

# **PRIVACY NOTICE – Job Applicants: Personal Assistants to Employers in receipt of a Direct Payment**

## **Introduction**

Personal data relates to a living individual who can be identified from that data. Identification can be by the information alone or in conjunction with any other information in the data controller's possession or likely to come into such possession.

As an employer I hold and process personal data in accordance with all current legislation relating to data protection and compliance with the General Data Protection Regulation (the "GDPR").

As an employer, I take my responsibilities for your personal data seriously and ensure that any personal information collected and used is done so proportionately, correctly and safely.

**As part of any recruitment process, I collect and process personal data relating to job applicants. I am committed to being transparent about how I collect and use that data and to meeting my Data Protection obligations.**

**[I may use Wiltshire Centre for Independent Living (Wiltshire CIL) to process job applications on my behalf. Wiltshire CIL provide the Direct Payment Support Service (as contracted by Wiltshire Council) They are registered as a Data Controller with the Information Commissioner's Office (ICO) and have their own privacy controls in place. ]**

## **What information is collected?**

A range of information about you will be collected, which includes:

- Your name, address and contact details, including email address and telephone number.
- Details of your qualifications, skills, experience and employment history.
- Information about your current level of remuneration including benefit entitlements.
- Whether or not you have a disability for which reasonable adjustments are required during the recruitment process; and
- Information about your entitlement to work in the UK
- Information in respect of a background check via the Disclosure & Barring Service (DBS)

This may be collected in a variety of ways, e.g. data may be contained in an application form, obtained from your passport or other identity documents, or collected through interviews or other forms of assessment.

Other personal data about you may be collected from third parties, such as references supplied by former employers. This will only be requested once a job offer to you has been made and you will be informed of this.

Data will be stored in a range of different places, including on your application record. These records may be both manual and electronic (i.e. email).

## **Why personal data is processed**

As an employer, I need to process data to take steps at your request prior to entering into a contract with you. I may also need to process your data to enter into a contract with you. In some cases, I need to process data to ensure that I am complying with legal obligations, e.g. it is mandatory to check a successful applicant's eligibility to work in the UK before employment starts.

As an employer, I have a legitimate interest in processing personal data during the recruitment process and for keeping records of the process. Processing data from job applicants allows me to manage the recruitment process, assess and confirm a candidate's suitability for employment and decide to whom to offer a job. I may also need to process data from job applicants to respond to and defend against legal claims. I may also collect information about whether or not applicants are disabled in order to make reasonable adjustments for candidates who have a disability. I process such information to carry out my obligations and exercise specific rights in relation to employment.

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

Your information may be shared with Wiltshire CIL if I have requested that they process the job application forms on my behalf. This normally includes one member of Wiltshire CIL staff.

I will not share your data with any other third parties, unless your application for employment is successful and I make you an offer of employment. I will then share your data with former employers to obtain references for you. A background check may be required, if relevant to your role, via the Disclosure & Barring Service (DBS).

### **How data is protected**

As an employer, I take security of your data seriously. Controls are in place to ensure that your data is not lost, accidentally destroyed, misused or disclosed.

### **How long we keep data**

If your application for employment is unsuccessful, I will hold your data on file for 6 months after the end of the relevant recruitment process. At the end of that period your data is deleted and/or securely destroyed.

If your application for employment is successful, personal data gathered during the recruitment process will be transferred to your HR file (electronic and paper based) 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:

- Access and obtain a copy of your data on request
- Require the employer to change incorrect or incomplete data
- Require the employer to delete or stop processing your data, for example where data is no longer necessary for the purposes of processing; and
- Object to the processing of your data where the employer is relying on its legitimate interests as the legal ground for processing.

Please contact either myself directly or Wiltshire CIL (0300 1233 442) if you would like to exercise any of these rights. If you believe I have not, as an employer, complied with your data protection rights, you can complain to the Information Commissioner: <https://ico.org.uk/concerns>

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

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