



**SOUTH ESSEX  
ACADEMY TRUST**

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## APPLICANT PRIVACY NOTICE

### How We Use Information for Job Applicants

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Changes to previous edition Reviewed 28/11/2024 in line with the Key Leaders model applicant privacy notice

Section	Topic	Amendment
The personal data we hold	Categories of personal data	Paragraph on special category and criminal data added – as per the key leaders model policy
Why we collect and use your personal information	Examples of given of why we process applicants personal information	4 additional examples added - as per the key leaders model policy
Use of your personal data in automated decision making and profiling	Automated decision making at the Trust	New section added – as per the key leaders model policy
Use of your personal data for filtering and monitoring purposes	Filtering and monitoring our IT systems	New section added – as per the key leaders model policy
Our lawful basis for using this data	Public task, consent, vital interests and contract added	Section updated to include all lawful bases – as per the key leaders model policy
The lawful basis on which we use this information	Special category and criminal offence data	Section amended from the main legal bases to all legal bases for special category and criminal offence data – as per the key leaders model policy
Collecting this data	Details of third parties who may provide us with personal information	New section added – as per the key leaders model policy
Requesting access to your personal data	Retention of SAR paperwork	Information added to advise of retention periods for SAR paperwork – as advised by the ICO
Other rights over your data	Marketing materials and automated decisions	The right to be informed about certain data breaches and the right to complain to the ICO added – as per the key leaders policy
Artificial intelligence	Use of AI at SEAT	Information added to inform pupils of the use of AI – as advised by the ICO

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## Introduction

Under UK data protection law, individuals have the right to be informed how South Essex Academy Trust (SEAT) which includes; Westwood Academy, Kent's Hill Infant Academy, Winter Gardens Academy, Bardfield Academy and Parkwood Academy uses personal data that we hold about them. From here on this privacy notice will refer to SEAT as the Trust, we or us. Our data protection registration number is Z2767785.

For the purposes of data protection law, the Trust is the 'data controller' so decides what information we need to process about you and our data protection officer is Natalie Fardon, contactable via [dpo@seacademytrust.co.uk](mailto:dpo@seacademytrust.co.uk).

As part of any recruitment process, the Trust collects and processes personal data relating to job applicants. The organisation is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

## The personal data we hold

The Trust collects a range of information about you. This includes:

- your name, address and contact details, including email address and telephone number;
- your date of birth and national insurance number;
- details of your qualifications, skills, experience and education and employment history, including any breaks;
- information about your current level of remuneration, including benefit entitlements;
- any close personal relationships you have with those connected with our organisation;
- whether you have a disability for which the organisation needs to make reasonable adjustments during the recruitment process;
- information about your entitlement to work in the UK, criminal history and any disqualification or sanction imposed by a regulatory body in relation to working with children/teaching

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.

The Trust collects this information in a variety of ways. For example, data might be contained in application forms, obtained from your passport or other identity documents, or collected through interviews or other forms of assessment.

We will also collect personal data about you from third parties, such as references supplied by former employers, information from employment background check providers, the Teacher Regulation Agency and information from criminal records checks.

If you are shortlisted, the organisation will view data about you, which is publicly available on-line for the purposes of identifying any concerns about suitability to work with children and to verify employment history. Information will not be retained after the recruitment decision is made.

Data will be stored in a range of different places, including on your application record, in HR management systems, on other IT systems (including email) and via cloud services in which resources are retrieved from the Internet through web-based tools and applications, as opposed to a direct connection to a server at the school.

## Why we collect and use your 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:

- contact you if and when necessary
- 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
- help crime prevention, detection and public safety
- Enable us to establish relevant experience and qualifications
- Enable equalities monitoring
- Ensure that appropriate access arrangements can be provided for applicants that require them
- Make sure our information and communication systems, equipment and facilities (e.g. school computers) are used appropriately, legally and safely

## Use of your personal data in automated decision making and profiling

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

## 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)

## Our lawful basis for using this data

We will only process your information when the law allows us to, under the following lawful bases. In some cases there may be more than one reason for processing your information and more than one lawful basis. (This list is not exhaustive).+

- **Legal obligation** - processing is necessary for compliance with a legal obligation to which we/you are subject, for example we are required to check a successful applicant's identity and eligibility to work in the UK before employment starts and to undertake checks in relation to qualifications, prohibitions, disqualifications and to comply with the Department for Education's statutory guidance "Keeping Children Safe in Education in relation to other pre-employment checks. It is our policy, in line with this statutory guidance to request references at the shortlisting stage, in advance of interview. The organisation processes health information if it needs to make reasonable adjustments to the recruitment process for candidates who have a disability. This is to carry out its obligations and exercise specific rights in relation to employment. Pre-employment health screening is also required by Regulations.
- **To exercise our official duties as a Trust** - which is a task carried out in the public interest or in the exercise of official authority, this applies to almost all the processing we do involving personal data and may include enabling equalities monitoring,
- **Consent** - If you have given consent to the processing of your personal data for one or more specific purposes, for example; consenting to us contacting you if and when necessary or consenting to a reference request.
- **Protect someone's vital interests** - We need to protect you or someone else. If someone's life is at risk then we will share relevant personal data to help them. For example allergy information with staff or medical professionals. Information to assist in protecting someone's life would be shared with the police or social services.
- **Legitimate interest** - The Trust has a legitimate interest in processing personal data during the recruitment process and for keeping records of the process. Processing data from job applicants allows the organisation to manage the recruitment process, assess and confirm a candidate's suitability for employment and decide to whom to offer a job. The organisation may also need to process data from job applicants to respond to and defend against legal claims.
- **For the performance of a contract** 'processing is necessary to deliver a contractual service or because we have been asked to do something before entering into a contract (i.e. provide a quote)".

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.

If your application is unsuccessful, the Trust will keep your personal data on file in case there are future employment opportunities for which you may be suited. We will ask for your consent before we keep your data for this purpose and you are free to withdraw your consent at any time.

## 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.

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

## Who we share your information with

Your information will be shared internally for the purposes of the recruitment exercise. This includes members of the HR and recruitment team, interviewers involved in the recruitment process, and IT staff if access to the data is necessary for the performance of their roles.

The Trust will share your data with former employers to obtain references for you, employment background check providers to obtain necessary background checks and the Disclosure and Barring Service to obtain necessary criminal records checks.

We will not transfer your data outside the UK.

## How does the organisation protect data?

The organisation takes the security of your data seriously. It has internal policies and controls in place to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by our employees in the proper performance of their duties.

## For how long does the organisation keep data?

If your application for employment is unsuccessful, the organisation will hold your data on file for 6 months after the end of the relevant recruitment process.

If your application for employment is successful, personal data gathered during the recruitment process will be transferred to your personnel file and retained during your employment. The periods for which your data will be held will be provided to you in a new privacy notice.

## Requesting access to your personal data

Under data protection legislation, you have the right to request access to information about you that we hold by making a 'subject access request'. If you make a 'subject access request', and if we do hold information about you, we will within one month, but without undue delay;

- Provide a you with a relevant privacy notice which will;
  - Give you a description of the information held
  - Tell you why we are processing it and for how long we will keep it
  - 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
- Tell you if your request is complicated and let you know that we need more time to complete it. In some circumstances the Trust is allowed a maximum of three months to provide you with the information
- Let you know if we decide not to give you your information because of valid reason under the Data Protection Act.

If you want to make a request please contact Mrs Natalie Fardon-Wood – Data Protection Officer via [dpo@seacademytrust.co.uk](mailto:dpo@seacademytrust.co.uk)

If we are unable to fulfil your request we will let you know within the one month and inform you of the reasons why.

Once a subject access request has been responded to the Trust will retain a copy of the documents provided for a minimum of 6 months, after which the documentation will be reviewed and destroyed, unless it needs to be retained in relation to a complaint, for prospective legal proceedings or any other reason(s) identified in the Trust's retention schedule.

## Other rights over your data

Under data protection law, individuals have legal rights in certain circumstances regarding how their personal data is used and kept safe, including the right to:

- request rectification of your personal data if you believe the information we hold about you is inaccurate or incomplete;
- request erasure of your personal data where you believe the data is no longer necessary for the purposes of processing;
- object to the processing of your personal data in certain circumstances such as where we are processing it for our "legitimate interests" for direct marketing;
- ask to restrict the processing of your personal data in certain circumstances such as where you wish to suspend its processing whilst you establish its accuracy or the reason for processing has been clarified;
- withdraw your consent to the processing of your personal data, if we are processing it on the basis of your consent;



- Object to decisions being taken by automated means (by a computer or machine, rather than by a person). Currently, no decisions are made by the Trust through automated decision making (including profiling).
- Complain if you are not happy with the way in which the Trust is processing your personal information.
- In certain circumstances, be notified of a data breach.
- Make a complaint to the Information Commissioner's Office.

Some of these legal rights do not apply in all circumstances. We may be able to refuse or partially refuse requests in certain circumstances such as where a legal exemption applies. To exercise any of these rights please contact the Data Protection Officer via [dpo@seacademytrust.co.uk](mailto:dpo@seacademytrust.co.uk)

## What if you do not provide personal data?

You are under no statutory or contractual obligation to provide data to the Trust during the recruitment process. However, if you do not provide the information, we may not be able to process your application properly or at all. If your application is successful, it will be a condition of any job offer that you provide evidence to enable us to process all required pre-employment checks.

## Artificial Intelligence

At the South Essex Academy Trust, we recognise the potential for Artificial Intelligence (AI), particularly Generative AI (e.g., ChatGPT), to transform how our Trust is managed and how pupils learn. Our AI policy outlines our approach to integrating AI responsibly into how we run our Trust and how we deliver learning, enabling everyone to benefit from new technologies, educating them about safe, responsible and ethical AI use.

To ensure that personal and sensitive data remains secure, no one will be permitted to enter such data into unauthorised generative AI tools or chatbots. If personal and/or sensitive data is entered into an unauthorised generative AI tool, SEAT will treat this as a data breach, and will follow the personal data breach procedure.

## Making a complaint

We take any complaints about our collection and use of personal information very seriously. If at any time you are not happy with how we are processing your personal information or have any other concern about our data processing, please raise this with the Trust by contacting our Data Protection Officer via [dpo@seacademytrust.co.uk](mailto:dpo@seacademytrust.co.uk) to express your concerns.

If you are not happy with the outcome you may raise a complaint with the Information Commissioner's Office in one of the following ways;

- report a concern online at <https://ico.org.uk/make-a-complaint/>
- call 0303 123 1113

## Last updated

We may need to update this privacy notice from time to time so we please come back and have a look at it every now and then. This one was last updated 28<sup>th</sup> November 2024.