

## **PRIVACY NOTICE FOR JOB APPLICANTS**

**DATA CONTROLLER:** Newark and Sherwood District Council

**DATA PROTECTION OFFICER:** Jenny Rochfort - Information Governance & Data Protection Officer

The purpose of this privacy notice is to clearly acknowledge the Council's responsibilities in relation to the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act (DPA) 2018.

As part of any recruitment process, the Council collects and processes personal data relating to job applicants. The Council is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

### **What information do we collect?**

The Council collects a range of information about you. This includes:

- Your name, address and contact details, including email address and telephone number;
- details of your qualifications, skills, experience and employment history;
- whether or not you have a disability because the Council may need to make reasonable adjustments if you are called for interview or have to participate in testing activity;
- Whether you are a reservist/ex-forces/family of forces or a care leaver (24 or under) so that you can be guaranteed an interview, should you meet all essential criteria.
- information about your entitlement to work in the UK;
- equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, age, gender/gender identity, main language and religion; and
- health information (on application only to help assess if any adjustments are required if called for interview, a medical questionnaire if a provisional offer of employments is given and health surveillance where required by the post).

The Council collects this information in a variety of ways. For example, from application forms, CVs, passports or other identity documents, or collected through interviews or other forms of assessment.

The Council will also collect personal data about you from third parties, such as references supplied by former / current employers or other referees and information from criminal records checks, including checks via the Disclosure and Barring Service. The Council will only seek information from third parties once a provisional job offer has been made to you and will inform you that it is doing so.

Data will be stored in a range of different places, including on your application record, in HR management systems, electronic filing systems and on other ICT systems (including email).

### **Lawful basis for processing personal data**

Our purpose for processing this information is to assess your suitability and eligibility for a role you have applied for and to help us develop and improve our recruitment process.

The lawful basis we rely on for processing your personal data is article 6(1)(b) of the UK GDPR, which relates to processing necessary to perform a contract or to take steps at your request, before entering a contract.

If you provide us with any information about reasonable adjustments you require under the Equality Act 2010 the lawful basis we rely on for processing this information is article 6(1)(c) to comply with our legal obligations under the Act.

The lawful basis we rely on to process any information you provide as part of your application which is special category data, such as health, religious or ethnicity information is article 9(2)(b) of the UK GDPR, which relates to our obligations in employment and the safeguarding of your fundamental rights. And Schedule 1 part 1(1) of the DPA2018 which again relates to processing for employment purposes.

The Council is obliged to seek information about criminal convictions and offences at different levels for different posts. The lawful basis we rely on to process this data are Article 6(1)(e) for the performance of our public task. In addition we rely on the processing condition at Schedule 1 part 2 paragraph 6(2)(a).

The Council will not use your data for any purpose other than the recruitment exercise for which you have applied.

### **Who has access to your data?**

Your information will be shared internally to undertake the recruitment exercise. This may include sharing with Councillors (some higher level posts), members of the HR team, relevant managers and the interviewers involved in the recruitment process.

The Council will not share your data with third parties unless your application is successful and it makes you an offer of employment. The Council will then share your data with:

- Former / current employers to obtain references for you;
- Disclosure and Barring Service to obtain necessary criminal records checks where appropriate;
- Occupational health providers as required.

We will not transfer your data outside the European Economic Area.

### **How does the Council protect your data?**

The Council takes the security of your data seriously. It has internal policies and controls in place to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by our employees in the proper performance of their duties.

### **For how long does the Council keep your data?**

If your application is unsuccessful, the Council will keep your personal data on file for 6 months from the date of interview to respond to and defend against any legal claims and in case further vacancies arise for the same role.

At the end of that period your data will be deleted or destroyed.

If your application for employment is successful, personal data gathered during the recruitment process will be transferred to your personnel file and retained during your employment.

### **Your Rights as a “Data Subject”**

As a data subject, you have a number of rights:

- The right of access to your own personal data.
- The right to request rectification or deletion of your personal data.
- The right to object to the processing of your personal data.
- The right to request a copy of the information you provide us in machine-readable format.
- The right to withdraw your consent to any processing that is solely reliant upon your consent.

Should you wish to exercise any of your rights, or to make a complaint, you should contact the Data Protection Officer.

Email: [privacy@newark-sherwooddc.gov.uk](mailto:privacy@newark-sherwooddc.gov.uk)

If you remain dissatisfied with the way your personal data has been handled, you may refer the matter to the Information Commissioner’s Office whose contact details are below:

Information Commissioner’s Office:

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

### **What if you do not provide personal data?**

You are under no statutory or contractual obligation to provide data to the Council during the recruitment process. However, if you do not provide sufficient information the Council may not be able to process your application properly or at all.

You are under no obligation to provide information for equal opportunities monitoring purposes and there are no consequences for your application if you choose not to provide such information.

## **Automated decision-making**

Our Recruitment processes are not based on automated decision-making.