



# Privacy Notice for Applicants

**Publish Date:** 25/05/2018

**Review Date:** 25/05/2020

**Version Number:** 1

## Document Control Sheet

<b>Name of document:</b>	Privacy Notice for Applicants
<b>Version:</b>	1
<b>Status:</b>	<b>Final</b>
<b>Owner:</b>	HR Adviser
<b>File location / Filename:</b>	G:\Corporate\HR\Human Resources\GDPR\Privacy Notices
<b>Date of this version:</b>	May 2018
<b>Produced by:</b>	HR Adviser
<b>Synopsis and outcomes of consultation undertaken:</b>	N/A
<b>Synopsis and outcomes of Equality and Diversity Impact Assessment:</b>	No adaptations required as document has no direct impact on specific groups listed in the Impact Assessment.

## Contents

Summary .....	3
What kinds of personal information about you do we process?.....	3
What is the source of your personal information?.....	3
What do we use your personal data for? .....	4
Who has access to your data? .....	5
How we process your data.....	5
Online Submissions .....	5
Offline submissions.....	5
Application Attachments .....	6
Interview Documentation .....	6
When do we share your personal information with other Organisations?.....	6
What should you do if your personal information changes? .....	7
Do you have to provide your personal information to us?.....	7
Do we do any monitoring involving processing of your personal information? .....	7
For how long is your personal information retained by us?.....	7
How does the Company protect data? .....	8
What are your rights under data protection laws? .....	8
How can you access the data we hold about you?.....	9

## Summary

This privacy notice tells you what to expect in relation to personal information about you which is collected, handled and processed by East Coast Community Healthcare CIC (“ECCH”).

The Data Controller is; East Coast Community Healthcare CIC, Hamilton House, Battery Green Road, Lowestoft, Suffolk, NR32 1DE.

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

## What kinds of personal information about you do we process?

Personal information that we’ll process in connection with our recruitment processes may include:

- **Personal and contact details**, such as title, full name and contact details
- **Your date of birth, gender and/or age**
- **Your national insurance number**
- **Your nationality**
- **Your residency and/or citizenship status**, such as your nationality, your length of residency in the UK and/or whether you have the permanent right to reside in the UK
- **Your marital status**
- **Your sexual orientation**
- **Your ethnic origin**
- **Your religion or belief**
- **Whether or not you have a disability for which the Company needs to make reasonable adjustments during the recruitment process**
- **Details of any ‘unspent’ or ‘spent’<sup>1</sup> criminal convictions, warnings, reprimands or final warnings**
- **Your employment history**
- **Your professional registration status** (*if required*)
- **Your current rates of pay** (*if relevant*)
- **Details of any barring decisions**
- **Details of any relationship(s) with existing ECCH employees**

## What is the source of your personal information?

We will collect personal information from you in a variety of ways including;

- Application Forms
- CV’s

---

<sup>1</sup> This will only apply to eligible positions under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended)

- Additional documentation provided at application
- Identity documents such as passport and/or driving licence (these will be obtained at interview)
- Qualification and training documents
- Through interviews or other forms of assessment

The Company will also collect personal data about you from third parties, such as references supplied by former employers and information from criminal records checks. The Company will seek information from third parties only once a job offer to you has been made and will inform you that it is doing so.

### **What do we use your personal data for?**

The Company needs to process data to take steps at your request prior to entering into a contract with you. It also needs to process your data to enter into a contract with you.

In some cases, the Company 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 Company 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 Company to manage the recruitment process, assess and confirm a candidate's suitability for employment and decide to whom to offer a job. The Company may also need to process data from job applicants to respond to and defend against legal claims.

Where the Company 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 Company 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 Company 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.

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

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

Your information will be shared internally for the purposes of the recruitment exercise. This includes members of the HR team, 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.

The Company will not share your data with third parties, unless your application for employment is successful and it makes you an offer of employment. The Company will then share your data with former employers to obtain references for you, the Disclosure and Barring Service (via our Disclosure and Barring Umbrella Body (Atlantic Data)) to obtain necessary criminal records checks.

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

## **How we process your data**

### **Online Submissions**

When you submit your data online, your full application will be accessible to the HR Team. Applications received will be stored within NHS Jobs. We do not share your personal and sensitive data with recruiting managers who are responsible for shortlisting. We will only share your application reference, qualification and training information, job history, supporting information and reference details with the shortlisting panel. This information will be accessed by the shortlisting panel directly in NHS jobs.

If you are unsuccessful at shortlisting stage, your application will remain on NHS Jobs for a period of 460 days from the advert closing date.

Shortlisted candidates' application forms will be downloaded and saved within our IT system and emailed securely to the interview panel. At this time your personal information will be shared with the interview panel. Your monitoring data will not be shared or made available to the interview panel.

### **Offline submissions**

When you submit your data via a paper form, your full application will be accessible to the HR Team. Applications received will be stored electronically on our IT system. We do not share your personal and sensitive data with recruiting managers who are responsible for shortlisting. We will only share your application reference, qualification and training information, job history, supporting information and reference details with the shortlisting panel. This information will be shared with the shortlisting panel securely via email.

If you are unsuccessful at shortlisting stage, your application will remain on our IT system for a period of 12 months from the advert closing date.

Shortlisted candidates' application forms will be emailed securely to the interview panel. At this time your personal information will be shared with the interview panel. Your monitoring data will not be shared or made available to the interview panel.

## **Application Attachments**

Any attachments that you submit with your application will be sent to the shortlisting panel with any personal information redacted from them. Additional information provided will be stored on our IT system for a period of 12 months from the closing date of the vacancy. If you are recruited into the role, additional documentation provided will be stored in your employee file for the duration of your employment plus an additional 6 years after your employment ends.

## **Interview Documentation**

For candidates who are unsuccessful at interview, the following documentation will be stored electronically within the HR Team for 6 months<sup>2</sup> following interview;

- Interview Records

Your application form will be stored on NHS Jobs for a period of 460 days from the closing date. All other documentation provided at interview will be destroyed upon receipt to the HR department.

Where the appointed candidate requires a Tier 2 work visa, we are legally required to keep copies of interview records pertaining to the unsuccessful candidates for the duration of successful candidates' employment plus an additional 6 years. If this will apply to you, we will write to you to inform you of this.

Interview documentation, application form and documentation provided to prove identity, right to work as well as qualification and registration information for successful candidates will be stored on their personnel file for the duration of their employment plus an additional 6 years after leaving the Company.

Where a candidate withdraws from interview and their application form has already been downloaded, the downloaded form will be immediately destroyed. If the application has been submitted online it will remain on NHS jobs for a 12 month period. The HR team will hold unsuccessful paper applications for a period of 12 months before they are securely destroyed.

## **When do we share your personal information with other Organisations?**

The data you submit on your application form directly to NHS jobs will be accessible by NHS jobs. We will only share your information with other Organisations during the application process if another Company is directly involved with the recruitment process. If another Company has direct involvement in the recruitment process, we will advise this on the job advert.

If you are successful at interview and are given a conditional offer, we will, upon receipt of your written acceptance share your personal information with the following third parties;

- Our Disclosure and Barring umbrella body – Atlantic Data

---

<sup>2</sup> Documents stored on our IT system will be deleted from view after the period of time stated. All documents stored on our IT system are automatically backed up on tape. This information is stored for a period of 24 months in a secure location and is only accessible in emergencies by the Head of ICT.

- Our payroll provider (once you have become an employee) – NHS Shared Business Services

We will also request information from your previous employers either via our payroll system or via a reference request.

### **What should you do if your personal information changes?**

If your personal information changes during the recruitment process you can update us using the following mechanisms;

1. If you have submitted your application and the vacancy is still live – you can edit your application and resubmit
2. If the vacancy has closed; please email [ecch.hradmin@nhs.net](mailto:ecch.hradmin@nhs.net) providing your application reference and the vacancy reference along with a brief explanation and the new details. The HR team will then upload this as an additional note to your application form. We will store a copy of the email on our IT systems for a period of 12 months following the closing date of the vacancy.



### **Do you have to provide your personal information to us?**

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

### **Do we do any monitoring involving processing of your personal information?**

In this section monitoring means any: listening to, recording of, viewing of, intercepting of, or taking and keeping records (as the case may be) of calls, email, text messages, social media messages, in person (face to face) meetings and other communications.

We may monitor where permitted by law and we'll do this where the law requires it, or to comply with regulatory rules, to prevent or detect crime, in the interests of protecting the security of our communications systems and procedures and for quality control and staff training purposes. This information may be shared for the purposes described above.

### **For how long is your personal information retained by us?**

Your application form is retained on NHS jobs for a period of 460 days from the closing date of the vacancy. If you are successfully shortlisted and progressed to interview, downloaded application forms saved on our local secure IT drive are destroyed when the outcome of the interviews are confirmed to the HR team. Your ID documents are destroyed after the interview outcome has been

confirmed (if unsuccessful at interview) or held for the duration of your employment plus an additional 6 years when you leave our employment. Interview records will be retained electronically for a period of 6 months following the interview before being deleted.

We are required by law (Appendix D of the Sponsor Guidance) to retain information on applicants who are interviewed alongside applicants who require Tier 2 applications. Where a successful applicant requires a Tier 2 visa and the vacancy is subject to the Resident Labour Market Test we are required to retain the following information;

- all applications short listed for final interview, in the medium they were received, for example, emails, CV's, application form - this should include the applicant's details such as name, address, date of birth
- the names and total number of applicants short listed for final interview
- for each settled worker who was rejected, interview notes which show the reasons why they have not been employed

Where the resident labour market test applies, the information above will be held electronically within the HR department for the time that the employee is employed, plus an additional 6 years after their employment ends with the Company.

If we are required to retain your data we will inform you of this in writing as soon as possible after the interviews have taken place.

#### **How does the Company protect data?**

The Company 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. Access to NHS Jobs is restricted by job role and recruiting managers can only view applications for the jobs that they are responsible for. All employees within ECCH undertake annual Data Security Training and we adhere to the Data Protection and Personal Information Handling Policy.

#### **What are your rights under data protection laws?**

As a data subject, you have a number of rights. You can:

- access and obtain a copy of your data on request;
- require the Company to change incorrect or incomplete data;
- require the Company 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 Company is relying on its legitimate interests as the legal ground for processing; and
- ask the Company to stop processing data for a period if data is inaccurate or there is a dispute about whether or not your interests override the Company's legitimate grounds for processing data.

If you would like to exercise any of these rights, please contact the HR Department in writing either to [ecch.hradmin@nhs.net](mailto:ecch.hradmin@nhs.net) or HR Department, Hamilton House, Battery Green Road, Lowestoft, Suffolk, NR32 1DE.

You can make a subject access request by completing the Company's form for making a subject access request (available on our website).

If you believe that the Company has not complied with your data protection rights, you can complain to the Information Commissioner. You have the right to complain to the Information Commissioner's Office which enforces data protection laws: <https://ico.org.uk/>. You can contact us using the details below.

### **How can you access the data we hold about you?**

Up until the point of interview all data that we hold about you is stored securely within the NHS Jobs portal. You are able to withdraw your application at any time. By withdrawing your application you withdraw our rights and ability to view the contents of your application. You can request to see your interview records within 6 months of the interviews taking place. Requests must be received in writing and will be responded to within 10 working days'. Please be aware of this timescale and note that interview records will be destroyed after 6 months has passed.