



The St Marylebone CE School

64 Marylebone High Street
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The St Marylebone CE School Privacy Notice How we use Applicant Information

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The St Marylebone CE School Privacy Notice: how we use Applicant Information

Context:

This policy applies to people who are applying to The St Marylebone CE School (“the School”) for a job, placement or volunteer position. For the purposes of this policy, these people are called “applicants”.

Under the General Data Protection Regulation (GDPR) we are obliged to inform applicants to the School about the information we hold on you, the information we might ask from you,, what we use it for, who we share it with, and for how long we keep it. This privacy notice (also known as a fair processing notice) aims to provide you with this information. If you have any questions about this, please contact the school office, or the school’s Data Protection Officer. Contact details for both are available at the end of this privacy notice.

We, The St Marylebone CE School at 64 Marylebone High Street are the Data Controller for the purposes of data protection law.

As a public body we have appointed Grow Partners Ltd as Data Protection Officer (DPO), the responsible contact is John Pearson-Hicks who is contactable via email john.pearson-hicks@london.anglican.org.

1. The categories of applicant information that we collect, hold and share include (but are not limited to):

- a) Personal information (such as name, address, national insurance number).
- b) Contact details and preference (contact telephone numbers, email addresses, addresses)
- c) Characteristics (such as languages spoken, nationality, or country of birth)
- d) Education and Qualifications (e.g. teacher number, QTS, induction status, class of degree, secondary education, higher education)
- e) Details of your skills experience
- f) Information about your entitlement to work in the UK
- g) Information about your criminal record
- h) Employment History (e.g. current post, previous posts, previous employers, salary details, periods when not working, referees)
- i) Disclosure and Barring Service Information (e.g. convictions, cautions, reprimands, formal warnings, bind-over orders)
- j) information about medical or health conditions, including whether or not you have a disability for which the organisation needs to make reasonable adjustments and fulfil its duty of care (including the use of Occupational Health Services);
- k) CCTV images

We may also hold personal data about you from third parties, such as references supplied by former employers or service users, information provided during the completion of our pre-deployment checks.

During the process we may also inadvertently capture some special categories of personal information about you (e.g. information relating to your racial or ethnic origin, religious or philosophical beliefs, trade union membership, physical or mental health condition, sexual orientation), where this has been provided or made publicly available by you or can be inferred from your application documentation or CV.

2. Why we collect and use this information

The purpose of collecting and processing this data is to help us recruit staff, including to:

- a) Administer the application, shortlisting and selection processes
- b) Monitor compliance with our policies
- c) Facilitate our safer recruitment of staff, as part of our safeguarding obligations towards pupils
- d) Fulfil our legal obligations in recruiting staff
- e) Assess your suitability to work with children and young people
- f) Inform the development of recruitment and retention policies
- g) Defend legal claims
- h) Detect and prevent fraud
- i) Ensure that the most suitable applicant is appointed to the role, based on an assessment of their likely performance amongst other factors
- j) Comply with the law regarding data sharing

No decisions are based on automated decision making.

The information given to us, and collected and processed by us will form part of the contract of

employment (or other work-related contract) for successful candidates. In addition, we need to process this information to ensure that we are complying with our legal obligations under the Employment Act and with the DfE statutory guidance document, Keeping Children Safe in Education, as well as other school specific legislation.

3. The lawful basis on which we use this information

Our lawful basis for collecting and processing your information is defined under Article 6, and the following sub-paragraphs in the GDPR apply:

- (a) Data subject gives consent for one or more specific purposes.
- (c) Processing is necessary to comply with the legal obligations of the controller.

Our lawful basis for collecting and processing your information is also further defined under Article 9, in that some of the information we process is deemed to be sensitive, or special, information and the following sub-paragraphs in the GDPR apply:

- (a) The data subject has given explicit consent.
- (b) It is necessary to fulfill the obligations of controller or of data subject.
- (d) Processing is carried out by a foundation or not-for-profit organisation (includes religious, political or philosophical organisations and trade unions)

Where we have obtained consent to use your personal data, this consent can be withdrawn at any time. We will make this clear when we ask for consent, and explain how consent can be withdrawn. Some of the reasons listed above for collecting and using your personal data overlap, and there may be several grounds which justify our use of this data.

4. Collecting staff information

Whilst the majority of information you provide to us is mandatory our related to our mutual contractual obligation, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain information to us or if you have a choice in this. Where we have obtained consent to use your personal data, this consent can be withdrawn at any time. We will make this clear when we ask for consent, and explain how consent can be withdrawn.

5. Storing your data

Information from your application form and from the shortlisting and selection process will be stored in a paper-based file and also in other IT systems, including email. A copy of your application form and all other personal data collected during the recruitment and selection process will be held as follows:

- a. For successful applicants this will be transferred to a personnel file where it will be held securely. You will be given a staff privacy notice upon appointment which will explain how we will hold and process your data as an employee.
- b. For unsuccessful applicants (including those who have speculatively applied for a role which is not available), securely for a period of six months. At the end of that period, your data is deleted or destroyed (unless we need to retain it for longer to exercise or defend any legal claims).

If we wish to process your personal data for a new purpose we will inform you of any additional processing. This information can be requested from the school by email dataprotection@stmaryleboneschool.com

6. Who we share information with

Your information will be shared with school staff with a recruitment responsibility. This will include members of our HR and administrative staff, those responsible for shortlisting and interviewing and managers within the relevant area of work or department. We do not share information about job applicants with anyone without consent unless the law and our policies allow us to do so. We will not share your data with third parties unless and until an offer of employment is made to you. At that stage, your data will be shared to fulfil legal requirements, obtain or provide necessary information or because the third-party processes data on our behalf. These third parties include:

- a. Our local authority – to meet our legal obligations to share certain information with it, such as safeguarding concerns
- b. Suppliers and service providers – to enable them to provide the service we have contracted them
- c. Our auditors, to ensure our compliance with our legal obligations
- d. Security organisations – to create a secure school environment
- e. Professional advisers and consultants – for us to develop our service to best provide our public service
- f. Police forces, courts, tribunals
- g. Future employers – references
- h. Financial organisations e.g. Pension Scheme
- i. Central and local government – such as workforce analysis

Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

7. Why we share your information

We do not share information about you with anyone without consent unless the law and our policies allow us to do so.

We only share your information with our Local Authority if there is a genuine safeguarding concern. The majority of the information shared will be to manage the mutual contractual obligations in place around the services provided.

We share personal data with the Department for Education (DfE) on a statutory basis. This data sharing underpins workforce policy monitoring, evaluation, and links to school funding / expenditure and educational attainment. We are required to share information about our school employees with our local authority (LA) and the Department for Education (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments. We are required to share information about our staff with the (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

8. Data collection requirements

Our data collection requirements all relate to our legal and contractual obligations, for example contract clauses or the statutory 'Keeping Children Safe in Education Guidance'

The DfE collects and processes personal data relating to those employed by and local authorities that work in state funded schools (including all maintained schools, all academies and free schools and all special schools including Pupil Referral Units and Alternative Provision). All state funded schools are required to make a census submission because it is a statutory return under sections 113 and 114 of the Education Act 2005 .

To find out more about the data collection requirements placed on us by the Department for Education including the data that we share with them, go to <https://www.gov.uk/education/datacollection-and-censuses-for-schools>. The department may share information about school employees with third parties who promote the education or well-being of children or the effective deployment of school staff in England by:

- Conducting research or analysis
- Producing statistics
- Providing information, advice or guidance

The department has robust processes in place to ensure that the confidentiality of personal data is maintained and there are stringent controls in place regarding access to it and its use. Decisions on whether DfE releases personal data to third parties are subject to a strict approval process and based on a detailed assessment of:

- Who is requesting the data
- The purpose for which it is required
- The level and sensitivity of data requested; and
- The arrangements in place to securely store and handle the data

To be granted access to school workforce information, organisations must comply with its strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data. For more information about the department's data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>
To contact the department: <https://www.gov.uk/contact-dfe>

9. Requesting access to your personal data and your Data Protection Rights

Under data protection legislation, staff members have the right to request access to information about them that we hold, through a Subject Access Request.

If you make a subject access request, and if we do hold information about you, we will:

- a. Give you a description of it
- b. Tell you why we are holding and processing it, and how long we will keep it for
- c. Explain where we got it from, if not from you or your child
- d. Tell you who it has been, or will be, shared with
- e. Let you know whether any automated decision-making is being applied to the data, and any consequences of this
- f. Give you a copy of the information in an intelligible form

Individuals also have the right for their personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request, please contact our data protection officer.
dataprotection@stmaryboneschool.com

You also have the right to:

- a. object to processing of personal data that is likely to cause, or is causing, damage or distress
- b. prevent processing for the purpose of direct marketing
- c. object to decisions being taken by automated means
- d. in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- e. claim compensation for damages caused by a breach of the Data Protection regulations

10. 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 have any other concern about our data processing, please raise this with us in the first instance.

To make a complaint, please contact our data protection officer:

john.pearson-hicks@london.anglican.com

or appropriately appointed DPO will be contactable through this email address

Alternatively, you can 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

11. Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact dataprotection@stmaryleboneschool.com

Other relating documents

This policy relates to

1. Data Protection Policy
2. Data Retention Policy
3. Privacy Notice Pupils and Parents
4. Privacy Notice Governors
5. Privacy Notice Staff
6. Data protection code of practice including email security