Candidates applying for work privacy notice

Introduction

At Elizabeth Courtauld Partnership, we have a legal duty to explain how we use any personal information we collect about you at the organisation. We collect records during the recruitment stage and then data is continued to be collected for any successful candidate. This is in both electronic and paper format.

This privacy notice applies to personal information processed by or on behalf of this organisation. We are required to provide you with this privacy notice by law. It provides information on how we use the personal and healthcare information we collect, store and hold about you. If you have any questions about this privacy notice or are unclear about how we process or use your personal information or have any other issue regarding your personal and healthcare information, then please contact our data protection officer, Jane Marley, Essex ICB, essexgp.dpo@nhs.net

This notice explains:

- Who we are, how we use your information and our Data Protection Officer (DPO)
- What kind of personal information about you we process
- What the legal grounds are for our processing of your personal information (including when we share it with others)
- What you should do if your personal information changes
- How long your personal information is retained by us
- What your rights are under data protection laws

The General Data Protection Regulation (GDPR) became law on 24 May 2016. This was a single EU-wide regulation on the protection of confidential and sensitive information. It entered into force in the UK on the 25 May 2018, repealing the Data Protection Act (1998). Following Brexit, the GDPR became incorporated into the Data Protection Act 2018 (DPA18) at Part 2, Chapter 2 titled The UK GDPR.

For the purpose of applicable data protection legislation (including but not limited to the Data Protection Act 2018 (DPA2018) and Part 2 the UK GDPR)

This notice describes how we collect, use and process your personal data and how, in doing so, we comply with our legal obligations to you. Your privacy is important to us, and we are committed to protecting and safeguarding your data privacy rights. This privacy policy applies to the personal data collected from candidates applying for roles within the organisation.

How we use your information and the law

This organisation will be what is known as the 'controller' of the personal data you provide to us. Upon applying for work with the organisation you will be asked to supply the following personal information:

- Name
- Address
- Telephone numbers
- Email address
- Date of birth
- Previous employment data
- Recruitment information such as your application form and CV, references, qualifications and membership of any professional bodies and details of your employment history, skills and experience
- Information about your current level of remuneration, including benefit entitlements
- Whether or not you have a disability for which the organisation needs to make reasonable adjustments during the recruitment process
- Information in relation to your right to work in the UK and as per both guidance within the Gov.uk document titled Prove you right to work to an employer and the Home Office Rights to Work Checklist
- Information from the Disclosure and Barring Service (DBS) in order to administer relevant checks and procedures
- Vaccination and immunisation status/information

The information that we ask you to provide to the organisation is required for the following reasons:

- In order for us to review your application
- In order for us to contact you with interview details
- To comply with appropriate employment law
- To ensure that we can provide any reasonable adjustments as necessary

The organisation may collect this information in a variety of ways, for example from application forms, CVs or resumes, obtained from your passport or other identity documents such as your driving licence and from forms completed by you or through interviews, meetings or other assessments including on-line tests.

This personal data might be provided to us by you, or someone else (such as a former employer's reference, information from background check providers including criminal records checks permitted by law) or it could be created by us.

The organisation will seek information from third parties only once a job offer has been made to you and we will inform you that we are doing so.

Your personal data will be stored in a range of different places including in your application record, in the organisation's HR management systems and in other IT systems (including the organisation's email system).

Throughout the application process we will collect data and add this to your personnel file i.e., interview question answers, interview scores etc.

Special categories of personal data

Some special categories of personal data, such as information about health or medical conditions, is processed to carry out employment law obligations (such as those in relation to job applicants with disabilities).

For some roles, the organisation is obliged to seek information about criminal convictions and offences. Where we seek this information, we do so because it is necessary for us to carry out our obligations and exercise specific rights in relation to employment.

If your application is unsuccessful, the organisation may keep your personal data on file in case there are future job opportunities for which you may be considered. We will seek your consent to do this, and you are free to withdraw your consent at any time.

Automated decision-making

Employment decisions are not based solely on automated decision-making.

How do we lawfully use your data?

We need to know your personal, sensitive and confidential data in order to employ you. Under the UK GDPR, we will be lawfully using your information in accordance with:

- Article 6, (b) Necessary for performance of/entering into contract with you
- Article 9(2) (b) Necessary for controller to fulfil employment rights or obligations in employment

This notice applies to the personal data of our candidates applying for work at this organisation.

How do we maintain the confidentiality of your record?

We are committed to protecting your privacy and will only use information collected lawfully in accordance with:

- Data Protection Act 2018 (incorporating the UK GDPR at Part 2, Chapter 2)
- Human Rights Act 1998
- Common Law Duty of Confidentiality
- NHS Codes of Confidentiality, Information Security and Records Management

We will only ever use or pass on information about you to others who have a genuine need for it. We will not disclose your information to any third party without your permission unless there are exceptional circumstances (i.e., life or death situations) or where the law requires information to be passed on.

Our policy is to respect the privacy of our candidates and to maintain compliance with the UK GDPR and all UK specific Data Protection Requirements. Our policy is to ensure all personal data will be protected.

All employees and sub-contractors engaged by this organisation are asked to sign a confidentiality agreement. The organisation will, if required, sign a separate confidentiality agreement if the client deems it necessary. If a sub-contractor acts as a data processor for the organisation, an appropriate contract will be established for the processing of your information.

Where do we store your information electronically?

All the personal data we process is processed by our organisation in the UK. However, for the purposes of IT hosting and maintenance this information may be located on servers within the European Union.

No third parties have access to your personal data unless the law allows them to do so, and appropriate safeguards have been put in place. We have a data protection regime in place to oversee the effective and secure processing of your personal and or special category (sensitive, confidential) data.

Who are our partner organisations?

We may also have to share your information, subject to strict agreements on how it will be used, with the following organisations:

- Primary Care Networks
- Integrated Care Systems/Integrated Care Boards
- NHS Commissioning Support Units
- NHS England (NHSE)
- Local authorities
- CQC
- Private sector providers providing employment services
- Other 'data processors' which you will be informed of

Sharing your personal data

Your information may be shared internally for the purpose of the recruitment exercise including with members of the HR and recruitment team, interviewers in the recruitment process, managers in the business area with the vacancy and IT staff if access to the data is necessary for performance of their roles.

The organisation will not share your personal data with third parties except those engaged for the purposes of the recruitment process or unless your application for employment is successful, and we make you an offer of employment. We 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 record checks.

The organisation will not transfer your data to countries outside the European Economic Area.

You will be informed who your data will be shared with and in some cases asked for consent for this to happen when this is required.

We may also use external companies to process personal information such as for archiving purposes. These companies are bound by contractual agreements to ensure information is kept confidential and secure. All employees and sub-contractors engaged by this organisation are asked to sign a confidentiality agreement. If a sub-contractor acts as a data processor for the organisation, an appropriate contract will be established for the processing of your information.

Who is the data controller?

This organisation is registered as a data controller under the Data Protection Act 2018. Our registration number is **Z6890084** and our registration can be viewed upon the ICO website at https://ico.org.uk/esdwebpages/search. This means we are responsible for handling your personal and healthcare information and collecting and storing it appropriately.

We may also process your information for a particular purpose and therefore we may also be data processors. The purposes for which we use your information are set out in this privacy notice.

How long do we keep your personal information?

We are required under UK law to keep your information and data for the full retention periods as specified by the NHS Records Management Code of Practice for health and social care and national archives requirements.

If your application is unsuccessful, the organisation will hold your personal data for a period of six months following the recruitment process. If you agree to allow the organisation to keep your personal data on file, for consideration for future job opportunities, we will hold your data for a further six months. At the end of that period (or once you withdraw consent), your data will be 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.

More information on records retention can be found online at: NHSE – Records Management Code of Practice.

Storing DBS certificates

The correct storage of DBS certificate information is important. The code of practice requires that the information revealed is considered only for the purpose for which it was obtained and should be destroyed after six months.

How can you access, amend or move the personal data that you have given to us?

Even if we already hold your personal data, you still have various rights in relation to it. For further information about this, contact the Practice Manager. We will seek to deal with your request without undue delay and in any event in accordance with the requirements of any applicable laws. Please note that we may keep a record of your communications to help us resolve any issues which you raise.

- **Right to object**:
  If we are using your data because we deem it necessary for our legitimate interests to do so, and you do not agree, you have the right to object. We will respond to your request within 30 days (although we may be allowed to extend this period in certain cases). Generally, we will only disagree with you if certain limited conditions apply.

- **Right to withdraw consent**:
  Where we have obtained your consent to process your personal data for certain activities (for example for a research project), or consent to market to you, you may withdraw your consent at any time.

- **Right to erasure**:
  In certain situations (for example, where we have processed your data unlawfully), you have the right to request us to "erase" your personal data. We will respond to your request within 30 days (although we may be allowed to extend this period in certain cases) and will only disagree with you if certain limited conditions apply. If we do agree to your request, we will delete your data but will generally assume that you would prefer us to keep a note of your name on our register of individuals who would prefer not to be contacted. That way, we will minimise the chances of you being contacted in the future where your data is collected in unconnected circumstances. If you would prefer us not to do this, you are free to say so.

- **Right of data portability**:
  If you wish, you have the right to transfer your data from us to another data controller.

Your rights as a candidate applying for work

Elizabeth Courtauld Partnership

Data Subject Access Requests (DSAR): You have a right under the data protection legislation to request access to view or to obtain copies of what information this organisation holds about you and to have it amended should it be inaccurate. To request this, you need to do the following:

- Your request should be made to Carrie Mcspadden mseicb-me.nchc@nhs.net
- There is no charge to have a copy of the information held about you. However, we may, in some limited and exceptional circumstances, have to make an administrative charge for any extra copies if the information requested is excessive, complex or repetitive

- We are required to provide you with information within one month. We would ask therefore that any requests you make are in writing and it is made clear to us what and how much information you require
- You will need to give adequate information (for example full name, address, date of birth and details of your request) so that your identity can be verified, and your records located

What should you do if your personal information changes?

You should tell us so that we can update our records. Please contact the Practice Manager as soon as any of your details change, this is especially important for changes of address or contact details (such as your mobile phone number).

What to do if you have any questions

Should you have any questions about this privacy policy or the information we hold about you, you can:

- Contact the organisation via email at North Chelmsford Healthcare Centre mseicb-me.nchc@nhs.net or Elizabeth Courtauld Surgery f81068.reception@nhs.net.

1. Write to the data protection officer at essexgp.dpo@nhs.net
2. Ask to speak to the Practice Manager, Carrie McSpadden, mseicb-me.nchc@nhs.net or their deputy Elizabeth Courtauld Surgery – Jennie Lancaster-Jones, North Chelmsford Healthcare Centre, Julie Chinnick

Objections or complaints

In the unlikely event that you are unhappy with any element of our data-processing methods, do please contact the Practice Manager at this organisation in the first instance. If you feel that we have not addressed your concern appropriately, you have the right to lodge a complaint with the Information Commissioner's Office (ICO).

For further details, visit https://ico.org.uk/for-the-public/ and select "Make a complaint" or telephone: 0303 123 1113.

The ICO is the regulator for the UK GDPR and offers independent advice and guidance on the law and personal data including your rights and how to access your personal information.

Changes to our privacy policy

We regularly review our Candidates Applying for Work Privacy Policy, and any updates will be published to reflect the changes. This policy is to be reviewed annually.