refuse to release references marked as 'Confidential' if requested to do so in a Subject Access Request or as part of a request.

Concerns

If you are concerned about the way we are collecting or using your information, please raise your concern with the school's DPO in the first instance. You can also contact the ICO at <https://ico.org.uk/concerns/>.

How can you find out more information?

If you would like to discuss anything in this Privacy Notice, please contact our DPO, dpo@haydonschool.org.uk.