

## **Privacy Notice Applicants – How we use your personal data**

**Data Controller:** Kirklees College, Manchester Road, Huddersfield, HD1 3LD

**Data Protection Officer:** Carol Tague, [GDPR@kirkleescollege.ac.uk](mailto:GDPR@kirkleescollege.ac.uk)

This notice explains how we collect, store and use personal data about individuals applying for paid and voluntary roles.

### **The information we collect and process may include:**

| <b>Type of data</b>  | <b>Examples (not an exhaustive list)</b>   |
|--|--|
| Contact details  | full name, address and contact details, including personal email address(es) and personal and work telephone number(s)   |
| Personal non-contact details/ID  | date of birth, age, sex, photographs, video imaging, voice recording, car registration plate, passport details, visa details, details of your availability and right to work in the UK, National Insurance number, dietary requirements, hobbies and activities, likes/dislikes/preferences and other information supplied by you in support of your application                                 |
| Financial information  | bank details if expenses are claimed   |
| Location   | physical or electronic information which identifies your location  |
| 'Special Categories of Data' (these are recognised as being more sensitive in nature and have a higher level of protection in law) | depending on what you choose to share either with us directly or within the public sphere, this may include race, ethnic origin, nationality, political opinions, religious or philosophical beliefs, trade union membership, health, mental health, physiological and disability information, sex life and sexual orientation   |
| Assessment data  | any information provided by you as part of a written or verbal assessment including your responses to interview questions; notes taken by interviewers and/or assessors relating to your suitability for a role: match to any person specification, fulfilment of selection criteria, relevant past experience, alignment with the college values, etc.  |
| Online/Unique identifiers  | such as ID codes, online/ website details e.g. usernames, passwords, session IDs, geo locations, device ID, IP addresses, cookies  |
| Qualifications, training and skills  | exam results, qualifications, CPD, professional body memberships, accreditations, certifications   |
| References and Employment History  | such as the name(s) of previous and/or other employer(s) and your employment history including start and end dates, salary and benefits, reason(s) for leaving, personal/professional references   |
| Employee Contract Details  | any employment history within the College: job title, information about your remuneration, including entitlement to benefits such as pensions or insurance cover, staff ID cards and ID no, teacher ref no, hours worked, start/leave dates, annual leave details, absence/sick leave details/reasons, performance details, disciplinary details and any sanctions taken against you, references |
| Commitments that may be a conflict of interest   | other employment that will continue, voluntary positions, elected positions, self-employment   |
| Complaints/Grievances  | details from student, staff, public and other complaints to which you are the complainant, a named party or involved in an investigation   |

|                                     |   |
|-------------------------------------|---|
| Health and Safety information       | such as accident records, risk assessments, occupational health records, personal protective equipment records, industrial disease monitoring records; insurance and legal claims, disability and access requirements |
| Criminal and Conviction Information | any criminal record (or the fact that you have none), Disclosure Barring Service checks and disclosures provided to us and other notifications  |

### Collecting and Storing this information

We collect information in various ways, for example, application forms, CVs or resumes, by email or verbally; from your passport or other identity documents such as your driving licence; from correspondence with you; or through interviews, meetings or other assessments. In some cases we may receive information from medical practitioners where this is relevant.

We may collect your personal information from other sources, for example references or recruitment agencies or from an online search.

Data will be stored securely in a range of places, including in the College's HR management systems and in other IT systems (including the College email system).

### Why does the College process the personal data of applicants?

Our primary reason is to assist us to be thorough in our recruitment processes and to be fair to applicants. Some of the reasons listed below for collecting and using your personal data overlap and there may be several grounds which justify our use of it.

#### *Recruitment and selection to support the delivery of our provision:*

- To operate our recruitment, selection, and appointment processes;
- To meet legal obligations such as carrying out pre-appointment checks such as qualified teacher status, DBS checks, online searches for shortlisted candidates (as required by the statutory guidance document Keeping Children Safe in Education) and confirming entitlement to work in the UK;
- To enter into contracts;
- To provide feedback to job applicants and agencies;
- To reimburse travel expenses;
- To liaise with third parties when required, for example if your employment is to be shared, if it is a secondment, if you are applying for an apprenticeship, etc.;

#### *To protect our reputation and deliver a consistently high-quality customer experience.*

- To consider and respond to feedback, including compliments, concerns and complaints.
- To resolve staff grievances and third-party complaints concerning College staff and students;
- To bring, respond to, and defend against legal claims.

#### *For equality and diversity monitoring and to comply with the Public Sector Equality Duty.*

- To comply with, and to monitor our compliance with, equality legislation;
- To obtain occupational health advice for the purposes of identifying whether applicants require additional equipment and/or other adjustments.

#### *To protect the vital interests of data subjects.*

- To respond to medical emergencies;
- To process next of kin/emergency contacts details.

#### *To ensure the health and safety of staff, students and visitors to our College*

- To take photographs for the purpose of providing visitor ID;
- To record and communicate visitor arrivals and departures;
- To subscribe to external, web-based Disclosure and Barring Service checks, e.g. Safeguarding website;
- To monitor incidents, accidents and near misses, to investigate, report as necessary to external agencies and make and respond to claims.

*To protect our assets and assist in the detection, investigation and prevention of crime*

- To record entry and exit to our buildings/campuses;
- To manage our car parks;
- To use CCTV recording and images and to monitor the use of our ICT network and systems for safety and security purposes and investigations;
- To plan for the safe and efficient movement of people and traffic on and around our campus;
- To keep track of our ICT hardware and other equipment;
- To protect our assets and assist in the detection, investigation and prevention of crime.

*To comply with other contractual or legal obligations*

- To comply with our Data Subject Rights obligations under the UK GDPR.

### **Our lawful bases for using this data ([Information Commissioner Guidance](#))**

We only collect and use your personal data when the law allows us to. Most commonly, we use it where we need to:

- Carry out tasks in the public interest;
- Comply with a legal obligation; or
- Comply with a contractual obligation.

Less commonly, we may use personal information about you where:

- We have (or a third party has) a legitimate interest in processing it;
- You have consented;
- We need to protect your vital interests (or someone else's).

Where we ask you for information for which we do not have a contractual or legal basis for processing, we will either tell you the legitimate basis for processing or obtain your consent.

We maintain a record of processing activities which sets out the lawful basis for all our processing activities and, in each case, the purposes of the processing, a description of the categories of individuals and of personal data, the categories of recipients of personal data, details of transfers to third countries, including a record of the transfer mechanism safeguards in place, retention periods and a description of the technical and organisational security measures we have in place to protect the data.

### **Who has access to your data?**

Your information will be shared with college staff where necessary for performance of their roles, or to comply with any contractual agreement, law or regulation.

We do not share your personal data with any third party unless the law allows us to do so.

To enable us to comply with our legal and contractual obligations and to enable the conduct of business, we may need to share your personal information as follows:

#### Routinely

- Business system providers/suppliers and service providers in connection with work related activities and systems access, to enable them to provide the service we have contracted for;
- Recruitment and employment agencies/sites;

- Previous and future employers/referees – pre-contract checks and, where relevant, pre-transfer due diligence.

#### Infrequently:

- Local Authority/Local Safeguarding Board/Social Care Teams/LADO - for safeguarding purposes;
- Health and Safety Executive – to report accident information/investigation purposes;
- Disclosure and Barring Service – to check for criminal convictions and offences;
- Police and Enforcement Agencies – to assist in the detection, investigation and prevention of crime (this includes the Courts and Coroner Service);
- Emergency services in the event of an emergency;
- In connection with DSAR requests (Data Subject or Authorised Representative);
- Information Commissioner's Office (ICO) (complaints/breaches investigations);
- Awarding/validating bodies for quality control and queries;
- Courts and Tribunals and Solicitors, Barristers and other legal professionals acting for or against the College (or to unrepresented claimants/respondents) where information is disclosed in connection with a legal claim or application;
- in connection with investigations, disputes, complaints and grievances internally and with third parties for example local authority safeguarding boards, trade unions, government departments and agencies, insurers and legal representatives;
- Government departments or agencies for government audits, reviews, to comply with funding requirements, and data collection requirements e.g. research/analysis/statistics/equality & diversity, benchmarking purposes;
- Internal and external Auditors (e.g. Financial accountants/HMI Inspectors).

### **How does the College protect data?**

We have robust internal policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not inappropriately accessed.

### **Third Party Processors and Transferring Data Internationally**

Where we engage third parties to process personal data on our behalf, they do so on the basis of our instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

Where we transfer personal data to a country or territory outside the UK and the European Economic Area, we will do so in accordance with data protection law.

### **For how long does the College keep data?**

We will only retain what is necessary in accordance with our Data Retention Policy, which sets out our internal retention and statutory guidelines. Some information must be kept for statutory reasons for example, Health and Safety records. Our CCTV camera footage is kept for up to 60 days after which point it will be overwritten unless it is required for some evidential purpose or we have received a data subject access request, in which case it will be retained until the matter has been resolved.

### **Your rights**

As a data subject, you have a number of rights, which our [GDPR Policy](#) explains in detail:

- The right to be informed;
- The right of access and to obtain a copy of your personal data on request;
- The right to require the college to change incorrect or incomplete data;
- The right to require the college to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing;

- The right to object to the processing of your data where the organisation is relying on its legitimate interests as the legal ground for processing.
- The right to data portability; and
- Rights in relation to automated decision making and profiling.

If you would like to exercise any of these rights, contact [GDPR@kirkleescollege.ac.uk](mailto:GDPR@kirkleescollege.ac.uk). Please note that exemptions may apply when making a request to exercise your rights, for example where we have to retain or process information for legal purposes. For more information on your personal data rights visit [www.ico.org.uk/your-data-matters](http://www.ico.org.uk/your-data-matters).

### **Your duty to inform us of changes**

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your time with us.

### **What if you do not provide personal data?**

If you do not provide the personal data we need to process your application for employment, we will not be able to consider you for the position.

### **Automated decision-making**

Employment decisions are not based solely on automated decision-making.

### **How to access the personal information we hold about you**

Individuals have a right to make a 'Data Subject Access Request' to gain access to personal information that we hold about them. Please refer to our [Rights of Individuals Policy](#) for more information on how to make a request, or contact our Data Protection Officer at [GDPR@kirkleescollege.ac.uk](mailto:GDPR@kirkleescollege.ac.uk). Please note that the content of third party references will not be shared without the referee's permission.

### **Concerns and Complaints**

We take concerns and complaints about our collection and use of personal data very seriously. If you wish to query anything within this privacy notice or think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance. Contact our Data Protection Officer at [GDPR@kirkleescollege.ac.uk](mailto:GDPR@kirkleescollege.ac.uk). Alternatively, or if you are not satisfied by the College response to your concern or complaint, you can contact the Information Commissioner. Information is available at <http://ico.org.uk/complaints>.

### **Changes to this privacy notice**

We will keep this privacy notice under regular review and will place any updates on our website.

July 2023