

Privacy Notice

Using Your Personal Data – Prospective Employees

Introduction

This privacy notice applies to all prospective employees.

We are a data 'controller', which means we are responsible for deciding how we hold and use your personal information.

This notice explains how and why we will collect and use your personal information in the context of the recruitment process and your rights in relation to your personal information. We may amend this notice at any time.

What we need

In this privacy notice, 'your personal information' means your personal data i.e. information about you from which you can be identified. The table at Appendix A lists the personal information that we may process.

It is important that your personal information is accurate and up to date. Please inform us if your personal information changes at any time during the recruitment process.

Why we need it

We have identified at Appendix A the reasons why we need to process your personal data.

In some circumstances, the provision of your personal information is a statutory requirement. This includes:

- Documentation confirming your right to work in the UK – if you do not provide this, we will not be able to enter into a contract with you.
- Background information to complete the vetting process – if you don't provide this we will not be able to enter into a contract with you.

We may process your personal information during and after the recruitment process. This may include collecting your personal information, recording it, storing it, using it, amending it, destroying it and in some circumstances, disclosing it.

In general, we process your personal information for the reasons, and on the legal grounds set out in the following table and also to:

- Retain records relating to the recruitment process;
- Establish, exercise or defend legal claims;
- Comply with the law or requirements of our regulator, such as the SIC, ICO and SPSO; and / or

- Protect your vital interests or those of another person (in exceptional circumstances, such as a medical emergency).

We may share your personal information with the following third parties if this is required by law; necessary to enter a contract with you; where there is another legitimate interest in doing so; or where it is necessary to protect your vital interests of those of another person.

- Health professionals and occupational health providers
- Our professional advisors.

Where does your personal information come from?

Your personal information will come from you or us, and may also come from the following sources:

- Recruitment agencies may provide us with the following personal information, eg name, address, work history, qualifications and anything else relevant to the recruitment process.
- Vetting providers may provide us with the personal information, as we will provide them with relevant details to allow them to process your application.
- Former employers or other referees, whom you have given us permission to contact, may provide us with personal information
- Our appointed occupational health provider may provide us with personal information

How long we keep it

We will hold your information for no longer than is necessary. If you do not start work with us, we will retain your personal information for 2 years thereafter:

- To allow us to establish, exercise or defend legal claims;
- To maintain our Civil Service recruitment accreditation; and
- For our legitimate interests – to enable us to reconsider your application and (if appropriate) contact you, if the position you applied for becomes available again.

If you ask us to retain your personal information so that we can contact you to discuss future work opportunities, we will write to you separately, to obtain your explicit consent to retain your personal information for a fixed period on that basis.

If you start work with us following the recruitment process, we will give you a copy of our Existing Employees Privacy Notice.

What are your rights?

You have the right to request to see the personal information we hold about you. If you believe we hold information that is incorrect, you can ask for this to be corrected or deleted.

In addition you have the following additional rights:

- the right to have your data corrected if it is wrong or incomplete
- the right to request restrictions to the processing of your data
- the right to object to your data being processed
- the right to have your data erased
- the right to be informed about how your data is processed
- rights relating to automated decision making and data portability

Please contact our Data Protection Officer at informationrequests@pirc.gov.scot if you require more information on these rights, or wish to exercise any of them.

If you are not satisfied with our response, or believe that we are not processing your data in accordance with the law, you can complain to the Information Commissioner's Office (ICO):

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 54 57 45

We have appointed a Data Protection Officer. If you have any questions about this privacy notice or how we handle your personal information please contact the Data Protection officer. They can be contacted via informationrequests@pirc.gov.scot

APPENDIX A

Personal Information	Reasons for Processing	Legal Grounds for Processing
Personal contact details (including name, address, email, telephone number)	Contact you regarding the recruitment process and any offer of work	To enter a contract
Your application form, any covering letter or email, and interview notes	Make a decision about your recruitment or appointment	To enter a contract To comply with a legal obligation To select suitable employees
References and details of previous employers Professional memberships, registrations and qualifications Copy driving licence Correspondence and results regarding the following background checks: [insert]	If you have accepted an offer of work from us that is subject to such checks: Take up references (from referees whom you have given us permission to contact); Carry out background checks/vetting; Confirm your professional memberships, registrations and / or qualifications.	To enter a contract To comply with a legal obligation To select suitable employees, workers and contractors
Offer letter, and proposed contract between you and us	Determine the terms of any potential contract between you and us	To enter a contract To comply with a legal obligation
Documentation confirming your right to work in the UK	If you have accepted an offer of work, check you are legally entitled to work in the UK	To enter a contract To comply with a legal obligation
Information about a disability, the effects of that disability, and special arrangements that may need to be	Establish whether you can undergo an assessment which forms part of the application process	To enter a contract To comply with a legal obligation For our legitimate interests:

<p>made to the recruitment process as a result of that disability*</p>	<p>Consider reasonable adjustments to the recruitment process for disabled applicants</p>	<ul style="list-style-type: none"> • To select suitable employees, workers and contractors <p><u>*For special categories of information:</u></p> <ul style="list-style-type: none"> • To exercise or perform employment law rights or obligations
<p>Information about your disability status*</p>	<p><i>[Establish whether you are eligible for our guaranteed interview scheme for disabled applicants]</i></p>	<p>To enter a contract</p> <p>For our legitimate interests:</p> <ul style="list-style-type: none"> • To select suitable employees, workers and contractors <p><u>*For special categories of information:</u></p> <ul style="list-style-type: none"> • To exercise or perform employment law rights or obligations • To review equality of opportunity or treatment
<p>Health data and sickness records, including disability information*</p>	<p>Establish whether you will be able to carry out a function that is intrinsic to the particular work</p> <p>If you have accepted an offer of work from us that is subject to such a check: assess your fitness to work via a health questionnaire or medical report</p>	<p>To enter a contract</p> <p>To comply with a legal obligation</p> <p>For our legitimate interests:</p> <ul style="list-style-type: none"> • To select suitable employees, workers and contractors <p><u>*For special categories of information:</u></p> <ul style="list-style-type: none"> • To exercise or perform employment law rights or obligations • For the purposes of preventive or occupational medicine, or for the assessment of

		your working capacity
<p>The following information you have provided via our [equal opportunities monitoring form]:</p> <ul style="list-style-type: none"> • Health data, including disability information* • Information regarding pregnancy and maternity* • Age and date of birth • Marriage or civil partnership status* • Gender • Information on gender reassignment* • Data revealing race, religious beliefs or sexual orientation* 	<p>Carry out equal opportunities monitoring</p>	<p>For our legitimate interests:</p> <ul style="list-style-type: none"> • To review equality of opportunity or treatment <p><u>*For special categories of information:</u></p> <ul style="list-style-type: none"> • To review equality of opportunity or treatment • To exercise or perform employment law rights or obligations