

## Privacy Notice - Job Applications

The Health Agency is aware of its obligations under the General Data Protection Regulation (GDPR) and is committed to processing your data securely and transparently. This privacy notice sets out, in line with GDPR, the types of data that we collect and hold on you as a job applicant. It also sets out how we use that information, how long we keep it for and other relevant information about your data.

It is important that you read this notice so that you are aware of how and why we are using your data. This notice does not form part of any contract of employment or other contract to provide services. We may update this notice at any time.

### Data Controller Details

The Health Agency is a data controller, meaning that it determines the processes to be used when using your personal data. Our contact details are as follows: The Health Agency, Wester Hailes Healthy Living Centre, 30 Harvesters Way, EH14 3JF.

### Data Protection Principles

In relation to your personal data, we will:

- > process it fairly, lawfully and in a clear, transparent way
- > collect your data only for reasons that we find proper for the course of your employment in ways that have been explained to you
- > only use it in the way that we have told you about
- > ensure it is correct and up to date
- > keep your data for only as long as we need it
- > process it in a way that ensures it will not be used for anything that you are not aware of or have not consented to (as appropriate)
- > process it in a way that ensures it will not be lost or accidentally destroyed

### Types of Data We Process

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data). As a job applicant, The Health Agency will hold many types of data about you, including:

- > your personal details including your name, title, address, personal email address, personal phone numbers
- > whether or not you have a disability
- > information included on your CV including employment and education history
- > details of your referees
- > documentation relating to your right to work in the UK

## **How We Collect Your Data**

We collect data about you in a variety of ways, this will include the information you would normally provide a job application form, or notes made by our recruiting officers during a recruitment interview. Further information will be collected directly from you, when you complete forms, at the start of your employment, for example, your bank and emergency contact details. Other details may be collected directly from you in the form of official documentation such as your passport or other right to work evidence.

In some cases, we will collect data about you from third parties, such as employment agencies or from former employers when gathering references.

Personal data is kept in personnel files or within The Health Agency's HR and IT systems.

## **Why We Process Your Data**

The law on data protection allows us to process your data for certain reasons only:

- > in order to perform the employment contract that we are party to
- > in order to carry out legally required duties
- > in order for us to carry out our legitimate interests
- > to protect your interests and
- > where something is done in the public interest.

All the processing carried out by us falls into one of the permitted reasons. Generally, we will rely on the first three reasons set out above to process your data.

We need to collect your personal data to ensure we are complying with legal requirements such as:

- > carrying out checks in relation to your right to work in the UK
- > making reasonable adjustments for disabled employees

We also collect data so that we can carry out activities which are in the legitimate interests of The Health Agency. We have set these out below:

- > making decisions about who to offer employment to
- > making decisions about salary and other benefits
- > assessing training needs
- > dealing with legal claims made against us

If you are unsuccessful in obtaining employment, we may seek your consent to retain your data in case the outcome of the recruitment process changes or other suitable job vacancies arise at The Health Agency for which we think you may wish to apply. You are free to withhold your consent to this and there will be no consequences for withholding consent.

## **Special Categories of Data**

There are "special categories" of more sensitive personal data which require a higher level of protection. Special categories of data are data relating to your:

- > information about your health, including any medical conditions
- > information about your sex life or sexual orientation
- > information about your race, ethnicity, religious beliefs, or political opinions
- > trade union membership
- > genetic and biometric data

We must process special categories of data in accordance with more stringent guidelines. Most commonly, we will process special categories of data when the following applies:

- > you have given explicit consent to the processing
- > we must process the data to carry out our legal obligations
- > we must process data for reasons of substantial public interest
- > you have already made the data public.

We request details of special category data as part of the recruitment process for the purposes of equal opportunities monitoring but this is processed anonymously. We do not need your consent if we use special categories of personal data to carry out our legal obligations or exercise specific rights under employment law. However, we may ask for your consent to allow us to process certain particularly sensitive data. If this occurs, you will be made fully aware of the reasons for the processing. As with all cases of seeking consent from you, you will have full control over your decision to give or withhold consent and there will be no consequences where consent is withheld. Consent, once given, may be withdrawn at any time. There will be no consequences where consent is withdrawn.

## **Criminal Convictions Data**

You will be asked to complete a Criminal Convictions Declaration statement as part of your pre-employment checks in the application form. Some roles will also require a criminal record check in the form of a Basic Disclosure certificate and the job advert will state if this is the case for the role you are applying for.

Information on criminal convictions is required in order to find out whether you have any convictions which may have a bearing on the requirements of your post. If you declare a criminal conviction, or if an unspent conviction is detailed on your Basic Disclosure certificate, we will discuss this with you in order to determine your suitability for the post, or agree any other measures that may need to be put in place.

We may also ask for further information on criminal convictions during your employment should this be deemed necessary. We rely on the lawful basis of carrying out our legitimate interests to process this data.

## **If You Do Not Provide Your Data to Us**

One of the reasons for processing your data is to allow us to carry out an effective recruitment process. Whilst you are under no obligation to provide us with your data, if you do not provide it, we may not be able to process your application.

## **Sharing Your Data**

Your data will be shared with colleagues within The Health Agency where it is necessary for them to undertake their duties regarding recruitment. This includes, for example, the hiring manager, any other individuals who are involved in screening your application and interviewing you, and the IT Manager if you require access to our systems to undertake any assessments as part of the recruitment process.

Your data will be shared with third parties if you are successful in your job application. In these circumstances, we will share your data to obtain references as part of the recruitment process, to administer/set up your pension, to obtain a Basic Disclosure certificate (if applicable) etc.

## **Protecting Your Data**

We are aware of the requirement to ensure your data is protected against accidental loss or disclosure, destruction and abuse and we have implemented processes to guard against such instances occurring.

Where we share your data with third parties, we ensure that they are GDPR compliant and that they implement appropriate technical and organisational measures to ensure the security of your data.

## **How Long We Keep Your Data For**

In line with data protection principles, we only keep your data for as long as we need it for, and this will depend on whether you are successful in obtaining employment with us.

If your application is not successful, we will keep your data for six months after the recruitment exercise ends. This is so we can provide you with feedback on your application, or deal with any legal claims made against us. At the end of this period, we will delete or destroy your data.

If your application is successful, your data will be kept and transferred to the systems we administer for employees. We have a separate privacy notice for employees, which will be provided to you.

## **Automated Decision Making**

No decision about you, which may have a significant impact on you, will be made solely on the basis of automated decision making - i.e. where a decision is taken about you using an electronic system without human involvement.

## **Your Rights in Relation To Your Data**

The law on data protection gives you certain rights in relation to the data we hold on you. These are:

- > the right to be informed. This means that we must tell you how we use your data, and this is the purpose of this privacy notice
- > the right of access. You have the right to access the data that we hold on you. To do so, you should make a subject access request
- > the right for any inaccuracies to be corrected. If any data that we hold about you is incomplete or inaccurate, you can require us to correct it
- > the right to have information deleted. If you would like us to stop processing your data, you have the right to ask us to delete it from our systems where you believe there is no reason for us to continue processing it
- > the right to restrict the processing of the data. For example, if you believe the data we hold is incorrect, we will stop processing the data (whilst still holding it) until we have ensured that the data is correct
- > the right to portability. You may transfer the data that we hold on you for your own purposes
- > the right to object to the inclusion of any information. You have the right to object to the way we use your data where we are using it for our legitimate interests
- > the right to regulate any automated decision-making and profiling of personal data. You have a right not to be subject to automated decision making in ways that adversely affect your legal rights

Where you have provided consent to our use of your data, you also have the unrestricted right to withdraw that consent at any time. Withdrawing your consent means that we will stop processing the data that you had previously given us consent to use. There will be no consequences for withdrawing your consent. However, in some cases, we may continue to use the data where so permitted by having a legitimate reason for doing so.

If you wish to exercise any of the rights explained above, please email [frontesk@thehealthagency.org.uk](mailto:frontesk@thehealthagency.org.uk) or in writing using the contact details above, marking your letter for the attention of The Data Protection Officer.

## **Making A Complaint**

The supervisory authority in the UK for data protection matters is the Information Commissioner (ICO). If you think your data protection rights have been breached in any way by us, you are able to make a complaint to the ICO.