

Joseph Chamberlain College Privacy Notice (updated August 2022)

JOB APPLICANTS, CURRENT AND FORMER EMPLOYEES AND VOLUNTEERS

The information that you give us

We will collect personal information from you when you apply for a job with us. This will include names; address; phone number; email; date of birth; NI number; current employment details including job title, start and end dates, current salary, notice period, reason for leaving; all past employment details; education and qualification details; professional memberships; personal, sensitive data (gender, sexual orientation, ethnicity, religion, marital status, disability), whether you are related to any personnel of the College or Governing Body; references; criminal record details; Disclosure Barring Service check, including European Economic Area (EEA) check; Check of Barred List/List 99; Pre employment Health Questionnaire/Medical Report.

If you apply to volunteer with us we will collect your name and contact details only.

We will collect personal information from you when you are a new starter and become an employee of the College. This will be your name; marital status; previous surname(s); address; contact details; date of birth; qualification details including copies of original certificates; occupation/department; type of employment; NI number; start date; signature; sensitive data (gender, sexual orientation, ethnicity, religion, marital status, disability); criminal record details; copies of proof of identity and right to work in the UK; next of kin and emergency contact details; bank details including account number and sort code; fit-to work certificate from Occupational Health, pension details; student loan details; offer letters; employment terms and conditions; changes to your terms and conditions; certifications/qualifications, disciplinary, grievance, capability, job description, sickness absence details, maternity/paternity/adoption information; accidents and injuries at work; working time information; annual leave records; recruitment information; photo; payroll details; flexible working; exit interviews; return to work notifications; training/CPD records; parental leave request forms; appraisal/ probationary/performance review documentation; disqualification information; disclosed medical information and agreed risk assessments.

The uses made of your personal information

We will use your personal information set out above as follows:

- for the recruitment process and for carrying out pre-employment checks;
- for safeguarding students;
- for checking your identity and right to work in UK;
- for checking your qualifications;
- to keep an audit trail of the checks we have made and our relationship with you in case of employment claims;
- to set up payroll and pension and to reimburse expenses;
- for dealing with HMRC;
- for communicating with you, including for marketing purposes;
- for carrying out our role as your employer or potential employer;
- for providing facilities such as IT services;
- for providing wellbeing and support services, ensuring we maintain our duty to provide a safe and supportive work environment;
- for monitoring equal opportunities and meeting our legal reporting requirements, e.g. Equality and Diversity reporting, Gender Pay Gap;
- with your consent, for ensuring that third party bookings/enrolments are made on your behalf e.g. booking training courses.

- for preventing and detecting crime, such as using CCTV and using photo ID on ID Badges and IT Systems;
- for contacting past employees where required;
- for compliance with legal obligations eg. making external/statutory returns.
- for confirming your responsibilities relating to College policies and procedures

We treat your personal information with confidentiality and we do not use it for any other purposes.

The legal basis on which we collect and use your personal information

We collect and use your personal information on the basis that it is necessary for performing our employment contract with you, or it is necessary to take steps before entering into the contract with you. We also collect and use your personal information on the basis that we need to do so in order to comply with our legal obligations.

Where we collect your special category personal information, we do this on the basis that it is necessary for the purposes of carrying out our obligations in the field of employment law. Special categories of personal data are personal data that reveal a person's racial or ethnic origin, political opinions, religions or philosophical beliefs, trade union membership, genetic data (i.e. information about their inherited or acquired genetic characteristics), information about their physical, physiological or behavioural characteristics (such as facial images), physical or mental health, sexual life or sexual orientation and criminal records.

How long we keep your personal information

We will not keep your personal information for longer than we need it for the purposes we have explained above.

When you apply for a job with us, but your application is unsuccessful, we will keep your personal information for a period of 6 months after the completion of the appointment.

When you are an employee, we will keep your personal information for as long as you work with us. After you leave, we will keep your personal information for the period of time we are legally required to, or the period of time in which any employment claims may be made against the College and for which the information would be required for such claims.

How we share your personal information

We may need to share the personal information and sensitive personal information that you give us with third parties outside of the College who are contracted to work on the College's behalf, for example pension providers, **HMRC** or **legal consultants**.

The College may also disclose data to **auditors** undertaking audits or investigations.

The College will often confirm dates and nature of an individual's employment to a prospective **employer** in a reference.

Where a member of staff's employment with the College requires study, or placement at another organisation it may be necessary for the College to transfer personal data to the third party.

Organisation:

UK Visas and Immigration (UKVI) <https://www.gov.uk/government/organisations/uk-visas-and-immigration>

Purpose:

The College holds a Tier 4 and a Tier 2 Licence and may be asked to share information with UKVI if you are staff member from overseas. We share this information as part of our public interest task of providing education. We may also share your personal information with third parties who provide services to the College.

The College may also have to share your personal data with third parties outside the College for other purposes with your consent. However, there may be circumstances where information is shared without consent. This will only be if:

- The disclosure is in the legitimate interests of the College or the third party to whom the information is being disclosed.
- There is a statutory duty obligation to share the data;
- Disclosure is required for the performance of a contract;
- Disclosure is necessary to protect your vital interest; for example in medical emergency situations;
- Disclosure is made to assist with prevention or detection of crime, or the apprehension or prosecution of offenders;
- Disclosure is required by a Court Order;
- Disclosure is necessary to assist the College to obtain legal advice.

Sensitive Personal Data

Circumstances may arise where sensitive personal data is shared outside of the College within the EU without first obtaining your explicit consent. This will only occur where one of the following conditions has been met:

The processing is necessary to protect:

- Your vital interests and you cannot give your consent or your consent cannot be reasonably obtained
- Another person's vital interest and you have unreasonably withheld your consent

The processing is necessary for the discharge of any function which is designed for the provision of confidential counselling, advice, support or any other service and:

- Your consent cannot be given;
- We cannot reasonably obtain your explicit consent; or
- Requiring your explicit consent would prejudice the provision of that counselling, advice, support or other service.

The processing is necessary to meet our statutory obligations in relation to equality and diversity monitoring.

The disclosure is made for the purpose of prevention or detection of crime, the apprehension or prosecution of offenders and we have received a notice from the police confirming that the disclosure is required for these purposes:

- Pursuant to a Court Order requiring disclosure; or
- In order for the College to obtain legal advice or for the purposes of any legal proceedings.

How we transfer your personal information outside of Europe

We do not store or transfer your personal data outside of Europe.

Your rights over your personal information

You have a number of rights over your personal information, which are:

- the right to make a complaint to the Information Commissioner's Office (ICO) if you are unhappy about the way your personal data is being used – please refer to the ICO's website for further information about this (<https://ico.org.uk/>);
- the right to ask us what personal information about you we are holding and to have access to a copy of your personal information;
- the right to ask us to correct any errors in your personal information;
- the right, in certain circumstances such as where our use of your personal information is based on your consent and we have no other legal basis to use your personal information, to ask us to delete your personal information;
- the right, in certain circumstances such as where we no longer need your personal information, to request that we restrict the use that we are making of your personal information;
- the right, in certain circumstances, to ask us to review and explain our legitimate interests to you; and
- the right, where our use of your personal information is carried out for the purposes of an agreement with us and is carried out by automated means, to ask us to provide you with a copy of your personal information in a structured, commonly used, machine readable format.

Changes to our Privacy Notice

We keep our privacy notice under regular review. If any changes are made to our privacy notice in the future we will contact you.

How to contact us

If you want to make a complaint about the way we have processed your personal information, please contact:

Write to us:

Data Protection Officer
Joseph Chamberlain Sixth Form College
1 Belgrave Road,
Highgate Birmingham
B12 9FF

Call us: 0121 446 2200

Email us: dataprotection@jcc.ac.uk

If you have a data protection concern that cannot or has not been resolved by the College, you have the right to raise it with the data protection regulator, the Information Commissioner's Office (ICO)

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
<https://ico.org.uk/>

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