

LEGITIMATE INTERESTS ASSESSMENT

Part 1: Purpose test

You need to assess whether there is a legitimate interest behind the processing.

- Why do you want to process the data?
- What benefit do you expect to get from the processing?
- Do any third parties benefit from the processing?
- Are there any wider public benefits to the processing?
- How important are the benefits that you have identified?
- What would the impact be if you couldn't go ahead with the processing?
- Are you complying with any specific data protection rules that apply to your processing (eg profiling requirements, or e-privacy legislation)?
- Are you complying with other relevant laws?
- Are you complying with industry guidelines or codes of practice?
- Are there any other ethical issues with the processing?

We have a legitimate interest in processing personal data to enable us to recruit staff for our organisation.

Processing recruitment data enables us to select appropriate candidates for interview.

If we did not have an appropriate selection process, we could not identify those who pose a threat to our school community, either by being unsuited or barred from employment with young people, or by not having the right qualifications to deliver the role effectively.

Our organisation is required to comply with statutory guidance in the publication of Staffing and employment advice for schools (2018) and comply with the requirements of the School Staffing (England) Regulations 2009 as amended and the Education (Independent School Standards) Regulations 2014.

Part 2: Necessity test

You need to assess whether the processing is necessary for the purpose you have identified.

- Will this processing actually help you achieve your purpose?
- Is the processing proportionate to that purpose?
- Can you achieve the same purpose without the processing?
- Can you achieve the same purpose by processing less data, or by processing the data in another more obvious or less intrusive way?

This processing is necessary for us to safely recruit staff for our school. Individuals have a choice regarding whether they apply for a position in our school, and if they choose to apply, they are required to provide us with the information which is necessary for us to establish their suitability for the role.

We cannot achieve our purpose in any other way.

Part 3: Balancing test

You need to consider the impact on individuals' interests and rights and freedoms and assess whether this overrides your legitimate interests.

First, use the [DPIA screening checklist](#). If you hit any of the triggers on that checklist you need to conduct a DPIA instead to assess risks in more detail.

Nature of the personal data

- Is it special category data or criminal offence data?
- Is it data which people are likely to consider particularly 'private'?
- Are you processing children's data or data relating to other vulnerable people?
- Is the data about people in their personal or professional capacity?

Yes, we do ask if the applicant has a criminal record and advise applicants that their personal data may be used to carry out a Disclosure & Barring Service check. This is a statutory requirement for those working in services which have direct contact with young or vulnerable people.

The data we collect relates to an individual's professional life.

Reasonable expectations

- Do you have an existing relationship with the individual?
- What's the nature of the relationship and how have you used data in the past?
- Did you collect the data directly from the individual? What did you tell them at the time?
- If you obtained the data from a third party, what did they tell the individuals about reuse by third parties for other purposes and does this cover you?
- How long ago did you collect the data? Are there any changes in technology or context since then that would affect expectations?
- Is your intended purpose and method widely understood?
- Are you intending to do anything new or innovative?
- Do you have any evidence about expectations – eg from market research, focus groups or other forms of consultation?
- Are there any other factors in the particular circumstances that mean they would or would not expect the processing?

There is generally no existing relationship with an applicant.

A data protection statement is issued with applications, pointing to our full online privacy notices.

Our processing is understood and expected by applicants, who have taken positive action to complete an application and submit it to us.

We do not intend to do anything new, innovative or unexpected with the personal data collected for recruitment purposes.

Likely impact

- What are the possible impacts of the processing on people?
- Will individuals lose any control over the use of their personal data?
- What is the likelihood and severity of any potential impact?
- Are some people likely to object to the processing or find it intrusive?
- Would you be happy to explain the processing to individuals?
- Can you adopt any safeguards to minimise the impact?

Likely impacts of this processing are:

- Invitation to interview which may or may not result in employment
- The application is not progressed due to lack of suitability, or a high volume of more suitable candidates

Individuals are unlikely to object to our processing of their personal data for the purpose of recruitment, however if they did, they are able to withdraw their application and request that we delete their data from our recruitment records.

Can you offer individuals an opt-out?

No

Making the decision

This is where you use your answers to Parts 1, 2 and 3 to decide whether or not you can apply the legitimate interests basis.

Can you rely on legitimate interests for this processing?

Yes

Individuals have control regarding whether or not they make an application for a job at our school. Where an application is made, we make clear that we will carry out necessary checks to assure their suitability for the role.

Our processing is subject to the rights of individuals to request:

- Access to their personal data
- Rectification of inaccurate personal data
- Erasure of their personal data (except where it is being processed to fulfil our legal obligations)
- Restriction to the use of their personal data
- Consideration of their objection to our processing (except where it is being processed to fulfil our legal obligations)
- Consideration of their objection to our use of their personal data to profile their suitability for a role, or any automated decision made in relation to their application.

LIA completed by

Lauri Almond - DPO

Date

02/01/2020