

## **Northampton College Privacy Notice -**

### **How we use Job Applicant information**

#### **What is a Privacy Notice?**

A privacy notice is a statement that describes how Northampton College collects, uses, retains and discloses your personal information. This Privacy Notice relates to the personal data of Northampton College's job applicants.

To ensure that we process your personal data fairly and lawfully we are required to inform you:

- Why we need your data
- How it will be used
- Who it will be shared with
- What rights you have to control how we use your information

The law determines how organisations can use personal information. The key laws are the General Data Protection Regulation (GDPR) enforced from 25 May 2018 and the Data Protection Act 1998 (DPA).

#### **The categories of information that we collect, hold and share include:**

- Personal information (such as name, date of birth, address, country of residence, recording of document numbers (e.g. passport number to prove evidence of eligibility to work in the United Kingdom), contact details such as mobile number and email address, employment records including work history and training records, qualifications, and records relating to pre-employment checks (including references, criminal convictions (e.g. DBS certificates and self-declarations), and online social media checks)).
- Sensitive Personal Data (such as ethnic origin, race, religion, sexual orientation and relevant medical information including disability and access requirements [health])
- Images may be captured on our CCTV systems.

## Why we collect and use this information:

We use job applicants' data:

- To comply with statutory guidance and legal obligations, for example, to comply with both the Keeping Children Safe in Education Statutory Guidance and the legislation that requires organisations to carry out checks to ensure their employees are eligible to work in the United Kingdom.
- Ensuring a correct and fair recruitment and selection process is followed.
- To enable the College to monitor the effectiveness of current policies and assist with statistical returns (any data given to third parties will be anonymised).
- To ensure people are not discriminated against on protected grounds.
- To ensure the safety of students, staff, and visitors, both inside and outside College buildings.

## The lawful basis on which we use this information.

We collect and use job applicants' information under the lawful bases of **Legal obligation** and/or **Contract** and/or **Consent** (Article 6).

The new legislation identifies certain data as being 'special category data'. This means that an organisation has to identify, in addition to the lawful basis for using the data, a 'condition' for collecting and processing it (which forms part of Article 9 of the legislation).

From a job applicant perspective, the College collects two categories of Special Category Data and the table below denotes the lawful basis and condition for collecting these.

Type of Special Category Data	Lawful Basis - Article 6	Condition for processing special category data - Article 9(2)
Health	Legal	<p>'(b) processing is necessary for carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment'.</p> <p>'(h) Processing is necessary for the purposes of preventative or occupational medicine, for the</p>

		assessment of the working capacity of an employee'
Data on race, ethnic origin, religion and sexual orientation (protected characteristics)	Consent	'(a) The data subject has given explicit consent to the processing of those personal data one or more specified purposes'

The legislation also requires the College, in processing criminal offence data, to meet the thresholds of both Article 6 and Article 10. The College meets these thresholds as detailed below:

<b>Type of Personal Data</b>	<b>Lawful Basis - Article 6</b>	<b>Condition for processing criminal data - Article 10</b>
Criminal	Legal	Official capacity - To safeguard young people and vulnerable adults from any person who has a criminal conviction or record of behaviour that could pose a risk to their safety and well-being. This is in accordance with the Keeping Children Safe in Education Statutory Guidance.

## Who we share information with:

The College may share job applicants' information with the following organisations:

- Current or prospective employers – for example, in obtaining/requesting workplace references.
- Local Authority – for example, in relevant safeguarding cases
- Home Office and/or UK Visas and Immigration – for example, in the event a potential employee presents fake 'right to work in the United Kingdom' documentation.
- Midland HR – as hosts of the HR system
- College's law firms and the College's Insurance company
- Capita – For the purposes of conducting Disclosure and Barring checks (as required by the Keeping Children Safe in Education Statutory Guidance)

- Medigold – Occupational Health Provider

## **Requesting access to your personal data – Subject Access Request**

Under data protection legislation, individual employees have the right to request access to the information that the College holds on them by making a Subject Access Request. To make such a request, please contact the College's Data Protection Officer:

Mr Julian Wood  
Northampton College  
Booth Lane  
Northampton  
NN3 3RF

Email: [dataprotection@northamptoncollege.ac.uk](mailto:dataprotection@northamptoncollege.ac.uk)

Extension: 4567

Please note that when you have made a subject access request, you may be asked to complete a proforma to assist the College in providing you with your data.

You can ask for your data in either an electronic or a paper-based format.

The College will normally provide the requested data within one month of receiving your request.

## **Right to rectification**

The General Data Protection Regulations provide employees with the right to have personal data rectified if it is inaccurate or incomplete. To make such a request, please contact Mandy Dainty (HR Officer - Systems, Quality and Audit):

Email: [mandy.dainty@northamptoncollege.ac.uk](mailto:mandy.dainty@northamptoncollege.ac.uk)

Extension: 4059

## **Right to erasure ('the right to be forgotten')**

Whilst the General Data Protection Regulations provide, in certain circumstances, the right of the individual to request the erasure of personal data, where the College has demonstrated that the data collection is lawful (Article 6) and, where appropriate, the data is subject to a condition (Article 9), the right to erasure is unlikely to apply.

However, an employee can request the right to erasure of data that they have consented to provide. For example, employees, through their explicit consent, provide the special category data that the College obtains in respect to race, ethnic

origin, religion and sexual orientation. As such, if an employee wishes that data to be erased, the College would accept and action this request.

## **Right to restrict processing**

Whilst the General Data Protection Regulations provide, in certain circumstances, the right of the individual to request the suppression of the processing of personal data, where the College has demonstrated that the data collection is lawful (Article 6) and, where appropriate, the data is subject to a condition (Article 9), the right to restrict processing is unlikely to apply.

However, where the individual contests the accuracy of the personal data held by the College, the College may restrict processing until the veracity of the data in question has been verified (Please also see Right to rectification).

## **Data Retention**

If you are unsuccessful in gaining employment, the data provided in your application form, self-declaration form, and any data provided/obtained relating to pre-employment checks, will be kept electronically on the HR/payroll system and in paper format until 12 months after the successful person commences their employment when it will be deleted/shredded. The exception to this is equal opportunities monitoring data, which will be retained, in an anonymised format for up to 3 years to enable the College to effectively monitor the equity of its recruitment and selection processes.

If you are successful in gaining employment at Northampton College, your data will be collected, used, retained, and disclosed in accordance with Northampton College's Workforce Privacy Notice.

If you have any concerns regarding the way the College collects, processes, stores or uses your personal data, please raise your concern with either Julian Wood (Data Protection Officer) or Mandy Dainty (HR Officer - Systems, Quality and Audit) in the first instance. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

## **How to change your details**

If your personal details held by the College change, please contact a member of the HR team to update these accordingly.

## **Changing your mind about non-mandatory data collection**

Whilst the majority of information you provide to us is mandatory and meets the lawful requirements of Article 6 and, where appropriate, a 'condition' for processing it

(Article 9), as the condition for processing data pertaining to race, ethnic origin, religion and sexual orientation is consent, you can ask for the College to erase this information. In this case, please contact Mandy Dainty (HR Officer - Systems, Quality and Audit).

## **Contact**

If you would like to discuss anything in this Privacy Notice, please contact the College's Data Protection Officer, Julian Wood.