



Privacy notice for job applicants – use of your personal data

For the purposes of this document Guildford Nursery School and Family Centre will be referred to as GNSFC.

Introduction

Under UK data protection law, individuals have a right to be informed about how GNSFC uses any personal data that we hold about them. 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 explains how we collect, store and use personal data about individuals applying for jobs at GNSFC.

We, GNSFC, are the 'data controller' for the purposes of UK data protection law.

Our Data Protection Officer (DPO) is John Moorhouse, Chorus Advisers Ltd, 4th Floor Gateway Building, 10 Elmer Approach, Southend-on-Sea, Essex SS1 1LW.

The personal data we hold

Personal data that we may collect, use, store and share (when appropriate) about you includes, but is not restricted to:

- 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 other information relevant to an assessment of your suitability to work with children
- 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
- 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
- Online searches for shortlisted candidates include checks carried out by Social Media Check and may include searches on Google, LinkedIn, Twitter, Facebook, Instagram

We may also collect, use, store and share (when appropriate) information about you that falls into 'special categories' of more sensitive personal data. This includes, but is not restricted to:

- Information about race, ethnicity, religious beliefs, sexual orientation and political opinions

- Information about disability and access requirements
- Photographs and CCTV images captured at GNSFC

We collect information from your application form, your criminal records declaration form (if shortlisted for interview) and through 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 use this data

We use the data listed above 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

Use of your personal data in automated decision making and profiling

We do not currently process any job applicants' personal data through automated decision making or profiling. If this changes in the future, we will amend any relevant privacy notices in order to explain the processing to you, including your right to object to it.

Our lawful basis for using this data

Our lawful bases for processing your personal data for the purposes listed above are as follows:

- For the purpose of entering 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.
- For the purpose of administering 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 in accordance with the 'legitimate interests' basis – where there's a minimal privacy impact and we have a compelling reason. 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 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.

Where you have provided us with consent to use your data, you may withdraw this consent at any time. We will make this clear when requesting your consent, and explain how you would go about withdrawing consent if you wish to do so.

Our basis for using special category data

For 'special category' data, we only collect and use it when we have both a lawful basis, as set out above, and 1 of the following conditions for processing as set out in UK data protection law:

- We have obtained your explicit consent to use your personal data in a certain way
- We need to perform or exercise an obligation or right in relation to employment, social security or social protection law
- We need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent
- The data concerned has already been made manifestly public by you
- We need to process it for the establishment, exercise or defence of legal claims
- We need to process it for reasons of substantial public interest as defined in legislation
- We need to process it for health or social care purposes, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law
- We need to process it for public health reasons, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law
- We need to process it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the processing is in the public interest

For criminal offence data, we will only collect and use it when we have both a lawful basis, as set out above, and a condition for processing as set out in UK data protection law. Conditions include:

- We need to perform or exercise an obligation or right in relation to employment, social security or social protection law
- We have obtained your consent to use it in a specific way
- We need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent
- The data concerned has already been made manifestly public by you
- We need to process it for, or in connection with, legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of legal rights
- We need to process it for reasons of substantial public interest as defined in legislation

Collecting this data

While the majority of information we collect about you is mandatory, there is some information that can be provided voluntarily.

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 apply for a position and are subsequently shortlisted, 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>. You will also be required to declare other information which we deem to be relevant to an assessment of your suitability to work with children.

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.

Whenever we seek to collect information from you, we make it clear whether you must provide this information (and if so, what the possible consequences are of not complying), or whether you have a choice.

Most of the data we hold about you will come from you, but we may also hold data about you from:

- Local authorities
- Government departments or agencies
- Police forces, courts or tribunals

How we store this data

We keep personal information about you during the application process. We may also keep it beyond this if this is necessary. Our Records Management Policy sets out how long we keep information about applicants.

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, with the exception of criminal records information, 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.

Written declarations of criminal records and associated information collected for the purposes of ascertaining suitability to work with children will be retained only until the recruitment decision has been made after which it will be securely destroyed. For successful applicants the school will retain a record of when information was received from the applicant and outline information about the DBS check (the fact that the disclosure was sought, the issue date of disclosure, the level of disclosure, who obtained it and the disclosure number). If a risk assessment is undertaken, a summary of the outcome will be retained; for **unsuccessful applicants** this will be retained for six months and for **successful applicants** it will be transferred to the personnel file.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

We will dispose of your personal data securely when we no longer need it.

Who we share data with

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 you with any third party without consent unless the law and our policies allow us to do so.

We may share information about job applicants with third parties that provide us with recruitment and/or HR and legal services as part of obtaining support or advice with the recruitment and appointment process.

We will not share your data with other third parties unless and until an offer of employment is made to you. Where it is legally required, or necessary (and it complies with UK data protection law), we may share personal information about you with:

- 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, psychometric evaluations, social media checks, 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.

Transferring data internationally

We do not transfer your data to countries outside the European Economic Area.

Your rights

How to access personal information that we hold about you

You have a right to make a 'subject access request' to gain access to personal information that we hold about you.

If you make a subject access request, and if we do hold information about you, we will (subject to any exemptions that may apply):

- 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 us (see 'Contact us' below).

Your other rights regarding your data

Under UK data protection law, you have certain rights regarding how your personal data is used and kept safe. For example, you have the right to:

- Object to our use of your personal data
- Prevent your data being used to send direct marketing
- Object to and challenge 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
- In certain circumstances, have the personal data we hold about you deleted or destroyed, or restrict its processing
- Withdraw your consent, where you previously provided it for the collection, processing and transfer of your personal data for a specific purpose
- In certain circumstances, be notified of a data breach
- Make a complaint to the Information Commissioner's Office
- Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact us (see 'Contact us' below).

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.

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

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

Last updated

We may need to update this privacy notice periodically so we recommend that you revisit this information from time to time. This version was last updated in November 2023 and will be reviewed in November 2026 (or sooner).

Contact us

If you have any questions or concerns, or would like more information about anything mentioned in this privacy notice, please contact our **data protection officer**:

John Moorhouse
Chorus Advisers Ltd
4th Floor Gateway Building
10 Elmer Approach
Southend-on-Sea
Essex SS1 1LW

Tel: 0845 867 1263

Email: dpo@chorusadvisers.co.uk