



Arolygiaeth Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru
Her Majesty's Inspectorate for Education and Training in Wales

Privacy Notice for job applicants

This policy is also available in Welsh.

Information sheet

Information box

For further advice contact: Information Governance Group

Date of publication: January 2022

Version control

Document version	Author	Date of issue	Changes made
1.0	Information Governance Group	July 2018	New policy
1.1	Information Governance Group	July 2021	Minor changes – bullet added in Section 5: <ul style="list-style-type: none">• to comply and demonstrate compliance with any regulatory requirements
1.2	Information Governance Group	January 2022	Changes made in accordance with revisions to main Privacy Notice and tone of voice initiative.

Equality Impact Assessment

A business rationale assessment has been carried out and this policy contributes to Estyn's strategic objectives and delivery principles.

In accordance with Estyn's Equality Impact Assessment, an initial screening impact assessment has been carried out and this policy is not deemed to adversely impact on the grounds of the nine protected characteristics as laid out by the Equality Act 2010.

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1 Introduction

Welcome to Estyn's privacy notice for job applicants.

Estyn (referred to as "we", "us" or "our" throughout this privacy notice) is the training and education inspectorate for Wales. When carrying out our role as an inspectorate we collect and obtain personal information about individuals, including you as a job applicant, and are responsible for deciding how we store and use that personal information.

This privacy notice for applicants sets out the standards that can be expected from us when we collect and use personal information, along with details of how and when we collect it and how we use it.

It also sets out information about what rights individuals have in relation to their personal information under data protection law and what to do if they have any feedback or a complaint. We also provide details of how they can contact us or the Information Commissioner's Office for more information.

2 Whom does this privacy notice apply to?

This privacy notice applies to all job applicants. In the sections below, when referring to job applicants, we use the terms "you" or "your".

3 What's our approach to privacy?

We take your privacy extremely seriously and want you to feel confident that your personal information is safe in our hands.

We will only use your personal information in accordance with data protection law applicable to England and Wales from time to time.

Under data protection law, when we use your personal information, we will be acting as a data controller. Essentially, this means that we will be making decisions about how your personal information is used and why.

Below, we summarise the main rules that apply to us under data protection law when we use your personal information:

1. We must be upfront about how we intend to use your personal information and must use your personal information fairly. Providing privacy information to individuals (such as in this privacy notice) is one aspect of using personal information fairly.
2. We must only use your personal information if we have a legal basis to do so under data protection law. These legal bases include that our use of your

personal information is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in us. This is generally because the processing of your personal information by us will be necessary for the exercise of a function conferred on us via statute, such as the Education Act 2005, the Learning and Skills Act 2000 and the Children Act 2004, as amended from time to time. We may also use personal information so that we can comply with our statutory obligations. In some situations we may use personal information because it is in our legitimate interests to do so.

3. We must only use certain types of sensitive personal information, also referred to as special category personal information, (such as information relating to your health, racial or ethnic origin or religion) if, in addition to the reasons in paragraph 2 above, we can also satisfy one of the conditions for processing this type of information set out in data protection law. These conditions include that:
 - a. you have given us your explicit consent to use the information
 - b. the processing is necessary for reasons of substantial public interest
4. We are only permitted to share your personal information with others in certain circumstances and, if we do, we will take steps to ensure that your personal information will be secure.
5. We must only use your personal information for the specific purposes we have told you about. If we want to use your personal information for other purposes, we need to contact you again to tell you about this
6. We must not hold more personal information than we need for the purposes we have told you about and must not retain your personal information for longer than is necessary for those purposes (this is known as the “retention period”). We must also dispose of any information that we no longer need securely. Further details can be found in our [Records Retention and Disposal Policy](#).
7. We must ensure that we have appropriate security measures in place to protect your personal information.
8. We must act in accordance with your rights under data protection law.
9. We do not transfer your personal data outside the UK.
10. It is important that you read this privacy notice together with any other privacy policy or fair processing policy we may provide on specific occasions when we are collecting or processing your personal information so that you are fully aware of how and why we are using your information. This privacy notice supplements other notices and privacy policies and is not intended to override them.

We keep our privacy notice under regular review. This version was last updated on 24 January 2022.

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

4 What personal information do we hold about you and how is this obtained?

As part of the recruitment and selection process we will obtain certain personal information from you. Some information will be provided in the job application form and further information may be provided by you and recorded by us during any selection process.

Data protection law protects personal information which is essentially any information from which an individual can be identified. There is a type of personal information which receives additional protection because of its sensitive or private nature, this is sometimes referred to as 'special category personal information' and means personal information about an individual's race, ethnic origin, political opinions, religious or philosophical beliefs, trade union membership (or non-membership), genetics information, biometric information (where used to identify an individual) and information concerning an individual's health, sex life or sexual orientation.

This information is collected either directly from candidates or sometimes from an employment agency or background check provider. We may sometimes collect additional information from third parties including your referees, your education provider/employer, the Home Office and the Disclosure and Barring Service.

This information will include:

- your name, address and contact details*
- your date of birth*
- your gender
- your education and qualifications*
- your academic and professional qualifications*
- your skills, experience and membership of professional bodies*
- your National Insurance number*
- evidence of your ability to work in the UK, your nationality and immigration status (three types of identification will need to be provided)*
- Welsh Language ability
- information provided from your previous employer(s) and other referees
- your employment history
- other personal information you might provide on your application form or monitoring form and/or during any interview and selection process

Some of the personal data requested will be because of a legal or contractual requirement to obtain and use the information or it is necessary for the information to be provided in order to be able to enter into a contract with you (this information is noted with an * above). Failure to provide certain information will prevent us from engaging you.

5 What purpose will we use your personal information for and what are our legal bases for doing so?

We use the information we hold for the purposes of recruitment and selection.

Our legal basis for processing evidence of your nationality, immigration status, ability to work in the UK, and your NI number, is to comply with our legal obligations.

Otherwise, our legal basis for processing your information we hold for recruitment and selection purposes will be because it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in Estyn, as set out in legislation, namely, the Education Act 2005, the Learning and Skills Act 2000 and the Children Act 2004, as amended from time to time.

6 What special category personal information do we hold about you?

We will need to keep certain special category personal information in relation to you which might be relevant to your employment, such as your:

- racial or ethnic origins
- religious or philosophical beliefs
- membership of a trade union
- physical or mental health (including details of any known disability)
- sexual orientation
- character declaration
- social mobility
- commission or alleged commission of any offence, including the results of Disclosure and Barring Service (DBS) checks

7 What purpose we will use your special category personal information for and what are our legal bases for doing so?

We use the special category personal information we hold about you for a number of different purposes, which we list below. Data protection law prohibits us from processing any special category personal information unless we can satisfy at least one of the conditions laid down by data protection law. We also set out below the specific conditions we rely upon when processing special category data.

We use the special category personal information we hold about you to monitor equality and diversity. In this case the condition we rely upon for processing the information is to monitor equality and diversity which is necessary for reasons of substantial public interest, namely for the purposes of identifying or keeping under review the existence or absence of equality of opportunity or treatment between groups of people specified in relation to that category with a view to enabling such equality to be promoted or maintained.

We also use the special category personal information we hold about you for the following purposes:

- to comply with and demonstrate compliance with employment law and best practice and any other applicable laws
- to comply and demonstrate compliance with any regulatory requirements
- to assess your fitness for work
- to make any reasonable adjustments to your role

In these cases, the conditions we rely upon for processing the information are because it is necessary for the purposes of carrying out the obligations and exercising specific rights in the field of employment law.

In cases where a claim has been brought against Estyn or there is a potential risk of a legal dispute or claim we may need to process your special category personal information where it is necessary for the establishment, exercise or defence of legal claims.

There may be circumstances where we need to process your special category personal information, particularly relating to your health, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent.

We envisage that we will hold information about criminal convictions.

We will only collect information about criminal convictions as part of the recruitment process if it is appropriate given the nature of the role and where we are legally able to do so.

We will only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary for reasons of substantial public interest, namely, preventing or detecting unlawful acts, safeguarding, protecting the public against dishonesty, preventing fraud or suspicion of terrorism or money laundering.

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

8 How long do we keep your information for?

To make sure we meet our legal data protection and privacy obligations, we only hold on to your information for as long as we actually need it for the purposes we acquired it in the first place.

In most cases, this means that information gathered as part of the recruitment exercise will usually be retained for two years from the date of the last appointment

made if you are unsuccessful, for successful candidates documents will be kept in line with our [Records Retention and Disposal Policy](#).

9 Whom do we share your information with?

Your personal data will be held by Estyn. Your personal data will be shared internally where this is reasonably necessary for the processing purposes set out in section 4 above. For example, HR will need to share some of your personal data with the manager whose vacancy you have applied for.

From time to time we will need to share your information with external people and organisations. We will only do so where we have a legitimate or legal basis for doing so and in compliance with our obligations under data protection laws.

Your information may be disclosed to the referees you have provided on your application form in order to obtain references and/or with education, professional and vocational establishments to verify information you have provided on your application form or during any selection process.

We may also need to share your personal information where we are legally obliged to do so, and/or with the Police, local authorities, the courts and any other government department, such as the Home Office and the DBS (but only if us doing so is lawful) and/or with our professional advisors when they need it to give us their professional advice.

10 How do we keep your personal information secure?

We take various steps to protect your personal information while it is in our possession, including:

- Implementation of appropriate security measures to restrict access to our IT infrastructure both internally and through remote access
- Implementation of internal data security policies and training for members of staff in relation to such policies
- Staff undertake the mandatory civil service Responsible for Information training on a regular basis
- Regular reminders for members of staff about their responsibilities when processing, accessing or using personal data
- Regular reviews of our data security measures by our IT services provider
- Assurance from our contracted IT services suppliers who may handle your personal data that they have robust systems keeping your data safe
- Confirmation from our IT service providers that data is being collected and processed lawfully and without infringement of an individual's rights and freedoms

- Regular disaster recovery exercises to ensure that we can respond to a cyber-attack or data security incident quickly, effectively and without risk of breaching data protection
- Maintaining Annual Cyber Essentials accreditation to guard against the most common cyber threats
- Implementation of software updates to protect against ransomware and other cyber attacks
- Encryption of portable devices containing any personal data
- Robust access policies on mobile phones to prevent unauthorised access

11 What rights do you have under data protection law?

Under data protection law, you have several different rights relating to the use of your personal information. The table below contains a summary of those rights and our obligations. More information about your rights and our obligations can be found on the ICO website <https://ico.org.uk/>.

- 1 **A right to be informed** – Individuals have the right to be informed about the collection and use of their personal data. We must provide individuals with information including: our purposes for processing their personal data, our retention periods for that personal data, and who it will be shared with.
- 2 **A right of access** – This is a right to obtain access to your personal data and various supplementary information. We must provide you with a copy of your personal information and the other supplementary information without undue delay and in any event within 1 month of receipt of your request. We cannot charge you for doing so save in specific circumstances (such as where you request further copies of your personal information).
- 3 **A right to have personal data rectified** – This is a right to have your personal information rectified if it is inaccurate or incomplete. We must rectify any inaccurate or incomplete information without undue delay and in any event within 1 month of receipt of your request. If we have disclosed your personal information to others, we must (subject to certain exceptions) contact the recipients to inform them, that your personal information requires rectification.
- 4 **A right to erasure** – This is a right to have your personal information deleted or removed. This right only applies in certain circumstances (such as where we no longer need the personal information for the purposes for which it was collected). We have the right to refuse to delete or remove your personal data in certain circumstances. If this right applies, we must delete or remove your personal information without undue delay and in any event within 1 month of receipt of your request. If we have disclosed your personal information to others, we must (subject to certain exceptions) contact the recipients to inform them that your personal information must be erased.
- 5 **A right to data portability** – This is a right to obtain and re-use your personal information for your own purposes. It includes a right to ask that your personal information is transferred to another organisation (where technically feasible).

This right only applies in certain limited circumstances. If this right applies, we must provide your personal information to you in a structured, commonly used and machine-readable form. Again, we must act without undue delay and in any event within 1 month of receipt of your request. We cannot charge you for this service.

- 6 **A right to object** – This is a right to object to the use of your personal information. The right applies in certain specific circumstances only. You can use this right to challenge our use of your personal information based on our legitimate interests or where processing is necessary for the performance of a task carried out in the public interest or the exercise of official authority vested in us. You can also use this right to object to use of your personal information for direct marketing. If you object to us using your personal information for direct marketing, we must stop using your personal information in this way as soon as we receive your request. If you object to other uses of your personal information, whether we have to stop using your personal information will depend on the particular circumstances.
- 7 **A right to object to automated decision making** – This is a right not to be subject to a decision which is made solely on the basis of automated processing of your personal information where the decision in question will have a legal impact on you or a similarly significant effect. Where such a decision is made, you must be informed of that fact as soon as reasonably practicable. You then have 21 days from receipt of the notification to request that the decision is reconsidered or that a decision is made that is not based solely on automated processing. Your request must be complied with within 21 days.
- 8 **A right to restrict processing** – This is a right to ‘block’ or suppress processing of your personal information. This right applies in various circumstances, including where you contest the accuracy of your information. If we are required to restrict our processing of your personal information, we will be able to store it but not otherwise use it. We may only retain enough information about you to ensure that the restriction is respected in future. If we have disclosed your personal information to others, we must (subject to certain exceptions) contact them to tell them about the restriction on use.

If you wish to exercise any of your rights, you can make a request by contacting our Data Protection Officer, details can be found below.

If you request the exercise of any of your rights, we are entitled to ask you to provide us with any information that may be necessary to confirm your identity.

For further information please refer to our [Access to Information policy](#).

12 Your right to withdraw consent

If you have given us your consent to use any of your personal information, you can withdraw your consent at any time. To do so, please email

recruitment@estyn.gov.wales or contact our Data Protection Officer, details can be found below.

13 Accuracy

If any of your personal details change during the recruitment process you should contact the HR team to notify them and provide them with the updated accurate information.

14 How can you get in touch with us?

You are welcome to get in touch with us to discuss your information at any time. Our Human Resources team would be happy to help.

We have appointed a Data Protection Officer (DPO) to oversee our compliance with data protection law and this privacy notice. Their details are below. If you have any questions about this privacy notice, how we handle your personal information or if you wish to make a complaint, please contact our DPO.

You can get in touch with us in the following ways:

Postal address	Data Protection Officer, Estyn, Anchor Court, Keen Road, Cardiff, CF24 5JW	Human Resources, Estyn, Anchor Court, Keen Road, Cardiff, CF24 5JW
Email address	enquiries@estyn.gov.wales	recruitment@estyn.gov.wales
Phone number	029 2044 6446	029 2044 6336

15 Right to complain to the Information Commissioner's Officer

If we are unable to deal with a complaint to your satisfaction or if you are unhappy with the way we are using your personal data, you also have the right to make a complaint at any time to the UK's supervisory authority for data protection issues, the Information Commissioner's Office.

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 0303 123 1113 or 01625 545745

Email: casework@ico.org.uk