



**Clackmannanshire  
Council**

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Comhairle Siorrachd  
Chlach Mhanann

# Recruitment Privacy Policy

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## DOCUMENT CONTROL SHEET:

### Key Information:

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<u>0.1</u>	<u>May 2018</u>	<u>Draft</u>	<u>CA</u>	<u>N/A</u>
<u>0.2</u>	<u>May 2018</u>	<u>Corrections</u>	<u>CA</u>	<u>N/A</u>
<u>0.3</u>	<u>July 2019</u>	<u>Amendments Sharing Info</u>	<u>CA</u>	<u>N/A</u>
<u>0.4</u>	<u>December 2021</u>	<u>Amendment following review by Legal</u>	<u>CA</u>	<u>N/A</u>

## **1 What is this notice?**

This is the 'Recruitment Privacy Notice' of Clackmannanshire Council. Our contact details are: Clackmannanshire Council, Kilncraigs, Greenside Street, ALLOA FK10 1EB

This notice applies to individuals applying to work with us, including prospective employees, workers, volunteers and contractors.

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.

## **2 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, identified in the Scheme of Delegation. They can be contacted at [DPO@clacks.gov.uk](mailto:DPO@clacks.gov.uk)

## **3 Your personal information**

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 section 6 below lists your personal information that we may process.

Your 'personal information' does not include data where the identity has been removed (anonymous data).

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

## **4 Special categories of personal information**

'Special categories of personal information' means information about your racial or ethnic origin; political opinions; religious or philosophical beliefs; trade union membership; health; sex life or sexual orientation; criminal convictions, offences or alleged offences; genetic data; or biometric data for the purpose of uniquely identifying you.

Data marked \* in the table at section 6 below falls within these 'special categories' or might disclose special categories of personal information. We must have additional legal grounds for processing special categories of personal information, and these grounds are set out in the table at section 6 below.

Where you provide certain special categories of personal data, such as information about ethnic origin, religious belief, disability, sexual orientation or transgender status, this is done to allow us to better perform the equality duty. Equal opportunities statistical data is anonymised. You are entirely free to decide whether or not to provide such data and there are no consequences of not doing so.

## **5 Where does your personal information come from?**

Your personal information will come from you or us, and may also come from the following sources where relevant to the post you have applied for.:

- Recruitment process which will provide details on your name, address, qualifications, work experience, memberships, sensitive information, disability, reasonable adjustments.
- Recruitment agencies may provide us with the personal information including your name, address, qualifications, work experience, memberships, sensitive information, disability, reasonable adjustments, national insurance number, date of birth
- Background check providers may provide us with the following personal information
  - Disclosure Scotland – details related to spent/unspent convictions and eligibility to be a member of the Protection of Vulnerable Group Scheme
  - Occupational Health – details related to your health and ability to undertake the duties to which you are engaged
- Referees, whom you have given us permission to contact, may provide us with the following personal information including employment history, salary details, absence levels, disciplinary history
- Medical professionals may provide us with the following personal information including diagnosed conditions, impact and treatment
- SSSC and GTC may provide us with the details related to your registration and ability to practice (or not)

If you would like more information on the source of your personal information please contact the HR department.

## **6 Processing your personal information**

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

Reason for processing your personal information	Legal ground(s) for processing, and legitimate interest (where applicable)	Your personal information
Contact you regarding the recruitment process and any offer of work	To enter a contract	Personal contact details (including name, address, email, telephone number)
Make a decision about your recruitment or appointment, including assessing your skills, qualifications, suitability for the work and eligibility to work in the UK	<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"> <li>• to select suitable employees, workers and contractors</li> </ul>	<ul style="list-style-type: none"> <li>• Your application form, CV, any covering letter or email, and interview notes</li> <li>• Outputs of assessment centres including psychometric testing.</li> <li>• Documentation confirming your right to work in the UK</li> </ul>
<p>If you have accepted an offer of work from us that is subject to such checks:</p> <ul style="list-style-type: none"> <li>• Take up references (from referees whom you have given us permission to contact);</li> <li>• Carry out background checks;</li> <li>• Confirm your professional memberships, registrations and / or qualifications.</li> </ul>	<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"> <li>• to select suitable employees, workers and contractors</li> </ul>	<ul style="list-style-type: none"> <li>• References and details of previous employers</li> <li>• Professional memberships, registrations and qualifications</li> <li>• Copy of your drivers licence if required for your role</li> <li>• Correspondence and results regarding the following background checks: Disclosure Scotland, Medical history</li> </ul>
Determine the terms of any potential contract between you and us	<p>To enter a contract</p> <p>To comply with a legal obligation</p>	Offer letter, and proposed contract between you and us

<p>Establish whether you can undergo an assessment which forms part of the application process</p> <p>Consider reasonable adjustments to the recruitment process for disabled applicants</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"> <li>To select suitable employees, workers and contractors</li> </ul> <p><u>*For special categories of information:</u></p> <ul style="list-style-type: none"> <li>To exercise or perform employment law rights or obligations</li> </ul>	<p>Information about a disability, the effects of that disability, and special arrangements that may need to be made to the recruitment process as a result of that disability*</p>
<p>Establish whether you are eligible for our guaranteed interview scheme for disabled applicants</p>	<p>To enter a contract</p> <p>For our legitimate interests:</p> <ul style="list-style-type: none"> <li>To select suitable employees, workers and contractors</li> </ul> <p><u>*For special categories of information:</u></p> <ul style="list-style-type: none"> <li>To exercise or perform employment law rights or obligations</li> <li>To review equality of opportunity or treatment</li> </ul>	<p>Information about your disability status*</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"> <li>To select suitable employees, workers and contractors</li> </ul> <p><u>*For special categories of information:</u></p> <ul style="list-style-type: none"> <li>To exercise or perform employment law rights or obligations</li> <li>For the purposes of preventive or occupational medicine, or for the assessment of your working capacity</li> </ul>	<p>Health data and sickness records, including disability information*</p>

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

To enable us to make recruitment decisions and assess suitability for particular work, we will process information about criminal convictions and offences (including alleged offences).

We will process this information to enter a contract with you, to comply with a legal obligation, for our legitimate interests (in selecting suitable employees, workers and contractors), and to exercise or perform employment law rights or obligations.

If you have applied for a role that is classed as being eligible for membership of the Protection of Vulnerable Group we have a statutory obligation to determine whether you are eligible to be a member of this scheme. A full list of those posts is available from HR Services.

Any offer of work from us in respect of the following roles will be subject to a satisfactory criminal record check:

- Solicitor, Accountant, Chief Accountant,: we are legally required to carry out a standard disclosure check;
- Any prison based role will require an Enhanced Disclosure check,
- Any role that is required to access any government's secure IT network will require a basic disclosure from you.



## **8 Data necessary for the contract**

The table at section 6 above identifies personal information that we may need to enter a contract with you if your application is successful. If you don't provide this data, we may not be able to proceed with the recruitment process or enter into the contract.

## **9 Statutory requirement to provide your personal information**

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 don't provide this, we may not be able to enter into a contract with you.
- The information regarding criminal convictions described at section 7 above, where we have stated in section 7 that this is a statutory requirement.

## **10 Sharing your personal information with third parties**

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 or those of another person:

- Health professionals and occupational health providers involved in your care, for the purposes of establishing whether you can undergo an assessment which forms part of the application process; [and/or] considering reasonable adjustments to the recruitment process for disabled applicants; establishing whether you will be able to carry out a function that is intrinsic to the particular work; establishing whether you are eligible for our guaranteed interview scheme for disabled applicants; and / or assessing your fitness to work if you have accepted an offer of work from us that is subject to health checks].
- Our professional advisors.
- Other third parties as necessary to comply with the law.

The Council also has a duty to protect public funds. We may check your information within the Council for verification purposes and/or for the prevention of fraud. We may share your information with other organisations where we are required to do so for the purposes of the prevention or detection of crime.

## **11 Automated decision-making**

We do not envisage taking any decisions about you based solely on automated processing (i.e. without human involvement), which have a legal or similarly significant effect on you.

## 12 Transferring your personal information outside the EU

We do not intend to transfer your personal information to any country outside of the EU, or to any international organisation.

## 13 Data retention

If you don't start work with us following the recruitment process, we will retain your personal information for 6 months thereafter to allow us to establish, exercise or defend legal claims.

If you start work with us following the recruitment process, we will give you a copy of our Worker Privacy Notice, and will retain your personal information as detailed in the Worker Privacy Notice.

## 14 Your rights

You have the following rights:

- **Access:** you can request a copy of your personal information that we hold, and check we are processing it lawfully.  
  
**Correction:** you can ask us to correct your personal information if you don't think it is accurate, complete or up-to-date.
- **Deletion:** you can ask us to delete your personal information, if:
  - it is no longer necessary for the purposes for which we obtained it;
  - you withdraw your consent, and we have no other legal basis for the processing;
  - you validly object to the processing as described below;
  - we have unlawfully processed the data; or
  - we must delete the data to comply with a legal obligation.
- **Objection:** if we process your personal information to perform tasks carried out in the public interest or on the basis of legitimate interests, you can object to this processing on the basis of your particular situation. We will only then continue the processing if we have overriding legitimate grounds for this, or the processing is to establish, exercise or defend legal claims. You may also object if we process your personal information for direct marketing purposes.

- **Restriction:** you can ask us to restrict our processing of your personal information if:
  - you contest the accuracy of the data (for a period that enables us to check it);
  - our processing is unlawful, but you don't want the data deleted;
  - we no longer need the data, but you require it to establish, exercise or defend legal claims; or
  - you have objected (as above) and are awaiting confirmation as to whether we have overriding legitimate grounds for processing.
  
- **Transfer:** if our processing is based on your consent or necessary to carry out our contract with you, and is carried out by automated means, you can request a copy of the personal information you have provided to us and the transfer of this to someone else. Where technically feasible, you can ask us to transfer it directly.
  
- **Complain to the Information Commissioner:** the Information Commissioner is the UK supervisory authority for data protection issues. We aim to resolve all complaints internally via our data protection officer who can be contacted as described above, but you do have the right to complain to the Information Commissioner at any time.

Please contact our HR department if you require more information on these rights, or wish to exercise any of them.