Applicant Fair Processing Notice (Article 13 and 14 GDPR)

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1. What is this document and why should you read it?

1.1 This privacy notice explains how and why Healthy Learning Trust including each of its operating entities (also referred to as "**The Trust**", "**we**", "**our**" and "**us**") uses personal data relating to job applicants (referred to as "**you**").

1.2 You should read this notice, so that you know what we are doing with your personal data. Please also read any other privacy notices that we give you, that might apply to our use of your personal data in specific circumstances in the future.

1.3 This notice does not form part of any contract to provide services.

2. The Trust's data protection responsibilities

2.1 "**Personal data**" is any information that relates to an identifiable natural person. Your name, address, contact details, salary details and CV are all examples of your personal data, if they identify you.

2.2 The term "**process**" means any activity relating to personal data, including, by way of example, collection, storage, use, consultation and transmission.

2.3 The Trust is a "**controller**" of your personal data. This is a legal term – it means that we make decisions about how and why we process your personal data and, because of this, we are responsible for making sure it is used in accordance with data protection laws.

3. What types of personal data do we collect and where do we get it from?

3.1 We collect many different types of personal data about you for lots of reasons. We cannot administer your job application with you without your personal data. Where we don't need your personal data, we will make this clear, for instance we will explain if any data fields in our application are optional and can be left blank.

3.2 Further details of the personal data we collect, where we get it from and what we do with it are set out in **Schedule 1**.

3.3 You provide us with personal data directly when you apply for a job with us and when you complete our Trust Application Form or correspond with us. We also create some personal data ourselves and obtain some personal data from other sources. We obtain it from other people and organisations, including some public sources, such as publicly available directories and online resources. You can read more about the sources of personal data in the more detailed information set out in as explained in **Schedule 1.**

4. What do we do with your personal data, and why?

4.1 We process your personal data for particular purposes in connection with your job application or engagement with us, and the management and administration of our business.

4.2 We are required by law to always have a permitted reason or justification (called a "lawful basis") for processing your personal data. There are **six** such permitted lawful basis for processing personal data. The table at **Schedule 2** sets out the different purposes for which we process your personal data and the relevant lawful basis on which we rely for that processing.

4.3 Please note that where we have indicated in the table at **Schedule 2** that our processing of your personal data is either:

4.3.1 necessary for us to comply with a legal obligation; or

4.3.2 necessary for us to take steps, at your request, to potentially enter into an employment contract with you, or to perform it

and you choose not to provide the relevant personal data to us, we may not be able to enter into or continue our engagement with you.

4.4 We may also convert your personal data into statistical or aggregated form to better protect your privacy, or so that you are not identified or identifiable from it. Anonymised data cannot be linked back to you. We may use it to conduct research and analysis, including to produce statistical research and reports.

4.5 The Trust also has the legal right and a legitimate interest to collect and process personal data relating to those that apply to work in our schools. We process personal data in order to meet the requirements set out in UK employment, Trust and safeguarding law, including those in relation to the following:

4.5.1 Trust's legal and statutory framework

4.5.2 Safeguarding Vulnerable Groups Act 2006

4.5.3 The guidance "Keeping Children Safe in Education"

4.5.4 The Childcare (Disqualification) Regulations 2009

4.6 The collection of this information benefits both national and local users by:

4.6.1 improving the management of workforce data across the sector

4.6.2 informing the development of recruitment and retention policies

4.6.3 allowing better financial modelling and planning

4.6.4 enabling ethnicity and disability monitoring

4.6.5 supporting the work of the School Teachers' Review Body

5. Special category personal data (including criminal data)

5.1 We are required by law to treat certain categories of personal data with even more care than usual. These are called sensitive or special categories of personal data and different lawful bases apply to them. The table at **Schedule 3** sets out the different purposes for which we process your special category personal data and the relevant lawful basis on which we rely for that processing. For some processing activities, we consider that more than one lawful basis may be relevant – depending on the circumstances.

6. Who do we share your personal data with, and why?

6.1 Sometimes we need to disclose your personal data to other people.

6.2 We have set out below a list of the categories of recipients with whom we are likely to share your personal data:

6.2.1 the Local Authority;

6.2.2 governmental departments, statutory and regulatory bodies including the Department for Education, the Education and Skills Funding Agency, the Department for Work & Pensions, Information Commissioner's Office, the police and Her Majesty's Revenue and Customs.

7. Where in the world is your personal data transferred to?

7.1 If any of our processing activities require your personal data to be transferred outside the European Economic Area, we will only make that transfer if:

7.1.1 the country to which the personal data is to be transferred ensures an adequate level of protection for personal data;

7.1.2 we have put in place appropriate safeguards to protect your personal data, such as an appropriate contract with the recipient;

7.1.3 the transfer is necessary for one of the reasons specified in data protection legislation, such as the performance of a contract between us and you; or

7.1.4 you explicitly consent to the transfer.

8. **How do we keep your personal data secure?**

We will take specific steps (as required by applicable data protection laws) to protect your personal data from unlawful or unauthorised processing and accidental loss, destruction or damage. For more information, please read our Data Protection Policy.

9. **How long do we keep your personal data for?**

We will only retain your personal data for a limited period of time.

9.1 If your application for employment is unsuccessful, the organisation will hold your data on file for 6 (six) months after the end of the relevant recruitment process. If you agree to allow us to keep your personal data on file, we will hold your data on file for a further 6 (six) months for consideration for future employment opportunities. At the end of that period, or once you withdraw your consent, your data is deleted or destroyed.

9.2 If your application for employment is successful, personal data gathered during the recruitment process will be transferred to your Human Resources file (electronic and paper based) and retained during your employment. The periods for which your data will be held will be provided to you in a new fair processing notice.

10. **What are your rights in relation to your personal data and how can you exercise them?**

10.1 You have certain legal rights, which are briefly summarised at **Schedule 4**, in relation to any personal data about you which we hold.

10.2 Where our processing of your personal data is based on your **consent**, you have the right to withdraw your consent at any time. If you do decide to withdraw your consent, we will stop processing your personal data for that purpose, unless there is another lawful basis we can rely on – in which case, we will let you know. Your withdrawal of your consent won't impact any of our processing up to that point.

10.3 Where our processing of your personal data is necessary for our **legitimate interests**, you can object to this processing at any time. If you do this, we will need to show either a compelling reason why our processing should continue, which overrides your interests, rights and freedoms or that the processing is necessary for us to establish, exercise or defend a legal claim.

10.4 If you wish to exercise any of your rights please contact Jane Buckley at jbuckley@flixtongirls.com or on 0161 912 2949 in the first instance.

10.5 You also have the right to lodge a complaint with the Information Commissioner's Office, if you are not satisfied with our response to any enquiries or complaint or believe our processing of your personal data does not comply with data protection law, you can make a complaint to the Information Commissioner's Office (ICO) by:

- writing to: Information Commissioner's Officer, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF;
- calling: 0303 123 1113; or
- submitting a message through the ICO's website at: https://ico.org.uk/concerns/

11. **Updates to this notice**

We may update this notice from time to time to reflect changes to the type of personal data that we process and/or the way in which it is processed. We will update you on material changes to this notice by email. We also encourage you to check this notice on a regular basis.

12. **Where can you find out more?**

12.1 We have appointed a Data Protection Officer whose role is to inform and advise us about, and to ensure that we remain compliant with, data protection legislation. The Data Protection Officer should be your first point of contact if you have any queries or concerns about your personal data. Our current Data Protection Officer is Matthew Keeffe of RADCaT Ltd who can be contacted via contact@healthylearningtrust.org.uk or 0161 912 2949 .

SCHEDULE 1

Categories of personal data

Type of personal data	Collected from
a) **Contact Information**	
• Name(s) • Address(es) • Email address(es) • Contact details including mobile telephone number(s)	You
b) **Personal Information**	
• Date of birth • Gender • Next of kin or other dependants • Marital or relationship status • Lifestyle and social circumstances • Emergency contact information	You
c) **Identity and Background Information**	
• Details of education and qualifications and results • Career history, experience and skills • Passport information • Driving licence information • Psychometric test results • Right to work, residency and/or other visa information (where unrelated to your race or ethnicity) • Curriculum Vitae (CV) or resume and professional profile • Image or photographs • Application form • Evaluative notes and decisions from job interviews • Preferences relating to job location and salary • Conflicts of interests (including where related to family networks)	• You • Recruitment consultants and agencies • Your previous employers • Publically available information from online resources
d) **Financial Information**	
• Salary, compensation and other remuneration information • National insurance number and/or other governmental identification numbers • Business expense and reimbursement details	• You • Your previous employer
e) **Special Category Personal Data**	
• Racial or ethnic origin (including your nationality and visa information) • Political opinions • Religious or philosophical beliefs • Trade union membership • Data concerning physical and/or mental health (including occupational health requirements, accident reports, day-to-day health concerns such as diabetes or epilepsy conditions which we should be aware of, dietary requirements, allergies, drug and alcohol test results and reasons for any short term or long-term absence) • Sexual orientation • Health and safety and accident records and reports • Information relating to actual or suspected criminal convictions and offences	• You • Your emergency contact(s)

SCHEDULE 2

Purposes of processing personal data

For some processing activities, we consider that more than one lawful basis may be relevant – depending on the circumstances.

Purposes of processing	**Lawful basis** We are permitted to process your personal data because…					
	1. You have given **your consent** to the processing (Please also see **paragraph 10.2**)	**2.** It is necessary to perform your employment contract	**3.** It is necessary for us to comply with a legal obligation	**4.** It is necessary for our legitimate interests or those of third parties	**5.** It is necessary to protect your vital interests (or those of someone else)	**6.** [It is necessary to perform a task in the public interest or in our official authority
a) **Recruitment and workforce planning**						
1. Administering your application for a job with us and considering your suitability for the relevant role				✓		
2. Obtaining, considering and verifying your employment references and employment history				✓		
3. Reviewing and confirming your right to work in the UK			✓			
4. Conducting verification and vetting, including criminal background checks and credit checks where required by law (**Note**: special category personal data **paragraph 5**)			✓			
5. Conducting background checks, verification and vetting which are not required by law but needed by us to assess your suitability for your role (**Note**: special category personal data **paragraph 5**)	✓					✓
6. Making a job offer to you and entering into a contract of employment with you		✓				
7. Identifying and assessing the Trust's strategic business direction and resourcing needs, current employees and areas for development				✓		
8. Promotion and succession planning				✓		
9. Analysing recruitment and retention objectives, processes and employee turnover rates				✓		

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	1. You have given **your consent** to the processing (Please also see **paragraph 10.2**)	**2.** It is necessary to perform your employment contract	**3.** It is necessary for us to comply with a legal obligation	**4.** It is necessary for our legitimate interests or those of third parties	**5.** It is necessary to protect your vital interests (or those of someone else)	**6.** [It is necessary to perform a task in the public interest or in our official authority
10. Developing, operating and collecting feedback on recruitment activities and employee selection processes				✓		
b) **Legal and regulatory compliance and responsibilities**						
11. Managing and administering our equal opportunities reporting (**Note**: special category personal data **paragraph 5**)			✓			
12. Responding to binding requests or search warrants or orders from courts, governmental, regulatory and/or enforcement bodies and authorities (**Note**: special category personal data **paragraph 5**)			✓			✓
13. Responding to non-binding requests or search warrants or orders from courts, governmental, regulatory and/or enforcement bodies and authorities				✓		
14. Complying with disclosure orders arising in civil proceedings (**Note**: special category personal data **paragraph 5**)			✓			✓
15. Investigating, evaluating, demonstrating, monitoring, improving, reporting on and meeting the Trust's compliance with relevant legal and regulatory requirements (**Note**: special category personal data **paragraph 5**)			✓			✓
16. Responding to employment and industrial relations matters where permitted by applicable law, including criminal investigations, grievances, arbitrations, negotiations, elections and strikes (**Note**: special category personal data **paragraph 5**)			✓	✓		✓
c) **Day-to-day business operations**						

Purposes of processing	Lawful basis We are permitted to process your personal data because…					
	1. You have given **your consent** to the processing (Please also see **paragraph 10.2**)	**2.** It is necessary to perform your employment contract	**3.** It is necessary for us to comply with a legal obligation	**4.** It is necessary for our legitimate interests or those of third parties	**5.** It is necessary to protect your vital interests (or those of someone else)	**6.** [It is necessary to perform a task in the public interest or in our official authority
17. Supporting our diversity programmes and staff support networks and initiatives (**Note**: special category personal data **paragraph 5**)	✓					
18. Administering your travel and accommodation arrangements		✓	✓	✓		

SCHEDULE 3

Purposes of processing special category personal data

Purposes of processing	Special category lawful basis We are permitted to process your personal data because…					
	1. You have given **your explicit consent** to the processing	**2.** It is necessary for your/our obligations and rights in the field of **employment and social security** and social protection law	**3.** It is necessary to protect the **vital interests** of the data subject or another person you or they are physically or legally incapable of giving consent	**4.** It is necessary for our establishment, exercise or defence of **legal claims**	**5.** It is necessary for reasons of **substantial public interest**	**6.** It is necessary for **preventive or occupational medicine**, for the assessment of the working capacity of the employee
a) **Recruitment and workforce planning**						
1. Conducting verification and vetting, including criminal background checks and credit checks where required by law		✓			✓	
2. Conducting background checks, verification and vetting which are not required by law but needed by us to assess your suitability for your role	✓				✓	
b) **Security and governance**						
3. Identifying and authenticating employees and other individuals	✓				✓	
4. Identifying, investigating and mitigating suspected misuse of the Trust's assets, systems and platforms				✓		
c) **Legal and regulatory compliance and responsibilities**						
5. Managing and administering our equal opportunities reporting					✓	
6. Responding to binding requests or search warrants or orders from courts, governmental, regulatory and/or enforcement bodies and authorities or sharing information (on a voluntary basis) with the same				✓		
7. Complying with disclosure orders arising in civil proceedings				✓		
8. Investigating, evaluating, demonstrating, monitoring, improving and reporting on the Trust's compliance with relevant legal and regulatory requirements				✓		
9. Responding to employment and industrial relations matters where permitted by applicable law, including criminal investigations, grievances, arbitrations, negotiations, elections and strikes				✓		

Purposes of processing	Special category lawful basis We are permitted to process your personal data because…					
	1. You have given **your explicit consent** to the processing	**2.** It is necessary for your/our obligations and rights in the field of **employment and social security** and social protection law	**3.** It is necessary to protect the **vital interests** of the data subject or another person you or they are physically or legally incapable of giving consent	**4.** It is necessary for our establishment, exercise or defence of **legal claims**	**5.** It is necessary for reasons of **substantial public interest**	**6.** It is necessary for **preventive or occupational medicine**, for the assessment of the working capacity of the employee
10. Making reasonable adjustments as needed to help remove barriers faced by you in your role because of any disability you might have		✓				
d) **Day-to-day business operations**						
11. Supporting our diversity programmes and staff support networks and initiatives	✓					

SCHEDULE 4

Your rights in relation to personal data

Your right	What does it mean?	Limitations and conditions of your right
Right of access	Subject to certain conditions, you are entitled to have access to your personal data (this is more commonly known as submitting a "data subject access request").	If possible, you should specify the type of information you would like to see to ensure that our disclosure is meeting your expectations. We must be able to verify your identity. Your request may not impact the rights and freedoms of other people, e.g. privacy and confidentiality rights of other staff.
Right to data portability	Subject to certain conditions, you are entitled to receive the personal data which you have provided to us and which is processed by us by automated means, in a structured, commonly-used machine readable format.	If you exercise this right, you should specify the type of information you would like to receive (and where we should send it) where possible to ensure that our disclosure is meeting your expectations. This right only applies if the processing is based on your consent or on our contract with you and when the processing is carried out by automated means (i.e. not for paper records). It covers only the personal data that has been provided to us by you.
Rights in relation to inaccurate personal or incomplete data	You may challenge the accuracy or completeness of your personal data and have it corrected or completed, as applicable. You have a responsibility to help us to keep your personal information accurate and up to date. We encourage you to notify us of any changes regarding your personal data as soon as they occur, including changes to your contact details, telephone number, immigration status.	Please always check first whether there are any available self-help tools to correct the personal data we process about you. This right only applies to your own personal data. When exercising this right, please be as specific as possible.
Right to object to or restrict our data processing	Subject to certain conditions, you have the right to object to or ask us to restrict the processing of your personal data.	As stated above, this right applies where our processing of your personal data is necessary for our legitimate interests. You can also object to our processing of your personal data for direct marketing purposes.
Right to erasure	Subject to certain conditions, you are entitled to have your personal data erased (also known as the *"right to be forgotten"*), e.g. where your personal data is no longer needed for the purposes it was collected for, or where the relevant processing is unlawful.	We may not be in a position to erase your personal data, if for example, we need it to (i) comply with a legal obligation, or (ii) exercise or defend legal claims.
Right to withdrawal of consent	As stated above, where our processing of your personal data is based on your consent you have the right to withdraw your consent at any time.	If you withdraw your consent, this will only take effect for future processing.