

## **7.2 Privacy Notice for Job Applicant**

The Lloyd Park Children's Charity is aware of its obligations under the General Data Protection Regulation (GDPR) and is committed to processing your data securely and transparently. This privacy notice sets out, in line with GDPR, the types of data that we collect and hold on you as a job applicant. It also sets out how we use that information, how long we keep it for and other relevant information about your data.

### **Data controller details**

The Charity is a data controller, meaning that it determines the processes to be used when using your personal data. Please direct any enquiries to our Data Protection Leads to [lpc@tlpcc.org.uk](mailto:lpc@tlpcc.org.uk)

**We are registered with the Information Commissioner's Office (ICO).**

### **Types of data we process**

We hold many types of data about you, including: -

- your personal details including your name, address, date of birth, email address, phone numbers
- your photograph
- gender
- marital status
- whether or not you have a disability
- information included on your application form and any CV including references, education history and employment history
- documentation relating to your right to work in the UK
- driving licence

### **How we collect your data**

We collect data about you in a variety of ways including the information you would normally include in a CV or a job application form and cover letter, or notes made by our recruiting officers during a recruitment interview. Further information will be collected directly from you when you complete forms at the start of your employment, for example, your bank and next of kin details. Other details may be collected directly from you in the form of official documentation such as your driving licence, passport or other right to work evidence.

In some cases, we will collect data about you from third parties, such as employment agencies, former employers when gathering references or credit reference agencies.

Personal data is kept in personnel files or within the Charity's IT systems and also external systems we have agreements with including worknest LAW and Sage Payroll.

### **Why we process your data**

The law on data protection allows us to process your data for certain reasons only:

- in order to perform the employment contract that we are party to
- in order to carry out legally required duties
- in order for us to carry out our legitimate interests
- to protect your interests and
- where something is done in the public interest.

All of the processing carried out by us falls into one of the permitted reasons. Generally, we will rely on the first three reasons set out above to process your data.

We need to collect your data to ensure we are complying with legal requirements such as:

- carrying out checks in relation to your right to work in the UK
- making reasonable adjustments for disabled employees.
- to carry out checks with the Disclosure and Barring Service including the update services.

We also collect data so that we can carry out activities which are in the legitimate interests of the Charity. We have set these out below:

- making decisions about who to offer employment to
- making decisions about salary and other benefits
- assessing training needs
- dealing with legal claims made against us

If you are unsuccessful in obtaining employment, your data will not be used for any reason other than in the ways explaining in relation to the specific application you have made.

Unless you provide your specific consent to The Lloyd Park Children's Charity retaining your data in case other suitable job vacancies arise in the Charity

for which we think you may wish to apply. You are free to withhold your consent to this and there will be no consequences for withholding consent.

### **Special categories of data**

Special categories of data are data relating to your:

- health
- sex life
- sexual orientation
- race
- ethnic origin
- political opinion
- religion
- trade union membership and
- genetic and biometric data.

We must process special categories of data in accordance with more stringent guidelines. Most commonly, we will process special categories of data when the following applies:

- you have given explicit consent to the processing
- we must process the data in order to carry out our legal obligations
- we must process data for reasons of substantial public interest
- you have already made the data public.

We will use your special category data:

- for the purposes of equal opportunities monitoring

We do not need your consent if we use special categories of personal data in order to carry out our legal obligations or exercise specific rights under employment law. However, we may ask for your consent to allow us to process certain particularly sensitive data. If this occurs, you will be made fully aware of the reasons for the processing. As with all cases of seeking consent from you, you will have full control over your decision to give or withhold consent and there will be no consequences where consent is withheld. Consent, once given, may be withdrawn at any time. There will be no consequences where consent is withdrawn.

### **Criminal conviction data**

We will only collect criminal conviction data where it is appropriate given the nature of your role and where the law permits us. This data will usually be collected at the recruitment stage and will be collected during your employment should you be successful in obtaining employment. We use criminal conviction data in the following ways:

To safeguard our children and families and we process this data because of our legal obligation to our children and families.

### **If you do not provide your data to us**

One of the reasons for processing your data is to allow us to carry out an effective recruitment process. Whilst you are under no obligation to provide us with your data, we may not be able to process, or continue with (as appropriate), your application.

### **Sharing your data**

Your data will be shared with colleagues within the Charity where it is necessary for them to undertake their duties with regard to recruitment. This includes, for example, those in the team where the vacancy is who are responsible for screening your application and interviewing you and the I.T team where you require access to our systems to undertake any assessments requiring IT equipment.

In some cases, we will collect data about you from third parties, such as employment agencies.

Your data will be shared with third parties if you are successful in your job application. In these circumstances, we will share your data in order to obtain references as part of the recruitment process.

### **Protecting your data**

We are aware of the requirement to ensure your data is protected against accidental loss or disclosure, destruction and abuse. We have implemented processes to guard against such. Please see our Data Protection and Information Sharing Policy – for further details.

Where we share your data with third parties we ensure that they hold your data securely and in line with GDPR requirements. Third parties must implement appropriate technical and organisational measures to ensure the security of your data.

### **How long we keep your data for**

In line with data protection principles, we only keep your data for as long as we need it for and this will depend on whether or not you are successful in obtaining employment with us.

If your application is not successful and we have not sought consent or you have not provided consent upon our request to keep your data for the purpose of future suitable job vacancies, we will keep your data for 6 months once the recruitment exercise ends.

If we have sought your consent to keep your data on file for future job vacancies, and you have provided consent, we will keep your data for 18 months once the recruitment exercise ends. At the end of this period, we will delete or destroy your data, unless you have already withdrawn your consent to our processing of your data in which case it will be deleted or destroyed upon your withdrawal of consent.

If your application is successful, your data will be kept and transferred to the systems we administer for employees.

### **Automated decision making**

No decision will be made about you solely on the basis of automated decision making (where a decision is taken about you using an electronic system without human involvement) which has a significant impact on you.

### **Individuals rights over their data (including right of access)**

The law on data protection gives you certain rights in relation to the data we hold on you. These are:

- the right to be informed. This means that we must tell you how we use your data, and this is the purpose of this privacy notice
- the right of access. You have the right to access the data that we hold on you. To do so, you should make a subject access request. You may then transfer the data that we hold on you for your own purposes
- the right for any inaccuracies to be corrected. If any data that we hold about you is incomplete or inaccurate, you are able to require us to correct it
- the right to have information deleted. If you would like us to stop processing your data, you have the right to ask us to delete it from our systems where you believe there is no reason for us to continue processing it
- the right to restrict the processing of the data. For example, if you believe the data we hold is incorrect, we will stop processing the data (whilst still holding it) until we have ensured that the data is correct
- the right to object to the inclusion of any information. You have the right to object to the way we use your data where we are using it for our legitimate interests

- the right to regulate any automated decision-making and profiling of personal data. You have a right not to be subject to automated decision making in way that adversely affects your legal rights.

Where you have provided consent to our use of your data, you also have the unrestricted right to withdraw that consent at any time. Withdrawing your consent means that we will stop processing the data that you had previously given us consent to use. There will be no consequences for withdrawing your consent. However, in some cases, we may continue to use the data where so permitted by having a legitimate reason for doing so.

If you wish to exercise any of the rights explained above, please contact our Data Protection Leads to [lpc@tlpcc.org.uk](mailto:lpc@tlpcc.org.uk)

### **Making a complaint**

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner’s Office at <https://ico.org.uk/concerns/>

### **Pandemic – Record Keeping**

During pandemics there may be the need to keep additional records as part of outbreak management.

Policy Name	Privacy Notice - Job Applicant
Version Number	V3 of new format
This policy was developed by	Data Protection Leads
These people were consulted/ involved in developing the policy	Senior Leadership Team Safeguarding Team Pre School Learning Alliance LBWF Governance group

This Policy was adopted by	Trustee Board
Date	September 2023 – Extended December 2023
Signed by:	Bisi Oyekanmi
Signature:	Bisi Oyekanmi
Review Date:	December 2024