

## Applicant Fair Processing Notice

### 1. What is this document and why should you read it?

- 1.1 This privacy notice explains how and why The Gallery Trust including each of its operating entities (also referred to as “**The Trust**”, “**we**”, “**our**” and “**us**”) uses personal data relating to job applicants (referred to as “**you**”).
- 1.2 You should read this notice, so that you know what we are doing with your personal data. Please also read any other privacy notices that we give you, that might apply to our use of your personal data in specific circumstances in the future.
- 1.3 This notice does not form part of any contract to provide services.

### 2. The Trust’s data protection responsibilities

- 2.1 “**Personal data**” is any information that relates to an identifiable natural person. Your name, address, contact details, salary details and CV are all examples of your personal data, if they identify you.
- 2.2 The term “**process**” means any activity relating to personal data, including, by way of example, collection, storage, use, consultation and transmission.
- 2.3 The Trust is a “**controller**” of your personal data. This is a legal term – it means that we make decisions about how and why we process your personal data and, because of this, we are responsible for making sure it is used in accordance with data protection laws.

### 3. What types of personal data do we collect and where do we get it from?

- 3.1 We collect many different types of personal data about you for lots of reasons. We cannot administer your job application with you without your personal data. Where we don’t need your personal data, we will make this clear, for instance we will explain if any data fields in our application are optional and can be left blank.
- 3.2 Further details of the personal data we collect, where we get it from and what we do with it are set out in **Schedule 1**.
- 3.3 You provide us with personal data directly when you apply for a job with us and when you complete our Trust Application Form or correspond with us. We also create some personal data ourselves and obtain some personal data from other sources. We obtain it from other people and organisations, including some public sources, such as publically available directories and online resources. You can read more about the sources of personal data in the more detailed information set out in as explained in **Schedule 1**.

### 4. What do we do with your personal data, and why?

- 4.1 We process your personal data for particular purposes in connection with your job application or engagement with us, and the management and administration of our business.
- 4.2 We are required by law to always have a permitted reason or justification (called a “lawful basis”) for processing your personal data. There are **six** such permitted lawful basis for processing personal data. The table at **Schedule 2** sets out the different purposes for which we process your personal data and the relevant lawful basis on which we rely for that processing.
- 4.3 Please note that where we have indicated in the table at **Schedule 2** that our processing of your personal data is either:
  - 4.3.1 necessary for us to comply with a legal obligation; or

- 4.3.2 necessary for us to take steps, at your request, to potentially enter into an employment contract with you, or to perform it

and you choose not to provide the relevant personal data to us, we may not be able to enter into or continue our engagement with you.

- 4.4 We may also convert your personal data into statistical or aggregated form to better protect your privacy, or so that you are not identified or identifiable from it. Anonymised data cannot be linked back to you. We may use it to conduct research and analysis, including to produce statistical research and reports.

- 4.5 The Trust also has the legal right and a legitimate interest to collect and process personal data relating to those that apply to work in our schools. We process personal data in order to meet the requirements set out in UK employment, academy and safeguarding law, including those in relation to the following:

- 4.5.1 Academy's legal and statutory framework
- 4.5.2 Safeguarding Vulnerable Groups Act 2006
- 4.5.3 The guidance "Keeping Children Safe in Education"
- 4.5.4 The Childcare (Disqualification) Regulations 2009

- 4.6 The collection of this information benefits both national and local users by:

- 4.6.1 improving the management of workforce data across the sector
- 4.6.2 informing the development of recruitment and retention policies
- 4.6.3 allowing better financial modelling and planning
- 4.6.4 enabling ethnicity and disability monitoring
- 4.6.5 supporting the work of the School Teachers' Review Body

## 5. **Special category personal data (including criminal data)**

- 5.1 We are required by law to treat certain categories of personal data with even more care than usual. These are called sensitive or special categories of personal data and different lawful bases apply to them. The table at **Schedule 3** sets out the different purposes for which we process your special category personal data and the relevant lawful basis on which we rely for that processing. For some processing activities, we consider that more than one lawful basis may be relevant – depending on the circumstances.

## 6. **Who do we share your personal data with, and why?**

- 6.1 Sometimes we need to disclose your personal data to other people.

- 6.2 We have set out below a list of the categories of recipients with whom we are likely to share your personal data:

- 6.2.1 the Local Authority;
- 6.2.2 governmental departments, statutory and regulatory bodies including the Department for Education, the Education and Skills Funding Agency, the Department for Work & Pensions, Information Commissioner's Office, the police and Her Majesty's Revenue and Customs.

## 7. **Where in the world is your personal data transferred to?**

- 7.1 If any of our processing activities require your personal data to be transferred outside the European Economic Area, we will only make that transfer if:
- 7.1.1 the country to which the personal data is to be transferred ensures an adequate level of protection for personal data;
  - 7.1.2 we have put in place appropriate safeguards to protect your personal data, such as an appropriate contract with the recipient;
  - 7.1.3 the transfer is necessary for one of the reasons specified in data protection legislation, such as the performance of a contract between us and you; or
  - 7.1.4 you explicitly consent to the transfer.

## 8. **How do we keep your personal data secure?**

We will take specific steps (as required by applicable data protection laws) to protect your personal data from unlawful or unauthorised processing and accidental loss, destruction or damage. For more information, please read our GDPR Data Protection Policy.

## 9. **How long do we keep your personal data for?**

We will only retain your personal data for a limited period of time.

- 9.1 If your application for employment is unsuccessful, the organisation will hold your data on file for 6 (six) months after the end of the relevant recruitment process. If you agree to allow us to keep your personal data on file, we will hold your data on file for a further 6 (six) months for consideration for future employment opportunities. At the end of that period, or once you withdraw your consent, your data is deleted or destroyed.
- 9.2 If your application for employment is successful, personal data gathered during the recruitment process will be transferred to your Human Resources file (electronic and paper based) and retained during your employment. The periods for which your data will be held will be provided to you in a new fair processing notice.

## 10. **What are your rights in relation to your personal data and how can you exercise them?**

- 10.1 You have certain legal rights, which are briefly summarised at **Schedule 4**, in relation to any personal data about you which we hold.
- 10.2 Where our processing of your personal data is based on your **consent**, you have the right to withdraw your consent at any time. If you do decide to withdraw your consent we will stop processing your personal data for that purpose, unless there is another lawful basis we can rely on – in which case, we will let you know. Your withdrawal of your consent won't impact any of our processing up to that point.
- 10.3 Where our processing of your personal data is necessary for our **legitimate interests**, you can object to this processing at any time. If you do this, we will need to show either a compelling reason why our processing should continue, which overrides your interests, rights and freedoms or that the processing is necessary for us to establish, exercise or defend a legal claim.

## 11. **Updates to this notice**

We may update this notice from time to time to reflect changes to the type of personal data that we process and/or the way in which it is processed. We will update you on material changes to this notice by email. We also encourage you to check this notice on a regular basis.

## 12. **Where can you find out more?**

- 12.1 We have appointed a Data Protection Officer whose role is to inform and advise us about, and to ensure that we remain compliant with, data protection legislation. The Data Protection Officer should be your first point of contact if you have any queries or concerns about your personal data. Our Data Protection Officer can be contacted at [dpo@thegallerytrust.co.uk](mailto:dpo@thegallerytrust.co.uk).
- 12.2 You also have the right to lodge a complaint with the Information Commissioner's Office, which is the UK data protection regulator. More information can be found on the Information Commissioner's Office website at <https://ico.org.uk/>.