

# **PEMBROKE HOUSE**



**JOB APPLICANT PRIVACY NOTICE**

**Written: July 2022 – IR, CT, MAM & EM**  
**Next Review: September 2023**

## 1. INTRODUCTION

Welcome to Pembroke House School's Website Privacy Notice. We appreciate you taking the time to read all our notices carefully.

Pembroke House School ("Pembroke", "School" "We" "Us" "Our") is committed to ensuring that your personal data is collected and used lawfully and transparently. We process your personal information according to the provisions of the Data Protection Act, 2019 and the Data Protection (General) Regulations, 2021.

## 2. WHO IS PEMBROKE?

Pembroke House School is a unique British Boarding School located in the heart of Kenya. We are a small, multicultural school of around 200 pupils, and cater for boys and girls aged 6 months to 13 years. We have a 90-year history of private education in East Africa, and our focus is on developing well-rounded, happy, independent, polite, and confident pupils. We are members of the Independent Association of Preparatory Schools (IAPS) and we follow the British Common Entrance curriculum.

We are located along Nyahururu Road, Gilgil, Kenya.

## 3. WHAT IS THE PURPOSE OF THIS NOTICE?

As part of our recruitment process, Pembroke collects and processes personal data relating to job applicants to assess their suitability for open positions. We are committed to being transparent about how we collect and use the personal data as well as meeting the data protection obligations set out in the Data Protection Act, 2019 and the Data Protection (General Regulations) 2021

Pembroke is a "data controller" under the Data Protection Act, 2019. This means that we are responsible for deciding how we hold and use personal information about you.

This Privacy Notice explains:

- the types of personal data we collect about you
- how we collect, use, store, transfer or share your personal data.

**Written: July 2022 – IR, CT, MAM & EM**

**Next Review: September 2023**



# JOB APPLICANT PRIVACY NOTICE

- your data rights over your personal data how you can exercise these rights.
- the internal points of contact, should you have any questions about our use of your Personal Data.

## 4. WHO DOES THIS PRIVACY NOTICE APPLY TO?

This Privacy Notice applies to the personal data of all job applicants including job applicants based in Kenya and expatriates. This data is collected during the recruitment process.

It is important to point out that we may amend this Privacy Notice from time to time. Please visit this page if you want to stay up to date, as we will post any changes here.

## 5. WHAT IS PERSONAL DATA?

For purposes of this Job Applicant Privacy Notice, personal data means any information relating to an identified or identifiable natural person. This is an individual who can be identified directly or indirectly in reference to an identifier such as a name, identification number, location data, an online identifier or to one or more factors specific to physical, physiological, genetic, mental, economic, cultural, or social identity of that natural person.

## 6. WHAT PERSONAL DATA DO WE COLLECT?

As part of our recruitment process, we collect and process personal data relating to job applicants. We collect a range of information about you. This includes: -

- Your Application Form and CV containing:
  - Bio data including your name, age, gender, nationality
  - Contact details i.e., telephone number, email address, postal address
  - Identification details including your ID/Passport Number
  - Academic Qualifications
  - Work History including details about your current employment, salary, notice period and reasons for leaving
  - Referee's details i.e., name and contact details
- Information you provide us during the interview e.g., presentations
- Information received from recruitment agencies that we work with
- Interview notes and assessments we make during interviews
- Background checks i.e., police checks, Disclosure and Barring Services checks and Prohibition checks for expatriate teachers.
- proof of education and/or professional qualifications
- membership of process
- Information you make publicly available on sites such as LinkedIn

**Written: July 2022 – IR, CT, MAM & EM**

**Next Review: September 2023**



# JOB APPLICANT PRIVACY NOTICE

- CCTV images collected when you visit our School
- Car registration information collected when you visit our School

Depending on your role, we may also collect, store and use information about you that is classified as “sensitive personal data.” This includes information about religious beliefs, political opinions, sexual orientation, marital, disability, health status, trade union membership.

Where we collect data about you indirectly, we will endeavor to inform you within fourteen (14) days of such collection.

We do not use automated decision-making processes.

## 7. HOW IS YOUR PERSONAL DATA COLLECTED?

We get information about you from the following sources

- **Directly from you** – we collect personal data from you directly when you submit an application or information relating to a vacancy by email or hardcopy format.
- We may collect information about you **indirectly** such as: -
  - when we hire a recruitment agency to source for candidates on our behalf
  - when you visit our website, our website may collect cookies and other online identifiers
  - information we receive from referees or background search agencies
  - CCTV footage when you visit our School
  - Information you publish on job search engines such as LinkedIn

## 8. WHY WE COLLECT, USE AND STORE YOUR PERSONAL DATA

- to set up interviews and determine the types of assessments to be administered
- to assess your suitability for the role applied
- to communicate to you about the progress of your application
- to contact third party references provided by you to evaluate your previous performance
- to conduct background checks to the extent permitted by law
- to maintain records in relation to the recruitment process according to our data retention Notice
- to develop and improve our recruitment processes, website, and other related services.
- If you are hired, for populating your employee file and various systems and tools used in connection with your employment at Pembroke
- to comply with any legal obligations imposed on us

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## 9. OUR LAWFUL BASES FOR PROCESSING YOUR DATA

Pembroke processes your personal data on the following legal grounds: -

- **Where necessary to establish and perform the employment contract** - We assess your capabilities and job qualifications to make a decision about your recruitment or appointment.



# JOB APPLICANT PRIVACY NOTICE

- **Where necessary for Pembroke's legitimate interests** as listed below, where those interests are not overridden by your rights, freedoms, and legitimate interests: -
  - sourcing talent and administering the recruitment process
  - managing the selection process and making an appropriate employment offer
  - carrying out background checks to verify the details you have supplied during the recruitment process.
  - To respond to queries that you may raise during your interview
- **Where required by applicable laws:** For example, immigration documentation for expatriate applicants.
- **Where necessary for reasons of substantial public interest** as may be determined by law.

## 10. WHAT HAPPENS IF YOU FAIL TO PROVIDE PERSONAL DATA?

If you fail to provide information when requested, which is necessary for us to consider your application (such as evidence of qualifications or work history), we will not be able to process your application successfully. For example, if we require references for this role and you fail to provide us with relevant details, we will not be able to take your application further.

## 11. INTERNATIONAL TRANSFERS

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

## 12. HOW YOUR PERSONAL INFORMATION IS SHARED

We may need to share your data with third parties, including third party service providers where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so. These include the following:-

- Academic or regulatory bodies to validate qualifications and experience
- Your referees
- DBS and similar background checks agencies (this applies to expatriate employees)
- Professional advisors and consultants
- Employment and recruitment agencies

**Written: July 2022 – IR, CT, MAM & EM**

**Next Review: September 2023**



# JOB APPLICANT PRIVACY NOTICE

**Written: July 2022 – IR, CT, MAM & EM**  
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# JOB APPLICANT PRIVACY NOTICE

All our third-party service providers and other entities in the group are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

## 13. HOW WE PROTECT YOUR PERSONAL DATA

Pembroke put in place appropriate technical, administrative, physical, and procedural security measures to protect the personal data from being accidentally lost, misused, subject to unauthorised access or disclosure, loss, alteration, or destruction. These measures include:

- Physical safeguards, such as locked doors and file cabinets, controlled access to our facilities, and secure destruction of media containing personal data.
- Technology safeguards, such as use of anti-virus and endpoint protection software, passwords, encryption, and monitoring of our systems to ensure compliance with our security policies.
- Organizational safeguards, through training and awareness programs on security and privacy, to ensure employees understand the importance and means by which they must protect personal data, as well as through privacy policies and Notice standards that govern how Pembroke treats personal data.

If you suspect any misuse or loss of or unauthorized access to your personal data, please let us know immediately by sending us an email on [privacy@pembrokeschool.sc.ke](mailto:privacy@pembrokeschool.sc.ke)

## 14. HOW LONG DO WE RETAIN YOUR INFORMATION FOR?

If you are successfully hired, Pembroke keeps this information for the course of the employment relationship and, to the extent permitted, after the termination of employment.

If your application is not successful, we may retain and use your personal data for a further three (3) years after we have communicated to you our decision about whether to appoint you to the role. We retain your personal data for that period for evidential purposes in the event of a legal claim brought against us. After this period, we will securely destroy your personal information in accordance with our data retention policy and applicable laws and regulations.

## 15. WHAT RIGHTS DO YOU HAVE OVER YOUR DATA?

The Data Protection Act accords you with several rights over your data:

**Written: July 2022 – IR, CT, MAM & EM**  
**Next Review: September 2023**





## JOB APPLICANT PRIVACY NOTICE

- i. **right to information:** you have a right to be informed of how Pembroke will use your personal data.
- ii. **right of access:** you are entitled to access your personal data that is in our possession or custody.
- iii. **right to object:** you can object to the processing of all part of your personal data, unless we can demonstrate a compelling legitimate interest for the processing which overrides your interests or for the establishment, exercise or defence of a legal claim.
- iv. **right to rectification:** you have the right to request us to rectify or correct, without undue delay, personal data in our possession or under our control that is inaccurate, outdated, incomplete or misleading
- v. **right to erasure:** you can request us to delete or destroy, without undue delay personal data that we are no longer authorized to retain, or which is irrelevant, excessive, or obtained unlawfully.
- vi. **right to data portability:** you have the right to receive personal data concerning you in a structured, commonly used, and machine-readable format and to transmit the data to another data controller without hindrance. You also have the right, where technically possible, to have personal data transmitted directly from us to another data controller or data processor.
- vii. **automated decision making** you have the right not to be subjected to a decision based solely on automated processing, including profiling, which produces legal effects concerning or that significantly affects you. If we make decisions based on the automated processing of your personal data, we will inform you in writing. In those instances, you will have the right to request us to reconsider any decisions made based on automated processing or to take a new decision that is not based solely on automated processing.
- viii. **right of restriction:** You have the right to request us to restrict the processing of personal data where: -
  - you contest the accuracy of the personal data
  - the personal data is no longer required for the purpose of the processing
  - the processing is unlawful of you have opposed the erasure of the personal data and requested for restriction of its use instead.
  - you have objected to the processing of personal data, pending verification as to whether our legitimate interests override your interests over the data.

**Written: July 2022 – IR, CT, MAM & EM**  
**Next Review: September 2023**



# JOB APPLICANT PRIVACY NOTICE

- ix. right to raise a complaint:** You can raise a complaint about our processing with the Regulator i.e., the Data Commissioner in Kenya. You may also be able to seek a remedy through the courts if you believe that your rights have been breached.

## 16. HOW TO EXERCISE YOUR RIGHTS

- If you wish to exercise any of the rights outlined above, please write an email to the Data Protection Officer (DPO) on [privacy@pembrokehouse.sc.ke](mailto:privacy@pembrokehouse.sc.ke)
- We will endeavor to answer all questions via email within the timelines stipulated in law.
- If the provision of the data involves the data of third parties, these third parties can be asked in advance whether they have objections to the provisions.
- We may ask for identification, because we need to know for certain whether we are issuing the data to the right person.
- In some cases, we will not be able to comply with your request. If this happens, you will be duly notified.

## 17. YOUR RESPONSIBILITIES

- You are responsible for the information you make available to Pembroke, and you must ensure it is accurate, honest, truthful, and not misleading in any way. You must ensure that the information does not contain material that is obscene, defamatory, or infringing on any rights of any third party.
- Further, if you provide any information concerning any other person, such as individuals you provide as references (“referee”), you are responsible for providing any notices and obtaining any consents necessary for Pembroke to collect and use that information.

## 18. TO WHOM SHOULD I DIRECT A QUESTION A COMPLAINT?

If you have any questions or complaints about the processing of personal data, you can contact our Data Protection Officer on the following email address [privacy@pembroke.sc.ke](mailto:privacy@pembroke.sc.ke) You can also write a letter addressed to:

The DPO,  
Pembroke House School,  
P.O BOX 31-20116, Gilgil

**Written: July 2022 – IR, CT, MAM & EM**  
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Nyahururu, Kenya.

**Written: July 2022 – IR, CT, MAM & EM**  
**Next Review: September 2023**