

## **Job Applicant Privacy Notice**

### **Introduction**

The purpose of this job applicant privacy notice is to explain to you the reasons why we hold and use your personal data and explain your rights under the current data protection laws. We are committed to being transparent about how we collect, use, retain, and meet our data protection obligations with you. As the recruiter, we will collect and process personal data relating to you to conduct our recruitment process, this notice explains how and why we will do this in the context of the recruitment process.

You are under no statutory or contractual obligation to provide data to the organisation during the recruitment process. However, if you do not provide the information, the organisation 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 the information.

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

We will collect, use and retain 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.

**Data Controller: Clyde Valley Group, 50 Scott Street, Motherwell, ML1 1PN.** We are registered as a data controller with the information commissioner and our registered number is SC037244.

### **Data Protection Officer**

Lisa Hughes: [lisa.hughes@cvha.org.uk](mailto:lisa.hughes@cvha.org.uk)

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

The organisation may collect this information in several ways which include: Recruitment processes including information obtained from agencies which includes:

- Name, address, email address, telephone number.
- Your identification documents you have given us and your proof of eligibility to work in the UK.
- Background checks conditional for your engagement with us .
- Current and former employers or other individuals whom you have given us permission to contact to provide us with a reference.

This data will include:

- Your work history (paid or unpaid) with them, including the dates you worked with them,
- The work tasks you did,

- Your level of responsibility,
- Job title,

### **What Information do we collect?**

The organisation controls and processes a range of information about you. In this privacy notice 'your personal information' means your personal data i.e. information about you from which you can be identified. Your 'personal information' does not include data where your identity has been removed (anonymous data). It is really important that the personal information we hold on you, and process, is accurate and up to date. Please keep us informed if your personal information changes.

This includes:

- Your name, address, and contact details including email address and telephone number;
- Details of your qualifications, skills, experience and work history, including start and end dates with previous employers and workplaces;
- Information about your remuneration, including entitlement to benefits such as, pay, pension and holidays;
- Information about your nationality and entitlement to work in the UK;
- Information regarding whether you have a disability for which the organisation needs to make reasonable adjustments during the recruitment process; and
- Equal opportunities monitoring information [collected and retained anonymously]

The data we hold on you will be stored electronically for six months in accordance with CVG's retention policy.

### **Processing Personal Data**

As an organisation we will process data in accordance with the following legal grounds:

To enter into a contract with you:

We need to process the data we hold on you in order that we comply with our obligations with you under the contract we have with each other. This includes;

- Contacting you regarding the recruitment process and any offer of work
- Deciding on any subsequent appointment
- Obtaining references if you have accepted an offer of work from us
- Determining the terms of any potential contract between us
- The need to process your data to enter into a contract of employment with you

Legal Obligations:

We are required;

- To obtain checks regarding your right to work in the UK,
- Make a decision regarding the recruitment and any subsequent appointment,
- Health information to make reasonable adjustments to attend interview and comply with employment related law.

Legitimate Interests:

We are also required to process your data in accordance with our legitimate interests during and after the recruitment process:

- Run recruitment and promotion processes, and select and offer a suitable candidate, worker or contractor a role with our organisation.
- Obtain references from whom you have given us contact details of; and
- Respond to and defend against legal claims
- Confirm personal membership of professional organisations in relation to the role you are applying for
- Conduct any regulatory checks and/or statutory check/requirements in relation to your engagement with us
- To adhere to our own equal opportunity practices and to process your health data in accordance with our guaranteed interview scheme
- Carry out equal opportunities monitoring to review our equality of opportunity practices.

### **Access to Data and Security**

In order to process your data in accordance with the grounds stated above the following will have access to your data:

Internally:

- Those involved in the recruitment process
- The line manager in the business area of the vacancy

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.

- For the purposes of pre-employment checks; current and former employers, disclosure and PVG
- Our professional advisors
- Any other third parties as necessary to comply with your contract of engagement and our legal and statutory obligations with third party organisations.
- Other third parties as necessary to comply with the law.

We will not share your information outside of the EU.

### **Your Rights**

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

- To be informed of the personal data we hold on you
- Access and obtain a copy of all your personal data on request
- Require the organisation to change incorrect or incomplete personal data
- Require the organisation to delete or stop processing your personal data e.g. where the data is no longer necessary for the purposes; and object to the processing of your data where the organisation does not require to process it
- Object to the processing of your data where the organisation is relying on it's legitimate interests as the legal grounds for processing;

If you would like to exercise any of the above rights, please contact Lisa Hughes:

[lisa.hughes@cvha.org.uk](mailto:lisa.hughes@cvha.org.uk).



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

**Data Retention**

We will only retain your personal information for as long as necessary to fulfil the purposes for which we collected it, including to satisfy any legal requirements.

If your application is unsuccessful the organisation will retain your application for a period of 6 months.

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

## Appendix 1

### Conditions for Processing Special Category Data

The information below is an extract from the ICO guidance and is available directly from their website: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/special-category-data/>

The conditions below are listed in Article 9(2)

- (a) The data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject;
- (b) Processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;
- (c) Processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent;
- (d) Processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects;
- (e) Processing relates to personal data which are manifestly made public by the data subject;
- (f) Processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;
- (g) Processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;
- (h) Processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment of the management of health or social care systems and services on the basis of Union or Member State law or pursuant to

contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;

- (i) Processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy;
- (j) Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89 (1) based on Union Member State law which shall be proportionate to the aim pursued, respect the essence of the right to the data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.