

Privacy Notice for Job Applicants



Equalities Statement

In our Trust we work to ensure that there is equality of opportunity for all members of our community who hold a range of protected characteristics as defined by the Equality Act 2010, as well as having regard to other factors which have the potential to cause inequality, such as socio-economic factors.

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1. Introduction

Under data protection law, individuals have a right to be informed about how the school uses any personal data we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about individuals applying for jobs at the Trust.

We, Swale Academies Trust, Ashdown House, Johnson Road, Sittingbourne, ME10 1JS are the 'data controller' for the purposes of data protection law.

Successful candidates should refer to our privacy notice for the school workforce for information about how their personal data is collected, stored and used.

Our data protection officer is Invicta Law Ltd (see 'Contact us' below).

2. The personal data we hold

We process data relating to those applying to work at the Trust. Personal data that we may collect, use, store and share (when appropriate) about you includes, but is not restricted to:

- Your name;
- Contact details;
- Copies of right to work documentation;
- References;
- Evidence of qualifications;
- Employment records, including work history, job titles, training records and professional memberships;
- Information gathered through online searches on shortlisted candidates, in line with statutory guidance (Keeping Children Safe in Education), to identify any incidents or issues that have happened, and are publicly available online, which the Trust might want to explore with the applicant at interview;
- Information about your use of our information and communication systems, equipment and facilities.

We may also collect, store and use information about you that falls into "special categories" of more sensitive personal data. This includes information about (where applicable):

- Race, ethnicity, religious beliefs, sexual orientation and political opinions;
- Disability and access requirements;
- Photographs and/or videos;
- CCTV images captured in school.

We may also collect, use, store and share (when appropriate) information about criminal convictions and offences.

We may also hold data about you that we have received from other organisations, including other schools and social services, and the Disclosure and Barring Service in respect of criminal offence data.

3. Why we use this data

The purpose of processing this data is to aid the recruitment process by:

- Enabling us to establish relevant experience and qualifications;
- Facilitating safe recruitment, as part of our safeguarding obligations towards pupils;
- Enabling equalities monitoring;
- Ensuring that appropriate access arrangements can be provided for candidates that require them;
- Facilitate communication during the recruitment process via third-party recruitment portals and video conferencing platforms;
- Establish a potential employee's fitness to work through pre-employment health screening;
- Make sure our information and communication systems, equipment and facilities are used appropriately, legally and safely.

4. Our legal basis for using this data

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

- Comply with a legal obligation;
- Carry out a task in the public interest.

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

- You have given us consent to use it in a certain way;
- We need to protect your vital interests (or someone else's interests).

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 go about withdrawing consent if you wish to do so. Some of the reasons listed above for collecting and using personal information about you overlap, and there may be several grounds which justify the Trust's use of your data.

4.1 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 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.

5. Collecting this information

While the majority of the information we collect from you is mandatory, there is some information that you can choose whether or not to provide to us.

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;
- Other schools or Trusts.

6. How we store this data

Personal data we collect as part of the job application process is stored in line with our data protection policy. When it is no longer required, we will delete your information in accordance with our retention schedule.

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.

We will dispose of your personal data securely when we no longer need it.

7. Data sharing

We do not share information about you with any third party without your consent unless the law and our policies allow us to do so. Where it is legally required, or necessary (and it complies with data protection law), we may share personal information about you with:

- Our Local Authorities - to meet our legal obligations to share certain information with them, such as safeguarding concerns;
- Suppliers and service providers – to enable them to provide the service we have contracted them for, such as HR and recruitment support;
- Professional advisers and consultants;
- Employment and recruitment agencies.
- Alternative provision providers - where a role specifically involves supporting students in these settings, to facilitate site access and verify qualifications or safeguarding status.

7.1 Transferring data internationally

When we transfer personal data to a country or territory outside the UK or EU, we will do so in accordance with data protection law.

8. Your rights

8.1 How to access personal information we hold about you

You have a right to make a 'subject access request' to gain access to personal information that we hold about you. If you make a subject access request, and if we do hold information about you, we will:

- Give you a description of it;
- Tell you why we are holding and processing it, and how long we will keep it for;
- 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, following a reasonable and proportionate search.

You may also have a right for your personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request, please contact our Company Secretary. We will respond to any Subject Access Request (SAR) within one month. If the request is complex, we may extend this period by up to a further two months and will provide you with a reason for the delay.

8.2 Your other rights over your data

Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe.

You have the right to:

- Object to the use of your personal data if it would cause, or is causing, damage or distress;
- Prevent your data being used to send direct marketing;
- Object to the use of your personal data for decisions being taken by automated means (by a computer or machine, rather than a person);
- In certain circumstances, have inaccurate personal data corrected, deleted or destroyed, or restrict processing;
- Withdraw your consent, where you previously provided it for the collection, processing and transfer of your personal data for a specific purpose;
- In certain circumstances, be notified of a data breach;
- Make a complaint to the ICO if you feel we have not used your information in the right way;
- Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact us (see Section 10, below).

We may refuse your information rights request for legitimate reasons, which depend on why we are processing it. Some rights may not apply in these circumstances:

- Your right to have all personal data deleted or destroyed does not apply when the lawful basis for processing is it 'legal obligation' or 'public task';
- Your right to receive a copy of your personal data, or have your personal data transmitted to another controller does not apply when the lawful basis for processing is 'legal obligation', 'vital interests', 'public task', or 'legitimate interests';
- Right to object to use of your personal data does not apply when the lawful basis for processing is 'contract', 'legal obligation', or 'vital interests'. If the lawful basis is 'consent' you do not have the right to object, but you do have the right to withdraw consent.

9. Complaints

We take any complaints about our collection and use of personal information very seriously.

If you think that our collection or use of personal information is unfair, misleading or inappropriate, or you have any other concern about our data processing, we encourage you to raise this with us in the first instance by completing this [Google Form \(https://forms.gle/2EEVPyBTRiyDwy4t6\)](https://forms.gle/2EEVPyBTRiyDwy4t6). We will acknowledge your complaint within 30 days of receipt and supply you with a substantive response without undue delay.

Alternatively you can email our Data Protection Officer (details at Point 10).

You also have the right to make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

10. Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact the **Company Secretary** in the first instance:

- hello@swale.at

Our DPO service is provided by:

Invicta Law Ltd, 1 Abbey Wood Road, Kings Hill, West Malling, Kent, ME19 4YT

dpo@invicta.law

This notice is based on the [Department for Education's model privacy notice](#) and amended to reflect the way we use data.