

PRIVACY NOTICE FOR JOB APPLICANTS

About Us

Erewash Borough Council is the data controller for recruitment and HR and we have a statutory and legal requirement to collect and process employee's personal data to manage and enable the employment relationship.

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

You may contact our data protection officer by emailing them at dataprotection@erewash.gov.uk or by calling 0115 907 2244.

Introduction

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 does the council 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 including referee details;
- information about your current level of pay, including benefit entitlements;
- whether or not you have a disability for which the council needs to make reasonable adjustments during the recruitment process;
- information about your criminal record, if applicable;
- information about your entitlement to work in the UK; and
- equal opportunities monitoring information, including information about your age, gender, ethnic origin, sexual orientation, health, and religion or belief.

The council may collect this information in a variety of ways. For example, data might be contained in application forms, or obtained from your passport or other identity documents, or collected through interviews or other forms of assessment, including online tests, scenarios and presentations where applicable.

The council may also collect personal data about you from third parties, such as references supplied by former employers and, where necessary information from criminal records checks and historical medical information from occupational health. The council will typically seek information from third parties once a conditional job offer to you has been made. You will be informed that information is being sought from a third party in advance of the request being made.

It is your responsibility to inform third parties that you are sharing their personal details with the council, for example, job referees.

Data will be stored in a range of different places, including on your application record, in the council's personnel management systems and on other IT systems (including email).

Why does the council process personal data?

The council needs to process data to take steps at your request prior to entering into a contract with you. It may 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 employment starts.

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 to whom to offer a job. The council 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 they are not.

The council processes health information if it needs to make reasonable adjustments to the recruitment process for candidates who have a disability. This is to carry out its obligations and exercise specific rights in relation to employment.

Where the council processes special categories of data, such as information about ethnic origin, sexual orientation, health, religion or belief, age, gender or marital

status, this is done for the purposes of equal opportunities monitoring with the explicit consent of job applicants, which can be withdrawn at any time.

For some roles, the council is obliged to seek information about criminal convictions and offences. 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.

Who has access to data?

Your information may be shared internally for the purposes of the recruitment exercise. This includes members of the Personnel Section and interviewers involved in the recruitment process, managers in the business area with a vacancy and IT staff if access to the data is necessary for the performance of their roles.

Where necessary, the council may share your data with third parties and agencies that undertake, on behalf of or assist the council with, exercises as part of the candidate selection process, for example to undertake psychometric testing. You will be notified if your data is to be shared in this situation.

In all other matters, the council will not share your data with third parties, unless your application for employment is successful and it makes you an offer of employment.

The council will then share your data with former employers to obtain references for you, employment background check providers to obtain necessary background checks and the Disclosure and Barring Service to obtain necessary criminal records checks where applicable.

The council will not transfer your data outside the European Economic Area.

How does the council protect 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. Electronic data and manual records are stored securely and are accessed by authorised personnel in accordance with internal policies and procedures.

For how long does the council keep data?

If your application for employment is unsuccessful, the council will hold your data on a paper file for 6 months after the end of the relevant recruitment process. If you register to use the council's online recruitment system any applications will be held for 12 months. At the end of the periods detailed your data is 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. The periods for which your data will be held will be provided to you in a new privacy notice.

Your rights

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 change 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; and
- object to the processing of your data where the council is relying on its legitimate interests as the legal ground for processing; and
- ask the council to stop processing data for a period if data is incorrect or there is a dispute about whether or not your interests override the council's legitimate grounds for processing data.

If you would like to exercise any of these rights, please contact the Council's data protection officer; Erewash Borough Council, Town Hall, Wharncliffe Road, Ilkeston, Derbyshire, DE7 5RP, email dataprotection@erewash.gov.uk or by calling 0115 907 2244.

You can make a subject access request by completing the council's form for making a subject access request.

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 the information, the council may not be able to process your application properly or at all.

Automated decision-making

Our recruitment processes are not normally based solely on automated decision-making. This only applies where there is an essential requirement for a job; for example, "Do you have the right to work in the UK?" The council may use pre-screening questions to determine if applicants meet statutory requirements or hold essential qualifications or experience before completing the full application form.