



Weston College **Group**

## **Privacy Notice for Job Applicants**

# Privacy Notice for Job Applicants

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### Change Control

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0.1	Draft	11/12/2020	N/a – Draft policy
0.2	New	18/10/2021	N/a – New policy

# Privacy Notice for Job Applicants

## 1 PURPOSE

- 1.1 Under data protection law, individuals have a right to be informed about how the College Group uses any personal information that Weston College hold about them. Weston College complies with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where Weston College are processing their personal information.
- 1.2 We aim to provide clear information about the personal information Weston College are using and why Weston College are using it. If anything is unclear, or if you have any concerns then please contact [data.protection@weston.ac.uk](mailto:data.protection@weston.ac.uk)
- 1.3 This Privacy Notice explains how Weston College collect, store and use personal information about individuals applying for jobs at our College. The overarching Privacy Notice detailing how Weston College process data generally may be found on [www.weston.ac.uk/dataprivacy](http://www.weston.ac.uk/dataprivacy).
- 1.4 Weston College is the 'data controller' for the purposes of data protection law.

## 2 SCOPE

- 2.1 This privacy notice covers any personal information of the Job Applicants which is collected, stored, processed, shared and destroyed by Weston College
- 2.2 Weston College produces several Privacy Notices depending on how individuals interact with our organisations. Weston College recommends you check [www.weston.ac.uk/dataprivacy](http://www.weston.ac.uk/dataprivacy) to ensure this is the most appropriate Privacy Notice for you.
- 2.3 Successful candidates should refer to our Privacy Notice for Workforce for information about how their personal information is collected, stored, processed, shared and destroyed by Weston College.

## 3 PERSONAL INFORMATION WESTON COLLEGE HOLD

- 3.1 Weston College needs to process personal information which identifies you as an individual to enable us to comply with the law, manage the recruitment process and run our organisation.
- 3.2 Examples of the types of personal information that Weston College collect, store, process and when appropriate share about job applicants are listed at **Appendix 1**.
- 3.3 While most of the personal information that Weston College collect from you is mandatory and required to process your job application, some of it may be requested voluntarily. Where this is the case, Weston College will request your consent at the point Weston College collects the information.
- 3.4 Some personal information Weston College request is optional. You can decide if you want to provide this information or not.

## 4 LAWFUL REASONS FOR PROCESSING

- 4.1 Data Protection law requires us to have a **lawful reason ('lawful basis')** for processing the personal information Weston College use. These reasons are listed under Article 6 of the 'General Data Protection Regulation' (GDPR). Our lawful basis for processing include:
  - Consent
  - Contract
  - Legal Obligation

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- Vital Interest
- Public Task
- Legitimate Interest

- 4.2 The lawful bases for processing your personal information may overlap as Weston College may have several grounds for processing.
- 4.3 Where you have provided us with consent to use your data, you may withdraw this consent at any time. In such cases, Weston College will cease to process the data. Weston College will make this clear by requesting your consent and explain how you go about withdrawing consent if you wish to do so.
- 4.4 Examples of purposes Weston College collect, store, process & where appropriate share (when appropriate) your personal information are listed at **Appendix 2**.

## 5 SPECIAL CATEGORY DATA

- 5.1 Weston College may collect, store, process, and where appropriate share information about you that falls into the UK-GDPR definition of "special category data" these include the following types of data:
- racial or ethnic origin
  - political opinions
  - religious or philosophical beliefs
  - trade union membership
  - genetic data
  - biometric data to uniquely identify a natural person (for example fingerprints or voice recognition software)
  - data concerning health; or
  - data concerning a natural person's sex life or sexual orientation
- 5.2 Weston College process Special Category Data using one of the following needs additional lawful basis as required by Article 9 of the UK-GDPR.
- Legal obligation
  - Substantial Public Interest including:
    - Statutory and government purposes
    - Equality of opportunity or treatment
    - Preventing and detecting unlawful acts
    - Preventing fraud
    - Public Health
  - Support for individuals with a particular disability or medical condition
  - Employment, social security and social protection
  - Occupational pensions
  - Explicit consent
  - To maintain your vital interests if you are unconscious and in need of medical assistance
- 5.3 Please refer to our Data Privacy Policy at [www.weston.ac.uk/dataprivacy](http://www.weston.ac.uk/dataprivacy) for further information on how Weston College process special category data.

## 6 CRIMINAL CONVICTIONS

- 6.1 Weston College may need to process data about criminal convictions or offences you have.
- 6.2 Weston College will only use information about criminal convictions or offences where the law allows us to. Usually, this will either be because Weston College has a legal obligation to do so concerning safeguarding our learners and other staff, preventing fraud or supporting law enforcement agencies.

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- 6.3 The condition for processing criminal convictions or offences is typically substantial public interest.
- 6.4 Data Barring Service (DBS) certificates will be securely held for a maximum of 3 months in line with the Weston College data retention policy.

## 7 COLLECTING PERSONAL INFORMATION

- 7.1 The reasons that Weston College collect and use personal information enable us to manage our recruitment process and your job application.
- 7.2 Examples of the purposes Weston College collect, store, process and when appropriate share personal information for job applicants are listed at **Appendix 2**.
- 7.3 Weston College collects, stores, processes and when appropriate shares personal information of job applicants in a variety of ways including via the job application form, recruitment process, information obtained through identity documents, from correspondence with you or through interviews.
- 7.4 Examples of ways Weston College collect job applicants personal information are listed in **Appendix 3**.
- 7.5 In many cases, Weston College will collect information about you from third parties, such as references provided by former employers, and information from employment checks or criminal records checks permitted by law.
- 7.6 Whilst you will be required to provide us with some information, there is some information that you can choose to provide to us. Whenever Weston College seek to collect information from you, Weston College makes 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.

## 8 SHARING PERSONAL INFORMATION

- 8.1 Information about job applicants will not be shared with any third party without your consent unless the law permits this.
- 8.2 Where it is legally required or is otherwise necessary (and it complies with data protection law) personal information may be shared with the relevant local authority – to meet our legal obligations to share certain information such as safeguarding concerns or with the Department for Education (DfE).
- 8.3 Further examples of with whom Weston College shares data are listed in **Appendix 4**.

## 9 STORING PERSONAL INFORMATION

- 9.1 Personal information is stored in line with our Information Security Management System (ISMS), in several locations including within Weston College Network, within Weston College Office 365 tenancy and other Weston College approved cloud-based systems.
- 9.2 Paper-based records containing personal information are securely stored within locked filing cabinets in line with the College's Information Security Management System (ISMS)
- 9.3 Weston College retains the personal information of Job Applicants in line with the Weston College Asset Retention Policy which will typically be 1 year after the job advert end date.

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- 9.4 By exception, Weston College may retain personal information longer than this if there is a business need to retain it, for example concerning safeguarding or any outstanding legal requirements.

## 10 INTERNATIONAL TRANSFER OF PERSONAL INFORMATION

- 10.1 Weston College will not typically transfer the personal information of job applicants to a country or territory outside the UK and European Economic Area.
- 10.2 Where Weston College do transfer the personal information of job applicants to a country or territory outside the UK and European Economic Area it will be done following data protection law.

## 11 REQUESTING ACCESS TO YOUR PERSONAL INFORMATION

- 11.1 Individuals have the right to request access to information about them that Weston College hold. This is known as making a 'Subject Access Request' (SAR). If you make a subject access request, and if Weston College holds information about you, Weston College will:
- Give you a description of it
  - Tell you why Weston College are holding and processing it, and how long Weston College will keep it for
  - Explain where Weston College 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 within a month, unless an extension is necessary on the ground of the complexity of the request
- 11.2 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 [data.protection@weston.ac.uk](mailto:data.protection@weston.ac.uk).

## 12 OTHER RIGHTS

- 12.1 Under data protection law, individuals have certain rights regarding how their personal information is used and kept safe. You have the right to:
- To request to have personal information rectified, if you believe that it is inaccurate or incomplete.
  - To request the deletion or removal of personal information where there is no compelling reason for its continued processing.
  - To restrict our processing of personal information (i.e. permitting its storage but no further processing) under certain circumstances.
  - To object to processing if Weston College is processing your information as part of our public tasks, or on the basis of our legitimate business interests, in which case Weston College will consider your objection, and balance this against our need to process the information.
  - To object to direct marketing (including profiling) and processing for the purposes of scientific/historical research and statistics.
  - To withdraw your consent to our processing
  - To have personal information, which you have provided, transmitted electronically to another organisation in certain circumstances.
  - Not to be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect - unless you have agreed or in other limited circumstances.
  - A right to seek redress, either through the ICO, or through the courts

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## 13 CONTACTS & COMPLAINTS

- 13.1 Weston College takes any complaints about our collection and processing of personal information very seriously.
- 13.2 If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please use the contact details below to let us know
- 13.3 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 use the contact information below

Address : Dr Darran George  
Data Protection Officer  
Weston College  
Knightstone Campus  
Weston-super-Mare  
BS23 2AL

Email : [data.protection@weston.ac.uk](mailto:data.protection@weston.ac.uk)  
Telephone : 01934 411411

- 13.4 You can also complain to the ICO if you are unhappy with how Weston College have used your data, but they would generally expect you to have raised the issue with us first. The ICO's address:

Address : Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Telephone : 0303 123 1113  
ICO website : <https://www.ico.org.uk>

## 14 TERMS & DEFINITIONS

**DPA:** - Data Protection Act 2018 – Law that controls how your personal information is used by organisations, businesses or the government

**GDPR:** - EU General Data Protection Regulation 2018 - a legal framework that sets guidelines for the collection and processing of personal information from individuals who live in the European Union (EU)

**ICO:** - Information Commissioner Office - The ICO is the UK's independent body set up to uphold information rights. Find out more about our organisation and structure.

**SAR:** - Subject Access Request – Individuals have the right to request a copy of any information

## 15 COMPLIANCE MONITORING & REVIEW

- 15.1 This document will be reviewed annually by the Weston College Group's Data Privacy Management Group (DPMG)
- 15.2 The Weston College Group's Data Privacy Management Group (DPMG) is responsible for the management of this document reporting to the College Leadership Board & the Governing Body.

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15.3 This policy will be maintained as part of the Information Security Management System (ISMS) as part of the College ISO 27001 certification

## 16 RELATED LEGISLATION AND DOCUMENTS

### 16.1 Legislation

- Data Protection Act 2018
- General Data Protection Regulation 2018
- Privacy and Electronic Communications Regulations (PECR) 2003

### 16.2 WCG Policies:

- Data Protection Policy
- Freedom of Information Policy
- Information Security Policy
- Record of Processing Activities



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## APPENDIX 1 – EXAMPLES OF PERSONAL INFORMATION WESTON COLLEGE COLLECT

This is a non-exhaustive list of the types of personal information which Weston College collect about our job applicants

- Application records (application forms, CVs, employment references, previous employment details)
- CCTV/Building Security
- Contact identifiers (contact details, address details)
- Identification evidence (passports, driving licences, proof of address documents)
- Internal system details (including login and security records)
- Personal identifiers (name, unique staff identifiers, date of birth and photographs)
- Personal sensitive identifiers and characteristics (criminal records, disability, medical and other protected characteristics)
- Professional Information (professional memberships)
- Qualification details (Education certificates and teacher numbers)
- Right to work evidence (Passports and residential permits)
- Training Records (training before employment, training undertaken whilst in employment)

Weston College may use an online platform to live stream lessons or meetings, you will be aware of this and Weston College will advise you if they are recorded.

This list is not exhaustive. To access further details of the categories of personal information Weston College process, please contact [data.protection@weston.ac.uk](mailto:data.protection@weston.ac.uk).

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## APPENDIX 2 – EXAMPLES OF PURPOSES WESTON COLLEGE PROCESS PERSONAL INFORMATION

This is a non-exhaustive list of the purposes for which Weston College process the personal information of our job applicants

- Checking an applicant's right to work in the UK
- Criminal record checks
- Facilitate safer recruitment, as part of our safeguarding obligations towards students
- Processing personal information to promote equality and diversity in the workplace
- Respond to and defend legal claims
- Seeking an employment contract
- To assess suitability for the role
- To identify conflicts of interest
- To investigate and manage complaint processes
- To look after the wellbeing of learners, staff & visitors
- To meet the statutory and regulatory duties placed upon us
- To send official correspondence to applicants
- To track performance metrics and assess the quality of our services
- Updating recruitment agencies on the status of applicants they introduce to the organisation

This list is not exhaustive. To access further details of the purpose for which Weston College process personal information, please contact [data.protection@weston.ac.uk](mailto:data.protection@weston.ac.uk).

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## APPENDIX 3 – EXAMPLES OF WAYS WESTON COLLEGE COLLECT PERSONAL INFORMATION

Weston College collects and processes personal information about our job applicants in a variety of ways including through the recruitment process, information obtained through identity documents, from correspondence with you or through interviews, meetings or other assessments when you are applying to work with us.

This is a non-exhaustive list of the types of sources Weston College will collect personal information of job applicants:

- Application Forms
- CCTV/Building Security
- Computer logs
- Created/generated by us (e.g. applicant reference numbers)
- Direct from previous employers
- Directly from applicants
- Employment/Character references
- From other staff/persons
- Prison Vetting and the Disclosure and Barring Service

This list is not exhaustive. To access further details of the ways Weston College collect personal information, please contact [data.protection@weston.ac.uk](mailto:data.protection@weston.ac.uk).

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## APPENDIX 4 – EXAMPLES OF WHO WESTON COLLEGE SHARE PERSONAL INFORMATION WITH

This is a non-exhaustive list of who Weston College share personal information of our job applicants with

- 3rd parties as identified within aspects of government legislation and/or UK Law
- Accommodation Providers
- Auditors
- Cloud system service providers
- Contractors, suppliers and service providers (when your information is required to deliver a service)
- Disclosure and Barring Service
- Employment and recruitment agencies
- Governing body
- Police forces, courts, tribunals
- Previous Employers
- Prison Vetting Service
- Recruitment Agencies
- Security organisations
- Solicitors/Legal Bodies
- Statistical data collection agencies
- Trade unions and associations
- Travel Providers

This list is not exhaustive. To access further details of who Weston College share personal information with, please contact [data.protection@weston.ac.uk](mailto:data.protection@weston.ac.uk).