# Privacy notice for Job Applicants

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| **Review Period:** | Every two years |
| **Person Responsible For Policy:** | Governance professional |
| **Governing Committee:** | Finance and Staffing |
| **Date of committee approval:** | **March 2026** |
| **Date of Full Board ratification:** | **March 2026** |
| **Date for Review:** | **March 2028** |

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# 1. Introduction

Under UK data protection law, individuals have a right to be informed about how our trust 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 in our trust.

The trust, All Saints MAT, is the 'data controller' for the purposes of UK data protection law.

# 2. 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:

- Your name
- Contact details
- Copies of right to work documentation
- References
- Evidence of qualifications
- Employment records, including work history, job titles, training records and professional memberships
- Information about your use of our information and communication systems, equipment and facilities (e.g. school computers)

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 in school/on site

We may also collect, use, store and share (when appropriate) information about criminal convictions and offences.
We may also hold data about you that we have received from other organisations, including other schools and local authorities, and the Disclosure and Barring Service in respect of criminal offence data.

# 3. Why we use this data

We collect and use the data listed above to:

a) Enable us to establish relevant experience and qualifications
b) Facilitate safe recruitment, as part of our safeguarding obligations towards pupils
c) Enable equalities monitoring
d) Ensure that appropriate access arrangements can be provided for candidates that require them
e) Make sure our information and communication systems, equipment and facilities (e.g. school computers) are used appropriately, legally and safely

If you fail to provide information when requested, which is necessary for us to consider your application (such as evidence of qualifications or work history), we will not be able to process your application successfully. For example, if we require references for this role and you fail to provide us with the relevant details, we will not be able to take your application further.

We will only use your personal information for the purposes for which we have collected it, unless we reasonably consider that we need to use it for any other reason and that reason is incompatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent in compliance with the above rules where this is required or permitted by law.

### 3.1 Use of your personal data for marketing purposes

Where you have given us consent to do so, we may send you marketing information by email or text promoting school events, campaigns, charitable causes or services that may be of interest to you.
You can withdraw consent or 'opt out' of receiving these emails and/or texts at any time by selecting the 'Unsubscribe' link at the bottom of any such communication, or by contacting us (see 'Contact us' below).

### 3.2 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.

### 3.3 Use of your personal data for filtering and monitoring purposes

While you're in any of our trust's schools, we may monitor your use of our information and communication systems, equipment and facilities (e.g. school computers). We do this so that we can:

- Comply with health and safety and other legal obligations

- Comply with our policies (e.g. child protection policy, IT acceptable use policy) and our legal obligations
- Keep our network(s) and devices safe from unauthorised access, and prevent malicious software from harming our network(s)

# 4. Our lawful basis for using this data

Our lawful bases for processing your personal data for the purposes listed in section 3 above are as follows:

For the purposes of a to e from section 3 above, in accordance with the 'public task' basis – we need to process data to fulfil our statutory function as a trust as set out here:

- Keeping Children Safe in Education legislation, Education Act 2002, Statutory guidance issued by the Department for Education and any Health and Safety legislation.
- Trust policies and procedures.

For the purposes of a to e from section 3 above, in accordance with the 'legal obligation' basis – we need to process data to meet our responsibilities under law as set out here:

- Keeping Children Safe in Education legislation, Education Act 2002, Statutory guidance issued by the Department for Education and any Health and Safety legislation.
- Trust policies and procedures.

For the purposes of a to e from section 3 above, in accordance with the 'consent' basis – we will obtain consent from you to use your personal data:

- Keeping Children Safe in Education legislation, Education Act 2002, Statutory guidance issued by the Department for Education and any Health and Safety legislation.
- Trust policies and procedures.

For the purposes of a to e from section 3 above, in accordance with the 'vital interests' basis – we will use this personal data in a life-or-death situation

Keeping Children Safe in Education legislation, Education Act 2002, Statutory guidance issued by the Department for Education and any Health and Safety legislation.

Trust policies and procedures.

For the purposes of to e from section 3 above, in accordance with the 'contract' basis – we need to process personal data to fulfil a contract with you or to help you enter into a contract with us

Keeping Children Safe in Education legislation, Education Act 2002, Statutory guidance issued by the Department for Education and any Health and Safety legislation.

Trust policies and procedures.

For the purposes of a to e from section 3 above, in accordance with the 'legitimate interests' basis – where there's a minimal privacy impact and we have a compelling reason, including:

Keeping Children Safe in Education legislation, Education Act 2002, Statutory guidance issued by the Department for Education and any Health and Safety legislation.

Trust policies and procedures.

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.

4.1 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

# 5. Collecting this data

We will only collect and use your data when the law allows us to (as detailed above in section 4 of this notice). While the majority of information we collect about you is mandatory, there is some information that can be provided voluntarily.
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
Other schools or trusts

# 6. 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 to comply with our legal obligations or to meet our regulatory requirements. Our records management policy sets out how long we keep information about applicants.

A copy can be requested from our Data Protection Officer (see contact details below).
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 have a legal requirement to retain it.

# 7. Who we share data with

We do not share information about you with any third party without consent unless the law and our policies allow us to do so.
Where it is legally required, or necessary (and it complies with UK data protection law), we may share personal information about you with:

- Our local authority/local authorities, Liverpool, Sefton and St Helens to meet our legal obligations to share certain information with it/them, such as safeguarding concerns
- Suppliers and service providers – to enable them to provide the service we have contracted them for, such as HR and recruitment support, and filtering and monitoring
- Professional advisers and consultants
- Employment and recruitment agencies
- The Department for Education

We will only share your personal information with the above parties for the purposes of processing your application.
All our third-party service providers and other entities in the group are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes in accordance with our instructions.

### 7.1 Transferring data internationally

We may share personal information about you with the following international third parties, where different data protection legislation applies:

- Other schools or educational establishments
- Government departments or agencies
- Security organisations
- App or cloud server providers
- Filtering and monitoring providers

Where we transfer your personal data to a third-party country or territory, we will do so in accordance with UK data protection law.
In cases where we have to set up safeguarding arrangements to complete this transfer, you can get a copy of these arrangements by contacting us.

# 8. Your rights

### 8.1 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 it, how we are 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).

**8.2 Your other rights regarding your data**

Under 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 where it is likely to cause, or is causing damage or distress
- 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 or blocked
- 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 if you feel we have not used your information the right way
- Claim compensation for damages caused by a breach of the data protection regulations

We may refuse your information rights request for legitimate reasons, which depend on why we're processing it. Some rights may not apply in these circumstances:

- Your right to have all personal data deleted or destroyed doesn't apply when the lawful basis for processing is legal obligation or public task
- Your right to receive a copy of your personal data, or have your personal data transmitted to another controller, does not apply when the lawful basis for processing is legal obligation, vital interests, public task or legitimate interests
- Right to object to use of your private data doesn't apply when the lawful basis for processing is contract, legal obligation or vital interests.

And if the lawful basis is consent, you don't haven't the right to object, but you have the right to withdraw consent

See information on types of lawful basis in section 4 of this privacy notice.

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

# 9. 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 concerns about our data processing, please raise this with us in the first instance. You can make a complaint to us at any time by contacting Liz Heaton Data Protection Officer via the details below.

Alternatively, you can make a complaint at any time 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

# 10. 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:
Liz Heaton via e-mail info@allsaintsmat.org