



Lumen Learning Trust

Learning together for a brighter future

Privacy Notice for Job Applicants

The purpose of this privacy notice is to explain to you the data we collect about job applicants as part of our recruitment and selection process.

Under General Data Protection Regulations (GDPR) we are obliged to inform you of the information we hold on you, what we use it for, who we share it with and for how long we keep it. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data. This privacy notice aims to provide you with this information.

We, Lumen Learning Trust, are the 'data controller' for the purposes of data protection law.

As a public body we have appointed a Data Protection Officer (DPO), Robert Bullett, Robert.bullett@london.anglican.org. (see 'Contact us' below for more information).

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 governors
- Proof of your identity, if invited for interview
- Information about your entitlement to work in the UK
- 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 and presentations.

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.

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.

Why we collect and use this information

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
- Facilitate our safer recruitment of staff, as part of our safeguarding obligations towards pupils
- Fulfil our legal obligations in recruiting staff
- Equalities monitoring and reporting

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

The lawful basis on which we process this information

Our lawful basis for collecting and processing staff information is defined under Article 6, and the following sub-paragraphs in the GDPR apply:

- (a) Data subject gives consent for one or more specific purposes.
- (c) Processing is necessary to comply with the legal obligations of the controller.
- (d) Processing is necessary to protect the vital interests of the data subject.
- (e) Processing is necessary for tasks in the public interest or exercise of authority vested in the controller (the provision of education).

Our lawful basis for collecting and processing your information is also further defined under Article 9, in that some of the information we process is deemed sensitive, or special, information and the following sub-paragraphs in the GDPR apply:

- (a) The data subject has given explicit consent.
- (b) It is necessary to fulfil the obligations of controller or of data subject.
- (c) It is necessary to protect the vital interests of the data subject.
- (d) Processing is carried out by a foundation or not-for-profit organisation (includes religious, political or philosophical organisations and trade unions)
- (h) Processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment
- (i) It is in the public interest.

Where we have obtained consent to use staff members' personal data, this consent can be withdrawn at any time. We will make this clear when we ask for consent, and explain how consent can be withdrawn. Some of the reasons listed above for collecting and using your personal data overlap, and there may be several grounds that justify our use of this data.

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.

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.

Storing this information

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.

Who we share this information with and why

Your information will be shared with school 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 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.

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.

Requesting access to your personal data and your rights as a data subject

Individuals have a right to make a '**subject access request**' to gain access to personal information that the school holds about them.

If you make a subject access request, and if we do hold information about you, we will:

- Give you a description of it
- Tell you why we are holding and processing it, and how long we will keep it for
- Explain where we got it from, if not from you
- Tell you who it has been, or will be, shared with
- Let you know whether any automated decision-making is being applied to the data, and any consequences of this
- Give you a copy of the information in an intelligible form

You may also have the right for your personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request please contact our Data Manager (details shown in Contact Us section below).

Your other rights regarding your data

Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe. You have the right to:

- Object to the use of your personal data if it would cause, or is causing, damage or distress
- Prevent your data being used to send direct marketing
- Object to the use of your personal data for decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, have inaccurate personal data corrected, deleted or destroyed, or restrict processing

- Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact our Data Manager.

Complaints

We take any complaints about our collection and use of personal information very seriously.

If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance.

To make a complaint, please contact our Data Protection Officer via Robert.bullett@london.anglican.org.

Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our Data Manager:

Email: datamanager@lumenlearningtrust.co.uk

Tel: 01932 571217