

PRIVACY POLICY – JOB APPLICANTS

The College is committed to the equality of opportunity and to a proactive approach to equality, which supports and encourages under-represented groups, promotes inclusivity and values diversity.

1 Policy Statement

This Privacy Policy applies to job applicants of Wyggeston and Queen Elizabeth College (the “College”) and is to help you understand how and why we collect and process your personal data, how we will use that data, the legal justification for using it and what rights you have over your data.

The College has a responsibility under the UK GDPR and the Data Protection Act 2018 to ensure the security and fair use of personal data. As part of the recruitment process, we collect and process personal data relating to job applicants.

Wyggeston and Queen Elizabeth I College and Regent College Group (WQE) (University Road, Leicester, LE1 7RJ) is the data controller and responsible for your personal data. The College is committed to being transparent about the data that it collects and uses and to meeting its data protection obligations. If you have any questions about this policy, including any requests to exercise your legal rights, please contact the College’s Data Protection Officer using the information set out in section 9.

2 What is ‘personal data’?

‘Personal data’ includes any information that the College holds about you which identifies you. This includes:

- your name, date of birth and contact details;
- details of your qualifications, skills and employment history, your CV and your availability;
- information about your current level of remuneration, including benefit entitlements;
- information about your entitlement to work in the UK;
- references that we receive from former employers;
- any correspondence with you regarding your application;
- any notes made during the application and interview process; and

sensitive information, such as:

- your race or ethnicity;
- whether or not you have a disability or health condition for which the organisation needs to make reasonable adjustments during the recruitment process; and
- information about any criminal convictions, offences and barred list status.

3 How is your personal data collected and held?

Your personal data may be collected through the following sources:

- your application and information obtained during the application process, either directly from you or sometimes from an employment agency or background check provider;
- your passport or other identity documents;
- your interview and other forms of assessment; and/ or
- third parties such as references supplied by former employers.

Your personal data is held on our College IT systems, and will only be visible to relevant staff such as the HR team, staff involved in the recruitment process and system administrators, but only to the extent your data is necessary for the performance of those roles. Access to more sensitive data, such as data concerning your physical or mental health, will be restricted and only shared with staff who need to know that information, such as staff supporting you during your interview. We also keep paper copies of some data.

4 How the College uses your personal data and why

We use your personal data to take steps at your request to review and process your application in order to potentially enter into a contract with you. We will need to check your eligibility to work in the UK, and we will use any information on any health conditions and disabilities to ensure we are able to accommodate your needs if you are invited for interview. We will also use your data to make sure we treat everyone fairly and comply with equalities legislation and our other legal obligations.

CCTV is used to ensure the campus remains a safe environment. CCTV is not used in private areas such as changing rooms. Our security staff may wear body cameras.

Legal grounds for using your data

The law requires the College to have a legal basis for collecting and using your personal data. This section describes the legal bases applied to processing your data. We rely on one or more of the following legal bases:

Contractual necessity

We process your data as it is necessary to take steps at your request before entering into a contract of employment with us. Where the basis of processing your personal data is a contractual necessity and you don't provide us with the personal data needed, the College may not be able to process your application or complete the recruitment process. For example, if we require a credit check or references for this role and you fail to provide us with relevant details, we will not be able to take your application further.

Legal obligation

We process your data as it is necessary to us to fulfil our legal obligations, for example to fulfil and monitor our responsibilities under equality legislation and to check your entitlement to work in the UK.

Legitimate interests

We process your data where it is necessary for legitimate interests pursued by us or a third party and your interests and fundamental rights do not override those interests. The College has a legitimate interest in processing personal data during the application process and for keeping records of the process, for ensuring our management, HR and administrative systems and procedures operate securely and efficiently.

Vital interests

It may be necessary to use any medical information we hold to support you in a medical emergency or prevent you from being seriously harmed.

Consent

We rely on consent only where we have obtained your active agreement to use your personal data for a specified purpose. If you do consent, you can opt-out at a later date if you change your mind and we will stop processing your data at that point.

Special category data

In order to process your job application, we need to store sensitive personal data about you known as special category data. Special category data includes information on your ethnicity, sexual orientation, religion or belief, biometric data, health information and information on any disabilities you may have. In addition to one of the lawful bases set out above, we will rely on one of the conditions of Article 9 of the UK GDPR to process special category data:

- for the College to carry out its legal obligations under employment law;
- explicit consent;
- reasons of substantial public interest;
- the personal data has been manifestly made public by you;
- the establishment, exercise or defence of legal claims;
- for archiving, statistical and research purposes; or
- processing is necessary to protect vital interests.

We will only collect information relating to relevant criminal allegations, proceedings or convictions where it is appropriate given the nature of the role and where we legally are able to do so, such as when exercising specific rights under employment law and where it is necessary for the prevention and detection of crime or fraud. Where appropriate, we will collect information about criminal convictions through a Disclosure and Barring Service check or we may be notified of such information directly by you in the course of the recruitment process.

5 With whom does the College share your data?

Your information may be shared internally by authorised staff for the purposes of the recruitment exercise and assessing your suitability for the role. This includes members of the HR and recruitment team, interviewers involved in the recruitment process and managers in the business area with a vacancy. We will not share your data with third parties, unless your application for employment is successful and we wish to make you an offer of employment.

We will then share your data with former employers to obtain references for you and employment background check providers to obtain the necessary background checks for you to work with children or vulnerable adults as appropriate to your role.

In some circumstances, your personal data will be shared with third parties in compliance with our legal obligations (e.g. UKVI and HMRC).

Where we do share data, we will do so securely and only where we have confirmation from the recipient that they will process your data securely, fairly, and in line with legislation. We will not send your data outside of the UK and European Economic Area, unless you provide us with referees outside these areas, in which case we will provide them with enough

information about you to identify you and provide a reference. We will not share sensitive information in this way.

6 Automated decision-making

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making.

7 How long do we keep your data?

If your application for employment is unsuccessful, the College will hold your data on file for six months after the end of the relevant recruitment process. At the end of that period, your data will be deleted or destroyed. If your application is successful, we will transfer your data to your Human Resources file (electronic and paper based), at which point you will be made aware of a new privacy notice detailing retention periods. For further information on the exact retention periods for the different types of data, please see the Data Retention Policy.

8 Your data rights

Under certain circumstances, you have rights under data protection laws in relation to your personal data. These rights include:

- **Right to be informed**

The College will ensure you have sufficient information to ensure that you're happy about how and why we're handling your personal data, and that you know how to enforce your rights.

- **Right of access / right to data portability**

You have a right to see all the information the College holds about you (commonly known as a "data subject access request"). Where data is held electronically in a structured form, such as in a database, you have a right to receive that data in a common electronic format that allows you to supply that data to a third party - this is called "data portability". If you wish to exercise your right of access please email the Data Protection Officer on the contact details in section 9.

- **Right of rectification**

If we're holding data about you that is incorrect or incomplete, you have the right to have it corrected, though we may need to verify the accuracy of the new data you provide to us.

- **Right to erasure**

You can ask that we delete your data and where this is appropriate we will take reasonable steps to do so. The right to erasure is a limited right, and we may not be able to agree to requests for erasure. If this occurs, we will explain why your request is not being actioned.

- **Right to restrict processing**

You can ask us to suspend the processing of your data in the following scenarios:

- if you want us to establish the data's accuracy;
- where our use of the data is unlawful but you do not want us to erase it;
- where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or
- you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to process it.

- **Right to object**

You can object to the processing of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

- **Rights related to automated decision making including profiling**

If the College makes automated decisions about you, you have the right to ask for a human being to intervene on your behalf or to check a decision.

- **Right to withdraw consent**

Where we are relying on your consent to process your personal data or your explicit consent to process your special category data, you have the right to withdraw that consent at any time. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

- **Right to transfer**

You have the right to request the transfer of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format where possible. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

If you wish to exercise any of your data rights or submit a data subject access request, please contact the DPO on the details set out in section 9 below.

You will not have to pay a fee to access your personal data (or to exercise any of your other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we could refuse to comply with your request in these circumstances.

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This

is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask for further information in relation to your request to speed up our response.

9 Data Protection Officer

The College has an appointed Data Protection Officer.

They can be contacted by emailing: DPO@wqe.ac.uk

10 Further information, guidance and complaints

If you require further information about our use of your personal data, or you have concerns about how your data is being shared, please contact our Data Protection Officer in the first instance using the email address above.

If you are unhappy about the way in which we have used your personal data, you have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK regulator for data protection issues, by using the following link: ico.org.uk/make-a-complaint/.