



# Applicant Privacy Notice

As part of our recruitment process, MidKent College (“College”) and MKC Training Services Limited (“subsidiary company”) collects and processes personal data relating to job applicants. The College and its subsidiary company is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

## 1 INTRODUCTION

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- 1.1. This privacy notice has been prepared in accordance with the General Data Protection Regulation (EU) 2016/679 (“GDPR”) and the Data Protection Act 2018. These are referred to as “data protection laws”.
- 1.2. This privacy notice applies to all applicants. It is important that all applicants read this notice, together with any other privacy notice(s) provided by the College and its subsidiary company.
- 1.3. The recruitment process covers your completed and submitted application form (including any covering letters and CV’s), shortlisting, interview(s) and job offers. Any reference to the “recruitment process” used within this privacy notice has this meaning.
- 1.4. The privacy notice explains the following about personal data collected during and after the recruitment process:
  - what personal data do we collect?
  - how do we use your personal data?
  - who is your personal data shared with?
  - how long your personal data be held?
  - what security measures do we have in place to protect your personal data?
- 1.5. At the start of each section explanatory notes are provided to explain the purpose of the section and to define any key terms.

## 2 WHO IS THE DATA CONTROLLER?

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*Explanatory Notes: A data controller decides the purpose and controls the way in which any personal data is processed.*

- 2.1. For the purposes of data protection, the College and its subsidiary company is the data controller for applicant personal data.
- 2.2. As part of the recruitment process the College and its subsidiary company is required to share applicant personal data with third parties who act as data controllers in their own right. In such circumstances applicant data will also be processed in accordance with the third parties’ Privacy Notice(s).

2.3. In particular, the College and its subsidiary company will share applicant personal data with the following third party data controllers:

- the Disclosure and Barring Service (DBS). The DBS is the data controller for any personal data processed during DBC checks. For more information, please refer to the DBS Privacy Policies at: <https://www.gov.uk/government/publications/dbs-privacy-policies>
- Occupational Health. The College and its subsidiary company uses The Preventative Healthcare Company Limited (“PHC”) for this service. For more information, please refer to The Preventative Healthcare Company Privacy Policy at: <https://phcohealth.com/privacy-policy/>

### 3 WHO ARE THE DATA PROCESSORS?

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*Explanatory Notes: A data processor is anyone (other than an employee of a data controller) who processes that data on behalf of the controller.*

3.1. For the purposes of data protection, the College and its subsidiary company does not use any data processors to assist in the processing of applicant personal data.

3.2. In the event that a third-party data processor is used, the College and its subsidiary company will ensure that all data processors comply with all relevant requirements under data protection legislation. This is defined in the contractual arrangements between the College and the third party.

### 4 WHAT PERSONAL DATA DO WE COLLECT?

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*Explanatory Notes: During the recruitment process the College and its subsidiary company collect personal data from applicants and third parties. During the recruitment process the College and its subsidiary company will collect special category data and criminal offence data.*

*Special category data is sensitive personal data which requires higher levels of protection under data protection laws. There are 9 special categories of data: racial or ethnic origin, political opinion, religious or philosophical beliefs, trade union membership, genetic data, biometric data (where used for identification purposes), data concerning a person’s health, sex life and sexual orientation.*

*Criminal offence data includes spent and unspent convictions, cautions, reprimands, final warnings and any matters currently under investigation. Road traffic offences which are dealt with by way of a 'fixed penalty notice' are exempt as they do not constitute a criminal conviction.*

*Under English law, a young person is considered anyone under the age of 18.*

4.1. The College and its subsidiary company will collect, store, and use the personal data, including special category data, about applicants during the recruitment process as follows:

- Your full name, title and if applicable, any previous names. Your date of birth, gender, relationship status, ethnic origin, sexual orientation, religious beliefs and (if applicable) whether you in a relationship or related to an existing employee.
- Your contact details. This covers addresses, telephone numbers, and email addresses.
- Details of how you heard about the position and why you applied for the position.
- Details of the type of employment you are seeking, current and desired salary, willingness to relocate and other terms relating to benefits packages.
- Details of your qualifications, skills and experience. This covers previous jobs, relevant work experience or other experiences, places education and exam grades.

- Records of your previous employment; such as job titles, work history, working hours, training records and professional memberships.
- Reference information and information received from DBS checks.
- Copies of right to work documentation (evidence to demonstrate your entitlement to work in the United Kingdom); such as national insurance (NI) number and certificate details if you have or currently live outside of the UK.
- Your driving licence and ability to access to a vehicle for work.
- Records from any the mandatory/screening training you take as part of the application and interview process.
- Responses to application, interview and phone-screening questions and any corresponding notes made by the interview panel. If applicable, copies of any presentations and/or lessons delivered (this includes micro-teach) and the corresponding notes made as part of the interview.
- Information about your health. This covers any disabilities, medical conditions, absences due to sickness and if applicable, whether you are pregnant or on maternity leave.
- Trade Union membership but only if you have mentioned this in your application.
- Information about you in relation to criminal offences and restrictions on employment.
- Any other details you disclose on your curriculum vitae (CV) and supporting cover letter.

## 5 HOW DO WE USE YOUR PERSONAL DATA?

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*Explanatory Notes: The College and its subsidiary company needs to process your personal data in order to consider your application and, if successful, to enter into a contract with you. This will include processing special category and criminal offence data.*

*In order to process personal data, the College and its subsidiary company must have a valid lawful basis. There are six available lawful bases for processing: (a) Consent, (b) Contract, (c) Legal obligation, (d) Vital interests, (e) Public task and (f) Legitimate interests.*

*A DBS check is used to check a person's past, specifically any convictions, cautions, reprimands and warnings they may have received. An Enhanced DBS check is used to check a person's record against the adult and children's barred list.*

5.1. The College's and its subsidiary company's lawful bases for processing your personal data will overlap so applicant personal data will be processed for several reasons at a time.

5.2. The College and its subsidiary company will only use your personal data for the purposes for which it was collected. The exception to this is if the College and its subsidiary company considers that there is a need to use applicant data for another reason and that reason is compatible with the original purpose.

### 5.1.1 CONSENT

1.1. The College and its subsidiary company will only process personal data on the basis of consent if an applicant opts to receive contact regarding other potential career opportunities. Applicants can withdraw this consent at any time by contacting the Human Resources Department.

1.2. If consent is provided the college and its subsidiary company may contact potential applicants via SMS, Email or Telephone where details are provided.

### 5.1.2 CONTRACT

- 1.3. The College or its subsidiary company will process applicant personal data for pre-contractual purposes in order to make the arrangements to supply successful applicants with a contract.
- 1.4. Once an applicant has signed an employment contract with the College or its subsidiary company, the applicant's personal data will be processed under the College's or its subsidiary company Employee Privacy Notice. This means that any personal data collected during the recruitment process will become part of the successful applicant's employment record.

### **5.1.3 LEGAL OBLIGATION**

- 1.5. The College and its subsidiary company processes applicant personal data to comply with legal obligations related to employment in the following circumstances:
  - to determine if applicants have the right to work in the UK. The law on preventing illegal working is set out in the Immigration, Asylum and Nationality Act 2006 and Immigration Act 2016.
  - to make reasonable adjustments during the recruitment process for applicants who have a disability or health condition. The law on diversity, disability and discrimination is the Equality Act 2010.
  - to assess an applicant's fitness to work. The law on diversity, disability and discrimination is the Equality Act 2010.
  - to identify whether or not the applicant has reached school leaving age. This is because different rules apply for employing children and young people under the Children and Young Persons Act 1993.
  - to determine if an applicant is classed a young person. If so, the College and its subsidiary company has responsibility to ensure that young people employed by them are not exposed to risk due to; lack of experience, being unaware of existing or potential risks and/or lack of maturity. The law on the responsibility of employers and the health and safety of young people is regulated under the Management of Health and Safety at Work Regulations 1999.

### **5.1.4 VITAL INTERESTS**

- 1.6. In rare circumstances, the College and its subsidiary company will process applicant personal data if it is needed to protect their vital interests. This will only happen in an emergency to protect the applicant's life. For example, if the applicant has an accident whilst onsite for an interview.

### **5.1.5 PUBLIC TASK**

- 1.7. The College is classed as a public authority. The College will therefore process applicant personal data to perform a task in the public interest. This includes:
  - to carry out meaningful equality and diversity monitoring and reporting in relation to the Public Sector Equality Duty. This covers processing personal data in relation to race or national or ethnic origin, religious, philosophical or moral beliefs, or sex life or sexual orientation.
  - to ensure applicants are suitable to work with young people and vulnerable adults. This is a statutory duty listed in the Government guidance called "Keeping children safe in education", and the relevant legislation and supporting guidance listed within it.

As part of this, the College is required to carry out Enhanced DBS checks. In addition, if an applicant has been abroad for six months or more in last five years, the College will complete an International DBS check from the country/ies you were in.

### 5.1.6 LEGITIMATE INTERESTS

- 1.8. Where the College and its subsidiary company relies on legitimate interests as a reason for processing data, consideration has been given to whether the College's interests are overridden by the rights and freedoms of any applicants. Having carried out this assessment it has been concluded that the College is not infringing on the rights and freedoms of applicants.
- 1.9. The College and its subsidiary company has determined that it has a legitimate interest in processing applicant personal data during the recruitment process to:
- contact each applicant during the recruitment process.
  - assess and confirm each applicant's suitability for the job applied for. This includes carrying out reference checks.
  - consider whether to shortlist applicants for an interview.
  - determine the outcome of shortlisted applicants interviews.
  - decide whether to offer an applicant a job.
- 1.10. In addition, where applicable, the College processes applicant personal data under legitimate interests to:
- establish, exercise, respond to and defend against legal claims.
  - make improvements to the recruitment process.

### 5.1.7 STATISTICAL PURPOSES

- 1.11. The College and its subsidiary company may use anonymised statistics from applications to conduct data analytics for the purposes of:
- identifying recruitment trends; and
  - improving equality and diversity in recruitment practices.

## 6 WHO IS YOUR PERSONAL DATA SHARED WITH?

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*Explanatory Notes: The College and its subsidiary company will also ensure that your personal data is stored securely with 'appropriate technical and organisational measures'. This means that the College must implement arrangements to ensure the 'confidentiality, integrity and availability' of systems and services and the personal data processed within them.*

- 6.1. The College and its subsidiary company will share applicant personal data with internal and external parties for the purposes of progressing your application.

### INTERNAL PARTIES

- 6.2. Applicant personal data will be shared internally with:
- members of the Human Resources (HR) team;
  - interviewers involved in the recruitment process;

- immediate managers, and the hierarchical line managers, with responsibility for the area with the job vacancy; and
- IT staff if access to the data is necessary for the performance of their roles.

6.3. For applicants who apply for senior posts (as indicated on the job description and advert), the College and its subsidiary company will share your personal data with its subsidiary companies. This will be limited to only the necessary information needed to progress the application.

## **EXTERNAL PARTIES**

6.4. The College and its subsidiary company will share applicant personal data with the referees provided. It is responsibility of applicants to obtain consent from referees before providing their personal data to the College. The College and its subsidiary company may carry out additional reference checks with other external third parties to validate applicant personal data.

6.5. The College and its subsidiary company has a statutory obligation to carry out and share successful applicant personal details with the Disclosure and Barring Service (DBS) for the purposes of carrying out an Enhanced DBS check and, if applicable, International DBS checks. Additional checks may be required in specific circumstances for the subsidiary company

6.6. The College and its subsidiary company requires successful applicant's to undergo a fitness to work assessment via Occupational Health. The College and its subsidiary company uses The Preventative Healthcare Company Limited ("PHC") for this service. The College does not have access to the personal data supplied to Occupational Health by successful applicants but will be provided a copy of the resulting report.

6.7. If required, the College and its subsidiary company will disclose your information to external third parties for the purpose of complying with applicable laws and regulations, or in response to legal process. This includes Government departments and agencies, local authorities, courts and tribunals, regulatory bodies and/or law enforcement agencies.

6.8. The College and its subsidiary company reserves the right to share applicant personal data in order to respond to requests for information from law enforcement agencies for the purposes of preventing and detecting criminal activity.

## **STORAGE**

6.9. Where the College and its subsidiary company is the data controller, personal data will not be transferred outside the European Economic Area (EEA).

6.10. The College and its subsidiary company requires third parties to respect the security of your data and to treat it in accordance with the law. The College and its subsidiary company will not share your data to third parties until it is satisfied that they comply with all relevant requirements under data protection legislation. If a third parties transfers applicant personal data outside the EU, the College and its subsidiary company will endeavour to ensure that applicants can expect a similar degree of protection in respect of your personal data as if it were in the UK.

6.11. The College and its subsidiary company uses third-party software for applications, references, Human Resources and Payroll functions. The systems allows the college to receive and process applications through to employment.

Application	Legal grounding for processing	Rationale	References
Cintra HR/IQ	Contracted	To capture and store data securely for the duration of employment and applied retention This system manages HR records and Payroll	
Pinpoint	Consent	To receive store and monitor application data	Deletion of your personal information by you via the <a href="#">Manage Your Data</a> tool
RefNow	Legal Obligation	Legal requirement to source references for successful candidates	
Cronofy	Legitimate interest.	Automatic processing with pinpoint	
uCheck	Legal Obligation	Legal obligation to ensure DBS checks are completed on all employees	

## 7 HOW LONG YOUR PERSONAL DATA BE HELD?

*Explanatory Notes: The College and its subsidiary company operates a Data Retention Schedule to ensure that personal data is not held for longer than necessary. At the end of the retention period, the College and its subsidiary company will ensure that personal data is securely deleted/destroyed.*

- 7.1. The College and its subsidiary company will hold personal data for unsuccessful applicants on file for 6 months from the end date of the recruitment process for the position applied for. This will apply to applicants who applied to the post, regardless of whether you are successful in being contacted for an interview.
- 7.2. The College and its subsidiary company reserves the right to retain unsuccessful applicant personal data in the instance that it is needed to enable the College and its subsidiary company to establish, exercise, respond to and defend against legal claims. In these circumstances, applicant personal data will be retained for 6 months after the legal proceedings have ended.
- 7.3. The College and its subsidiary company will retain personal data from applicant who speculatively apply to the College and its subsidiary company in respect of a role which is not available for the same retention period as unsuccessful applicants.
- 7.4. If an applicant is successful, any personal data collected during the recruitment process will be transferred to the applicant's employee personnel file. The retention periods for employee personal data is provided in the College's and its subsidiary company Employee Privacy Notice.
- 7.5. As per 4.12, the College and its subsidiary company may anonymise applicant personal data for the purposes of statistical analysis. In these cases, the College and its subsidiary company

will retain the information for as long as it is necessary to complete the analysis and report on the findings.

## 8 WHAT SECURITY MEASURES PROTECT YOUR PERSONAL DATA?

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*Explanatory Notes: Under data protection legislation, personal data must be processed in a manner that ensures appropriate security of the data including protection against unauthorised or unlawful processing.*

- 8.1. All College and its subsidiary company employees are required to have completed mandatory data protection. This is refreshed every three years. Additional, supplementary, data protection is provided in the interim.
- 8.2. The College and its subsidiary company stores personal data in secure paper and electronic systems and files. All systems and files have restricted access and are approved by the Data Protection Officer.
- 8.3. The College and its subsidiary company has internal policies, procedures and processes in place to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by authorised employees in the proper performance of their duties.
- 8.4. All College and its subsidiary company policies, procedures, processes and systems are subject to audits by the College's and its subsidiary company internal auditors and Data Protection Officer. This helps ensure that such systems and processes comply with the security measures required within data protection legislation.
- 8.5. The College has achieved Cyber-Essentials Accreditation for our IT systems.

## 9 DATA SUBJECT RIGHTS

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*Explanatory Notes: Under data protection legislation, there are certain rights that individuals may exercise in respect of their own personal data. These are known as data subject rights. If you would like to exercise any of the data subject rights, in respect of personal data you have submitted, please contact the College's and its subsidiary company Data Protection Officer.*

*Data subject refers to any individual person who can be identified, directly or indirectly, via personal data they relate to.*

- 9.1. In this section 'you' and 'your' refers to applicants who have applied to the College and its subsidiary company.
- 9.2. The College and its subsidiary company is committed to protecting and complying with, data subject rights.
- 9.3. The College and its subsidiary company will review and respond to requests that exercise the data subject rights on a case by case basis, having due regard for College and its subsidiary company policies and procedures. However, as not all data subject rights are absolute, and there may be some circumstances in which requests under data subject rights cannot be complied with. The College and its subsidiary company will notify the requestor in writing if the request cannot be accommodated and explain the lawful reasoning behind this decision.

## **THE RIGHT TO BE INFORMED**

9.4. This privacy notice provides information in relation to how your personal data is processed. This ensures that the College and its subsidiary company is transparent with regards to the processing of personal data you supplied during the recruitment process.

## **THE RIGHT OF ACCESS**

9.5. You have the right to request a copy of personal information that the College and its subsidiary company holds about you. This is known as a data subject access request. On receipt of a valid data subject access request the College and its subsidiary company will tell you whether any personal data is held that relates to you, and if so, provide a copy.

## **THE RIGHT TO RECTIFICATION**

9.6. If the personal data that the College and its subsidiary company holds on you is incorrect, you can request that it is corrected. This right is subject to lawful exemptions, so there are some specific circumstances where this right does not apply, and the College and its subsidiary company may refuse your request.

## **THE RIGHT TO ERASURE**

9.7. You have a right to request the personal data the College and its subsidiary company holds about you is deleted/ destroyed. This right is subject to lawful exemptions, so there are some specific circumstances where this right does not apply, and the College may refuse your request. The College and its subsidiary company recommends that you to seek independent advice before submitting a right to erasure request.

## **THE RIGHT TO RESTRICT PROCESSING**

9.8. You have the right to request restriction of processing where it has been established that one of the following applies:

- the accuracy of personal data is contested
- where the processing is unlawful
- where an individual has requested it is retained to enable them to establish, exercise or defend legal claims
- pending verification of the outcome of the right to object
- where processing has been restricted

9.9. This right is subject to lawful exemptions, so there are some specific circumstances where this right does not apply, and the College may refuse your request.

## **THE RIGHT TO DATA PORTABILITY**

9.10. You have the right, where technically feasible, to electronically receive any personal data you have provided during the recruitment process.

## **THE RIGHT TO OBJECT**

9.11. Should you wish for the College to stop processing your application you will need to withdraw your application.

## **RIGHTS IN RELATION TO AUTOMATED DECISION MAKING AND PROFILING.**

9.12. The College does not operate an automated recruitment process. All decisions taken during the recruitment process are made by one or more authorised employees at the College.

9.13. The only automated decision involved in your application is the DBS check. This is covered by the DBS Privacy Policies.

9.14. The College does not undertake any profiling activities that are personally identifiable.

## **10 CONTACTING THE DATA PROTECTION OFFICER**

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*Explanatory Notes: A Data Protection Officer (DPO) is responsible for ensuring that the organisation processes personal data of in compliance with the applicable data protection rules.*

10.1. The College's DPO can be contacted via:

- Post: Data Protection Officer, MidKent College, Medway Campus, Medway Road, Gillingham, Kent, ME7 1FN
- E-Mail: [Data.Protection@midkent.ac.uk](mailto:Data.Protection@midkent.ac.uk)

## **11 AMENDMENTS TO THIS PRIVACY NOTICE**

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11.1. The College may change this privacy notice from time to time.

11.2. The College will post any changes to this privacy notice on this page.

11.3. Each version of this privacy notice is identified in the footer and by its effective date.

11.4. Effective Date: 01 April 2024