

Woking College Privacy Notice for Job Applicants

1. The Purpose of this Privacy Notice

Woking College is a Sixth Form College based in Woking, Surrey, specialising in education for the 16-19 age group. You can find more about us at www.woking.ac.uk. Woking College is registered under the Data Protection Act 1998 which means the purposes for which the College collects and processes personal data is notified to and registered with the Information Commissioner's Office (ICO).

The General Data Protection Regulation (GDPR) comes into effect on 25th May 2018

and will strengthen the rights which individuals have over the collection, processing and storage of personal data. This Privacy Notice is intended to inform you about personal information that we record about you. It sets out the conditions under which we may process any information that we collect from you or that you provide to us. It covers both information that could identify you ('personal data') and information that may not. In the context of the law and this notice, 'process' means collect, store, transfer, use or otherwise act on information.

2. How the Law protects you

This Privacy Notice for Job Applicants explains in some detail what kinds of data/information we collect about job applicants as part of our recruitment and selection process, why we collect it, why and how we process it and how and for how long we store it. The Data Protection Act permits the college to process your personal information if we have a legitimate reason, business reason or legal requirement to do so.

3. What information do we collect about job applicants and how?

The categories of information that we collect, process, hold and share include:

- personal information (such as name, date of birth, contact details, National Insurance number, teacher number (if applicable))
- education history and details of qualifications and relevant professional development
- membership of professional bodies
- employment history (including any gaps in employment and/or education/training)
- information about any reasonable adjustments we need to make to the shortlisting or interview and assessment process to accommodate a disability
- information about any cautions, convictions, reprimands or final warnings which are not protected, as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended) as well as any current police investigations or pending criminal proceedings
- information about any disqualification or sanction imposed by a regulatory body in relation to working with children
- information about your registration with the DBS Update Service (if applicable)
- information about any close personal relationships you may have with an existing member of staff or member of the board of trustees
- proof of your identity, if invited for interview
- special categories of data (including information about your ethnic origin and health conditions) in order for us to monitor the success of our equality policies

We collect information from your application form and, if shortlisted for interview, as part of our selection process which generally includes an interview and some other form of assessment, such as written tests, presentations, and for teaching staff, observed lessons.

It is our policy, in line with the Department for Education's statutory guidance, *Keeping Children Safe in Education*, to request **references** at the shortlisting stage, in advance of interview. **If you have concerns about this, you should contact us before submitting your application.** If you are shortlisted, we will therefore also collect personal data about you from your nominated referees. Personal data may also be collected from other previous employers listed on your application form, for example to verify details on your application form, such as particular experience or qualifications.

By providing the contact details of your referees on the application form, the College understands that the applicant has sought permission from the referee to provide their contact details.

If an offer of employment is made to you, the offer will be subject to completion of a range of pre-employment checks to our satisfaction, including a criminal records check with the Disclosure and Barring Service and a pre-employment health assessment. You will be informed of the checks to be undertaken in the event that an offer is made.

4. Why we collect and use this information

Woking College promises to collect, store and process your personal data only for legitimate business purposes. This includes what you disclose at application or interview and, for successful applicants, what we learn about you after appointment as a staff member [successful applicants will be issued with the Woking College Privacy Notice which covers staff].

We process data from job applicants in order to undertake the recruitment process and, for the successful applicant, to enter into a contract of employment. In particular it is used to:

- administer the application, shortlisting and selection process
- assess your suitability to work with children and young people
- inform the development of recruitment and retention policies
- defend legal claims
- monitor protected characteristics in order to promote equality at work
- to meet our obligations for equality duty reporting

We do not make recruitment decisions based on automated decision-making.

5. The lawful basis on which we process this information

We process this information about you because the processing is necessary for us to enter into an employment (or other work-related) contract with you. We also need to process this information to ensure that we are complying with our legal obligations and in particular with the DfE statutory guidance document, *Keeping Children Safe in Education*, such as by carrying out pre-employment checks on your right to work in the UK and with the Disclosure and Barring Service.

We have a legitimate interest in processing data from job applicants in order to administer the recruitment process, to monitor compliance with our policies, to defend any legal claims and to ensure that the most suitable applicant is appointed to the role, based on an assessment of their likely performance amongst other factors. We do not rely on legitimate interests as a reason for processing data unless we have first considered the rights and freedoms of the individuals affected and determined that these do not override the interests we have identified.

We process special category data, such as information about your ethnic origin or health, as part of our equal opportunities monitoring process and in order to meet legal obligations (such as the requirement to make reasonable adjustments for job applicants with a disability). This information is collected with the express consent of job applicants. Consent may be withdrawn by an applicant at any time.

We may offer to contact unsuccessful applicants within a period of six months following the application if another suitable vacancy arises. Information is only used in this way with the express consent of applicants, which may be withdrawn at any time.

If we wish to process your personal data for a new purpose we will inform you of any additional processing.

6. Collecting this information

Personal data provided to us as part of the recruitment and selection process is generally given on a voluntary basis and, as such, you have a choice as to whether you provide information to us. However, failure to provide information may mean that your application cannot be processed. You

should also be aware that providing false or misleading information (including by omission) may result in your application being rejected and could also be treated as a disciplinary offence in the event that employment is subsequently offered to you.

Posts in our organisation are exempt from the Rehabilitation of Offenders Act 1974 (as amended). If you decide to submit an application form, you must disclose any cautions and convictions, even if they are spent, **other than** protected cautions and convictions (i.e. those which have been filtered out). Details on the filtering rules applicable to certain offences can be found on the Gov.uk website: <https://www.gov.uk/government/collections/dbs-filtering-guidance>.

Equality monitoring information is undertaken only for the purposes of evaluating our equality policies. It is not mandatory and its provision or otherwise will have no effect on the processing of your application form.

7. How we store your information, and for how long

Information from your application form and from the shortlisting and selection process will be stored in a paper-based file, in electronic records within our HR system and also in other IT systems, including email.

A copy of your application form and all other personal data collected during the recruitment and selection process will be held as follows:

- For **successful applicants** this will be transferred to a personnel file where it will be held securely. You will be given a workforce privacy notice upon appointment which will explain how we will hold and process your data as an employee.
- For **unsuccessful applicants**, securely for a period of six months, if you have consented to the retention of your application form, after which it will be disposed of securely. If you have not given consent to the retention of your application form it will be securely disposed within one month.

8. Sharing your personal information with Third Parties

Your information will be shared with College staff with a recruitment responsibility. This will include members of our HR and administrative staff, those responsible for shortlisting and interviewing and managers within the relevant area of work or department. Equality monitoring information is separated from the application form upon receipt and is not shared with those responsible for shortlisting and interviewing.

We do not share information about job applicants with anyone without consent unless the law and our policies allow us to do so.

We will not share your data with third parties unless and until an offer of employment is made to you. At that stage, your data will be shared to fulfil legal requirements, obtain or provide necessary information or because the third party processes data on our behalf. These third parties include:

- The Disclosure and Barring Service, via Babcock, the umbrella body who process DBS checks on the College's behalf, in order to undertake a criminal record check
- Suppliers and consultants that provide us with a service, such as occupational health, HR or legal services
- Relevant professional bodies in order to verify your qualifications (such as the Teaching Regulation Agency for teaching posts)

When we appoint third parties to process data on our behalf, the third party is also required to process the data lawfully and fairly and in a manner that ensures appropriate security of the data, using appropriate technical or organisational measures to protect against unauthorised or unlawful processing and accidental loss.

We will not send your personal data outside of the European Economic Area ('EEA') and any cloud base storage providers we use will be based in the UK.

9. How to get a copy of the personal information we hold and your rights as a data subject

Under data protection legislation, you have the right to request access to information about you that we hold. To make a request for your personal information, contact our data protection officer by emailing dpo@woking.ac.uk

You also have the right to:

- restrict processing of your data in certain circumstances;
- prevent processing for the purpose of direct marketing;
- object to decisions being taken by automated means;
- object to the processing of your data where we are relying on our legitimate interests as the lawful basis for processing;
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of data protection legislation.

If you have a concern about the way we are collecting or using your personal data, we ask that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

10. Complaints

If you have a complaint about the way we are processing your data or any aspect of this Privacy Notice, please address your complaint in the first instance to the Data Protection Officer by emailing dpo@woking.ac.uk. You also have the right to complain to the Information Commissioner's Office if you believe we are processing your personal data without a legitimate reason to do so. The complaints form is available from their website: <https://ico.org.uk/concerns/>.

11. Legal Framework

Woking College is the data controller as defined by the Data Protection Act 1998 for the Trustees of Woking College. If you have any questions or want more details about how we use your personal information, you can email dpo@woking.ac.uk or you can telephone us on 01483 761036.

12. Further information

If you would like to discuss anything in this privacy notice, please contact our data protection officer by emailing dpo@woking.ac.uk

Data Protection Officer, Woking College

22 January 2019