

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

## **DATA PROTECTION OFFICER: David Clarke - Information Governance Officer**

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).

### **Why does the Council process personal data?**

The Council needs to process data to take steps prior to entering into a contract with you.

We also need to process your data to enter into a contract with you.

In some cases, the Council needs to process data to ensure that it is complying with its legal obligations. For example, it is required to check a successful applicant's eligibility to work in the UK before they start employment .

The Council has a legitimate interest in processing personal data during the recruitment process and for keeping records of the process. Processing data from job applicants allows the Council to manage the recruitment process, assess and confirm a candidate's suitability for employment and decide who to offer a job to. We may also need to process data from job applicants to respond to and defend against legal claims.

Where the Council relies on legitimate interests as a reason for processing data, it has considered whether or not those interests are overridden by the rights and freedoms of employees or workers and has concluded that they are not.

The Council processes health information if it needs to make reasonable adjustments to the recruitment process for candidates who have disabilities. This is to meet its obligations and exercise specific rights in relation to employment. Further health checks are also processed in line with occupational health surveillance requirements for certain posts.

Where the Council processes other special categories of data, such as information about ethnic origin, sexual orientation, health or religion or belief, this is for equal opportunities monitoring purposes.

The Council is obliged to seek information about criminal convictions and offences at different levels for different posts. Where the Council seeks this information, it does so because it is necessary for it to carry out its obligations and exercise specific rights in relation to employment. The Council will not use your data for any purpose other than the recruitment exercise for which you have applied.

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.

### **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 for employment is unsuccessful, the Council will hold your data on file for 6 months after the end of the recruitment process. 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. You can:

- access and obtain a copy of your data on request;
- require the Council to rectify incorrect or incomplete data;
- require the Council to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing;
- object to the processing of your data where the Council is relying on its legitimate interests as the legal ground for processing;
- ask the Council to stop processing data for a period if data is inaccurate or there is a dispute about whether or not your interests override the Council's legitimate grounds for processing data.
- and
- request the transfer of your data in certain circumstances under the right to portability

If you would like to exercise any of these rights, you can make a subject access request by completing the Council's form for making a subject access request available at <http://www.newark-sherwooddc.gov.uk/yourcouncil/makingarequestforinformation/>

If you believe that the Council has not complied with your data protection rights, you can complain to the Information Commissioner.

### **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.