



MAGDALEN COLLEGE SCHOOL

PRIVACY POLICY FOR CANDIDATES

1. What is the purpose of this document?

- 1.1. Magdalen College School (“we”, “our”, “us”) is committed to protecting the privacy and security of your personal information.
- 1.2. This privacy policy describes how we collect and use personal information about you during the recruitment process and how we use that information during recruitment and afterwards and in accordance with the General Data Protection Regulation (GDPR).
- 1.3. It applies to all candidates including potential employees, workers, volunteers, governors and contractors.
- 1.4. Magdalen College School is a "**data controller**". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy policy.
- 1.5. We may update this policy at any time.
- 1.6. It is important that you read this policy, together with any other privacy policy we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

2. After the recruitment process

- 2.1. If you are successful in being appointed to a role with us, our Privacy Policy for Staff Data will apply. A copy will be provided to you with any offer letter.
- 2.2. If you are unsuccessful, we will retain your personal data in accordance with our retention policy. A copy of which can be obtained from the HR Department.

3. Data protection principles

- 3.1. We will comply with data protection law. This says that the personal information we hold about you must be:
 - a) used lawfully, fairly and in a transparent way;
 - b) collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes;
 - c) relevant to the purposes we have told you about and limited only to those purposes;
 - d) accurate and kept up to date;
 - e) kept only as long as necessary for the purposes we have told you about; and
 - f) kept securely.

4. The kind of information we hold about you

- 4.1. Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

- 4.2. There are "**special categories**" of more sensitive personal data which require a higher level of protection.
- 4.3. We may collect, store, and use the following categories of personal information about you:
- a) personal contact details such as name, title, addresses, telephone numbers, and personal email addresses;
 - b) date of birth;
 - c) gender;
 - d) national insurance number;
 - e) recruitment information (including copies of right to work documentation, interview notes and opinions taken during and following interviews, reference and other information included in a CV or cover letter or as part of the application process);
 - f) employment records (including job titles, work history, working hours, training records and professional memberships);
 - g) your availability to start work and your notice period with your current employer;
 - h) compensation history; and
 - i) details of your professional qualifications and education history.
- 4.4. We may also collect, store and use the following "special categories" of more sensitive personal information:
- a) information about your health, including any medical condition, health and sickness records;
 - b) genetic information and biometric data; and
 - c) information about criminal convictions and offences (please refer to our Criminal Records Policy for further information).

5. How is your personal information collected?

- 5.1. We typically collect personal information about potential employees, workers and contractors through the application and recruitment process, either directly from candidates or sometimes from an employment agency. We may sometimes collect additional information from third parties in the form of references from former employers.

6. How we will use information about you

- 6.1. We need all the categories of information in the list above primarily because they are necessary for entering into a potential contractual relationship with you and to enable us to comply with legal obligations. In some cases, we may use your personal information to pursue legitimate interests of our own or those of third parties, provided your interests and fundamental rights do not override those interests. The situations in which we will process your personal information are listed below:
- a) making a decision about your recruitment or appointment;

- b) determining the terms on which you work for us;
- c) checking you are legally entitled to work in the UK;
- d) assessing qualifications for a particular job or task;
- e) dealing with legal disputes involving you;
- f) ascertaining your fitness to carry out the role;
- g) complying with health and safety obligations; and
- h) making sure you are suitable to work with children.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information. The majority of the above types of processing will be justified on the basis of being necessary for entering a contract and / or so that we comply with a legal obligation. A few will be justified on the basis of legitimate interests.

6.2. In terms of the legitimate interests of Magdalen College School or of third parties, these legitimate interests will be:

- a) to enable us to deal with and defend any dispute or legal proceedings;
- b) to establish whether you are suitable for the role you have applied for; and
- c) to enable us to make sure you are suitable to work with children.

6.3. We may also use your personal information in the following situations, which are likely to be rare:

- a) Where we need to protect your interests (or someone else's interests).
- b) Where it is needed in the public interest or for official purposes.

6.4. If you fail to provide certain information when requested, which is necessary for us to consider your application (such as evidence of qualifications and work history), we may not be able to offer a role to you or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers).

6.5. We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

6.6. Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

7. How we use particularly sensitive personal information

- 7.1. "Special categories" of particularly sensitive personal information require higher levels of protection.
- 7.2. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:
 - a) in limited circumstances, with your explicit written consent;
 - b) where we need to carry out our legal obligations and in line with our data protection policy;
 - c) where it is needed in the public interest, such as for equal opportunities monitoring, and in line with our data protection policy;
 - d) where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards; and
 - e) where it is necessary for establishing, exercising or defending legal claims.
- 7.3. Less commonly, we may process this type of information where it is to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public. For example, if you became seriously unwell or had an accident during the recruitment process, we may need to provide a hospital with medical information we are aware of.
- 7.4. We will use your particularly sensitive personal information in the following ways:
 - a) we will use information about your physical or mental health, or disability status, to consider whether we need to provide appropriate adjustments during the recruitment process, (e.g. to a test or interview). We will also use this information to consider your suitability for the role and whether you would need adjustments in the role you are being considered for.
 - b) we may obtain your biometric data as part of our recruitment process so as to comply with right to work checks.
 - c) we may **use all special categories of data to defend legal claims.**
- 7.5. We do not need your consent if we use special categories of your personal information in accordance with our written policy to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

8. Information about criminal convictions

- 8.1. We envisage that we will process information about criminal convictions.
- 8.2. We will only collect information about criminal convictions where we are legally able to do so. This will usually be where such processing is necessary to carry out our obligations and will be in accordance with our Criminal Records Policy.

- 8.3. Where appropriate, we will collect information about criminal convictions as part of the recruitment process or we may be notified of such information directly by you in the course of you working for us. We will use information about criminal convictions and offences as part of the recruitment process to establish whether or not to offer you a role.
- 8.4. We are allowed to use your personal information in this way to carry out our obligations in respect of safeguarding children and ensuring you are suitable to work with children.

9. Data sharing

- 9.1. We may share your personal information with third parties where required by law, where it is necessary as part of whether to enter a working relationship with you or where we have another legitimate interest in doing so.
- 9.2. "Third parties" includes third-party service providers (including contractors and designated agents) and other entities within our group. The following activities may be carried out by third-party service providers:
 - a) DBS checks through Babcock International Limited;
 - b) Recruitment by a recruitment agency.
- 10.3 All our third-party service providers and other entities in the group are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.
- 10.4 We may also need to share your personal information with a regulator or to otherwise comply with the law.

10. Transferring information outside the EU

- 10.1. We do not transfer the personal information of candidates outside of the EU.

11. Data security

- 11.1. We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality. Details of these measures may be obtained from the HR Department.
- 11.2. We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

12. Data retention

- 12.1 We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Details of

retention periods for different aspects of your personal information are available in our retention policy which is available from the HR Department.

12.2 To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

12.3 In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer an employee, worker or contractor of the company we will retain and securely destroy your personal information in accordance with our data retention policy.

13. Rights of access, correction, erasure, and restriction

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

13.2. Under certain circumstances, by law you have the right to:

- a) **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- b) **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- c) **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- d) **Object to processing** of your personal information 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. You also have the right to object where we are processing your personal information for direct marketing purposes.
- e) **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- f) **Request the transfer** of your personal information to another party.

13.3. If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the HR Director in writing.

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

- 13.5. We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

14. Right to withdraw consent

- 14.1. In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the HR Department. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

15. Responsibility for compliance

- 15.1. The Data Protection Lead is the Bursar who is responsible for overseeing our compliance with this privacy policy. If you have any questions about this privacy policy or how we handle your personal information, please contact the Bursar. You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

16. Changes to this privacy policy

We reserve the right to update this privacy policy at any time, and we will provide you with a new privacy policy when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

If you have any questions about this privacy policy, please contact the HR Director or the Bursar.

Reviewed by: Royds Withy King
Date: May 2018
Reviewed by: HR Director
Date: May 2019
Next Review: May 2020