

# RECRUITMENT - JOB APPLICANT PRIVACY NOTICE

GDPR Procedure 803



## **Data Controller: Port of Cromarty Firth (Company)**

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 information does the company collect?**

The company collects a range of information about applicants. This may include:

- 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 require reasonable adjustments during the recruitment process;
- information about your entitlement to work in the UK; and
- equal opportunities monitoring information

The company collects this information in a variety of ways. For example, data might be contained in application forms, CVs or resumes, obtained from your passport or other identity documents, or collected through interviews or other forms of assessment, including online tests.

The company may also collect personal data about you from third parties, such as occupational health provider, references supplied by former employers, information from employment background check providers 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.

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

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

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 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, 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 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.

If your application is unsuccessful, the company will not keep your personal data on file. The company may ask for your consent to keep your data for future opportunities however you are free to withdraw your consent at any time.

## Who has access to 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 department 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, employment background check providers to obtain necessary background checks and the Disclosure and Barring Service to obtain necessary criminal records checks. A third party recruiter may also be notified.

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

## 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.

Where the company engages third parties to process personal data on its behalf, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and company measures to ensure the security of data.

## For how long does the company keep data?

If your application for employment is unsuccessful, the company will hold your data on file for 6 months after the closing date for applications or 6 months after receipt (case by case basis in order to conclude the relevant recruitment process).

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 company to change incorrect or incomplete data;
- require the company to erase 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. You can make a subject access request by completing the company's form for making a subject access request.

If you believe that the company 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 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.