



# MILTON ABBEY

## **Data Protection Compliance Statement (Privacy Notice) for Job Applicants**

This document demonstrates Milton Abbey's commitment to protect the privacy and security of your personal information. It contains information regarding how the school collects and uses personal data or personal information about you in advance of any employment relationship in accordance with the General Data Protection Regulation (GDPR) and all other data protection legislation currently in force.

Pursuant to that legislation, when processing data Milton Abbey will:

- process it fairly, lawfully and in a clear, transparent way
- collect your data only for reasons that the school finds proper for the course of your application for employment in ways that have been explained to you
- only use it in the way that the school has told you about
- ensure it is correct and up to date
- keep your data for only as long as the school needs it
- process it in a way that ensures it will not be lost or destroyed or used for anything that you are not aware of or have consented to (as appropriate).

Milton Abbey is a "data controller". This means that the school is responsible for determining the purpose and means of processing personal data relating to you.

"Personal data", or "personal information", means any information relating to an identified, or identifiable, individual in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

There are "special categories" of sensitive personal data, meaning data relating to racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health conditions, sex life or sexual orientation, genetic data, and biometric data which require a higher level of protection.

This statement is applicable to job applicants. It is not intended to - neither will it - form part of any contract of employment or contract of services. Milton Abbey reserves the right to make changes to this statement at any time; if you are affected by substantial changes the school will make an alternative statement available to you.

Where you are successful in your application and are appointed to a position you will receive details of Milton Abbey's data protection compliance statement (privacy notice).

## **DETAILS OF INFORMATION MILTON ABBEY WILL HOLD ABOUT YOU**

The list below identifies the kind of data the school will process about you during the application process:

- personal contact details such as name, title, addresses, telephone numbers, and personal email addresses
- gender
- marital status and dependents, in the case of assessing suitability of accommodation for residential posts at the school
- information included on your CV including references, education history and employment history
- documentation relating to your right to work in the UK
- evidence of qualifications or professional memberships.

The following list identifies the kind of data that Milton Abbey will process and which falls within the scope of “special categories” of more sensitive personal information:

- information relating to your race or ethnicity, religious beliefs, sexual orientation, sex life and political opinions
- information about your health, including any medical conditions and disabilities;
- information about criminal convictions and offences

## **HOW MILTON ABBEY COLLECTS YOUR PERSONAL INFORMATION**

Your personal information is obtained through the application and recruitment process; this may be directly from candidates, via an employment agency or a third party who undertakes background checks. The school may occasionally request further information from third parties including, but not limited to, previous employers, credit reference agencies or other background check agencies and any further personal information that may be collected in the course of job-related activities throughout the period of you working for the school in the event you become an employee.

## **PROCESSING INFORMATION ABOUT YOU**

Milton Abbey will only administer personal information in accordance with the lawful bases for processing. At least one of the following will apply when the school processes personal data:

- consent: You have given clear consent for Milton Abbey to process your personal data for a specific purpose.
- contract: The processing is necessary for a contract the school has with you, or because the school has asked you to take specific steps before entering into a contract.
- legal obligation: The processing is necessary for Milton Abbey to comply with the law (not including contractual obligations).
- vital interests: the processing is necessary to protect someone’s life.
- public task: the processing is necessary for Milton Abbey to perform a task in the public interest or for the school’s official functions, and the task or function has a clear basis in law.
- legitimate interests: the processing is necessary for Milton Abbey’s legitimate interests or the legitimate interests of a third party unless there is a good reason to protect your personal data which overrides those legitimate interests.

## **LAWFUL BASIS FOR PROCESSING YOUR PERSONAL INFORMATION**

Milton Abbey considers that the basis for which the school will process the data contained in the list above (see section above - **details of information Milton Abbey will hold about you**) is to enable the school to consider whether it may wish to/prepare for entering into a contract or agreement with you and to enable the school to comply with its legal obligations. Occasionally, Milton Abbey may process personal information about you to pursue legitimate interests of the school's own or those of third parties, provided there is no good reason to protect your interests and your fundamental rights do not override those interests.

The circumstances in which Milton Abbey will process your personal information are listed below:

- making a decision about your recruitment or appointment
- making decisions about terms and conditions, salary and other benefits
- checking you are legally entitled to work in the UK
- assessing qualifications for a particular job or task
- education, training and development requirements
- complying with health and safety obligations
- preventing fraud
- in order to fulfill equal opportunity monitoring or reporting obligations

There may be more than one reason to validate the reason for processing your personal information.

## **LAWFUL BASIS FOR PROCESSING "SPECIAL CATEGORIES" OF SENSITIVE DATA**

"Special categories" of particularly sensitive personal information require higher levels of protection. Milton Abbey needs to have further justification for collecting, storing and using this type of personal information and may process special categories of personal information in the following circumstances:

- consent: You have given clear consent for the school to process your personal data for a specific purpose.
- contract: The processing is necessary for a contract Milton Abbey has with you, or because the school has asked you to take specific steps before entering into a contract.
- legal obligation: The processing is necessary for the school to comply with the law (not including contractual obligations) and meets the obligations under Milton Abbey's data protection policy.
- vital interests: the processing is necessary to protect someone's life.
- public task: the processing is necessary for the school to perform a task in the public interest or for Milton Abbey's official functions, and the task or function has a clear basis in law and meets the obligations under the school's data protection policy. (For example in the case of equal opportunities monitoring).
- legitimate interests: the processing is necessary for the school's legitimate interests or the legitimate interests of a third party unless there is a good reason to protect your personal data which overrides those legitimate interests (for example to assess your capacity to work on the grounds of ill health).

Occasionally, special categories of data may be processed where you are not capable of giving your consent, where you have already made the information public or in the course of legitimate business activities or legal obligations and in line with the appropriate safeguards.

Examples of the circumstances in which the school will process special categories of your particularly sensitive personal information are listed below (this list is non-exhaustive):

- in order to protect your health and safety in the workplace
- to assess your physical or emotional fitness to work

- to determine if reasonable adjustments are needed or are in place
- in order to fulfill equal opportunity monitoring or reporting obligations

Where appropriate, Milton Abbey may seek your written authorisation to process special categories of data. Upon such an occasion the school will endeavor to provide full and clear reasons at that time in order for you to make an informed decision. In any situation where consent is sought, please be advised that you are under no contractual obligation to comply with a request. Should you decline to consent you will not suffer a detriment.

## **INFORMATION ABOUT CRIMINAL CONVICTIONS**

Milton Abbey will only collect criminal convictions data where it is appropriate given the nature of your role and where the law permits. This data will usually be collected at the recruitment stage.

Milton Abbey may process such information to protect your, or someone else's, interests and you are not able to give your consent or the school may process such information in cases where you have already made the information public.

Milton Abbey anticipates that it will process information about criminal convictions.

## **AUTOMATED DECISION-MAKING**

Milton Abbey does not anticipate that any of its decisions will occur without human involvement. Should the school use any form of automated decision making you will be advised of any change in writing.

## **SHARING DATA**

Your data will be shared with individuals within the school where it is necessary for them to undertake their duties with regard to recruitment. This includes, for example, the HR department, those in the department where the vacancy is who are responsible for screening your application and interviewing you, and the IT department.

It may be necessary for the school to share your personal data with a third party or third party service provider (including, but not limited to, contractors, agents or other associated/group companies) within, or outside of, the European Union (EU). Data sharing may arise due to a legal obligation, as part of the performance of a contract or in situations where there is another legitimate interest (including a legitimate interest of a third party) to do so.

The list below identifies which activities are carried out by third parties on the school's behalf:

- pension providers/administrators
- legal advisors
- insurance providers
- auditors
- banking services

Data may be shared with third parties in the following circumstances:

- in relation to the maintenance support and/or hosting of data

- to adhere with a legal obligation
- in the process of obtaining advice and help in order to adhere with legal obligations.

If data is shared, Milton Abbey expect third parties to adhere and comply with the GDPR and protect any data of yours that they process. The school does not permit any third parties to process personal data for their own reasons. Where they process your data it is for a specific purpose according to Milton Abbey's instructions.

The school does not anticipate that it will transfer data to other countries.

## **DATA SECURITY**

As part of Milton Abbey's commitment to protecting the security of any data it processes, the school has put in place technical and organizational measures to safeguard personal data. If you would like details of Milton Abbey's Data Protection Policy, please contact [HR@miltonabbey.co.uk](mailto:HR@miltonabbey.co.uk).

In addition, the school has put further security measures in place to avoid data from being accessed, damaged, interfered with, lost, damaged, stolen or compromised. In cases of a breach, or suspected breach, of data security you will be informed, as will any appropriate regulator, in accordance with the school's legal obligations.

Any data that is shared with third parties is restricted to those who have a business need, in accordance with the school's guidance and in accordance with the duty of confidentiality.

## **DATA RETENTION**

Milton Abbey anticipates that it will retain your data as part of the recruitment process for no longer than is necessary for the purpose for which it was collected.

The school has given consideration to the following in order to decide the appropriate retention period:

- quantity
- nature
- sensitivity
- risk of harm
- purpose for processing
- legal obligations

If your application is not successful and Milton Abbey has not sought consent or you have not provided consent upon the school's request to keep your data for the purpose of future suitable job vacancies, Milton Abbey will keep your data for 6 months once the recruitment exercise ends.

At the end of the retention period, upon conclusion of any contract or agreement the school may have with you, or until Milton Abbey is no longer legally required to retain it, your data will be reviewed and deleted, unless there is some special reason for keeping it. Occasionally, the school may continue to use data without further notice to you. This will only be the case where any such data is anonymised and you cannot be identified as being associated with that data.

If your application is successful, your data will be kept and transferred to the systems the school administers for employees. Milton Abbey has a separate data protection compliance statement (privacy notice) for employees, workers and contractors which will be provided to you when applicable.

## YOUR RIGHTS IN RELATION TO YOUR DATA

Milton Abbey commits to ensure that any data it processes is correct and up to date. It is your obligation to make the school aware of any changes to your personal information.

In some situations, you may have the:

- **Right to be informed.** This means that Milton Abbey must tell you how the school uses your data and this is the purpose of this privacy notice.
- **Right to request access.** You have the right to access the data that the school holds on you. To do so, you should make a subject access request.
- **Right to request correction.** If any data that Milton Abbey holds about you is incomplete or inaccurate, you are able to require the school to correct it.
- **Right to request erasure.** If you would like Milton Abbey to stop processing your data, you have the right to ask the school to delete it from its systems where you believe there is no reason for Milton Abbey to continue processing it.
- **Right to object to the inclusion of any information.** In situations where the school is relying on a legitimate interest (or those of a third party) you have the right to object to the way the school uses your data where it is using it.
- **Right to request the restriction of processing.** You have the right to ask the school to stop the processing of data of your personal information. Milton Abbey will stop processing the data (whilst still holding it) until the school has ensured that the data is correct.
- **Right to portability.** You may transfer the data that Milton Abbey holds on you for your own purposes.
- **Right to request the transfer.** You have the right to request the transfer of your personal information to another party.

Where you have provided consent to Milton Abbey's use of your data, you also have the unrestricted right to withdraw that consent at any time. Withdrawing your consent means that Milton Abbey will stop processing the data that you had previously given the school consent to use. There will be no consequences for withdrawing your consent. However, in some cases, Milton Abbey may continue to use the data where so permitted by having a legitimate reason for doing so.

If you wish to exercise any of the rights explained above, please contact [GDPR@miltonabbey.co.uk](mailto:GDPR@miltonabbey.co.uk).

### Consequences of your failure to provide personal information

If you neglect to provide certain information when requested, it may affect Milton Abbey's ability to enter into an employment contract with you, and it may prevent the school from complying with its legal obligations.

### Change of purpose for processing data

Milton Abbey commits to only process your personal information for the purposes for which it was collected, except where the school reasonably considers that the reason for processing changes to another reason and that reason is consistent with the original basis for processing. Should Milton Abbey need to process personal information for another reason, the school will inform you of this and advise you of the lawful basis upon which it will process.

Important note: Milton Abbey may process your personal information without your knowledge or consent, in compliance with the above rules (see above section - **lawful basis for processing your personal information**).

In the event that you enter into an employment contract with the school, any information already collected may be processed further in accordance with Milton Abbey's data protection policy, a copy of which will be provided to you.

## **QUESTIONS OR COMPLAINTS**

It is the responsibility of Milton Abbey's Data Protection Compliance Lead to oversee compliance with this statement. Should you have any questions regarding this statement, or how the school processes your personal information, please contact [GDPR@miltonabbey.co.uk](mailto:GDPR@miltonabbey.co.uk).

The supervisory authority in the UK for data protection matters is the Information Commissioner (ICO). If you think your data protection rights have been breached in any way by Milton Abbey, you are able to make a complaint to the ICO.

A handwritten signature in black ink, appearing to read 'Julian Litchfield', with a stylized flourish at the end.

**Julian Litchfield FCIPD**  
Bursar, Milton Abbey  
July 2018