

## **Job Applicant Privacy Notice**

### **What is the purpose of this document?**

As part of any recruitment process, the SCCMI collects and processes personal data relating to job applicants. The SCCMI is a "data controller". This means that we are responsible for deciding how we hold and use personal data about you. The SCCMI is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

You are being sent a copy of this privacy notice because you are applying for work with us (whether as an employee, worker, or contractor). It makes you aware of how and why your personal data will be used, namely for the purposes of the recruitment process, and how long it will usually be retained for. It provides you with certain information that must be provided under data protection law in the UK.

### **Data Protection principles**

We take your privacy very seriously. When we collect data about or from you, we will at all times comply with data protection law and principles, which means that your data will be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept securely.

### **What information does the SCCMI collect?**

In connection with your application for work with us, we will collect, store, and use the following categories of personal information about you:

- The data you have provided to us in an enquiry or correspondence.
- The data you have provided to us in a curriculum vitae or covering letter.
- The data you have provided on our employee application form, including name, title, address, telephone number, personal email address, employment history, qualifications, membership of regulatory bodies and any sensitive data as noted below.

- Data collected through your responses to our technical assessments where we ask you to complete these.
- Any data you provide to us during an interview.

We may also collect, store, and use the following "special categories" of more sensitive personal information:

- Data about your health, including any medical condition, health, and sickness records.
- Data about criminal convictions and offences.

### **How is your personal information collected?**

We may collect personal information about candidates from the following sources:

- You, the candidate.
- Disclosure Scotland PVG Scheme Membership data in respect of criminal convictions (successful candidates only).
- Occupational Medical Services provider in respect of your pre-employment health check (successful candidates only).
- Your General Practitioner in respect of your pre-employment health screening questionnaire (successful candidates only).
- Your named referees, from whom we request the following categories of data: General suitability for the post, including details of honesty and character (successful candidates only).

The following data from third parties is collected for successful candidates only:

- Registration with the General Teaching Council for Scotland.
- Registration with the Scottish Social Services Council.
- Confirmation of Residence Permit conditions from the UK Border Agency.

### **How will we use information about you?**

We will use the personal information we collect about you to:

- Assess your skills, qualifications, and suitability for the role.
- Assess your capability to fulfil the role
- Carry out background and reference checks, where applicable.
- Communicate with you about the recruitment process.
- Keep records related to our recruitment processes.
- Comply with legal or regulatory requirements.

We require a valid legal basis to collect and use your personal data:

- It is in our legitimate interests to decide whether to appoint you to the role since it would be beneficial to our business to appoint someone to that role.
- We also need to process your personal data to decide whether to enter into a contract of employment with you.

Having received your employee application form, covering letter and/or CV, we will then process that data to decide whether you meet the basic requirements to be shortlisted for the role.

If you do, we will decide whether your application is strong enough to invite you for an interview. If we decide to call you for an interview, we will use the information you provide to us at the interview, including any technical assessments undertaken, to decide whether to offer you the role. If we decide to offer you the role, we will then carry out a Disclosure Scotland PVG check and request any references not previously requested before confirming your appointment.

### **How we use particularly sensitive personal information**

We will use your particularly sensitive personal information in the following ways:

- We will use data about your health or disability status to consider whether we need to provide appropriate adjustments during the recruitment process, for example whether adjustments need to be made during an assessment test or interview.
- We will use data about your health or disability status to consider whether this may affect your ability to fulfil the role without reasonable adjustments and what adjustments may be required.

### **Data about criminal convictions**

We will collect data about your criminal convictions history if we would like to offer you the role (conditional on checks and any other conditions, such as references, being satisfactory). We are required to carry out a criminal records check in order to satisfy ourselves that there is nothing in your criminal convictions history which makes you unsuitable for the role. In particular:

- We are legally required by the Scottish Social Services Council and the General Teaching Council for Scotland to carry out criminal record checks for those carrying out classroom based/or academic teaching roles.
- This position is exempt from the provisions of the Rehabilitation of Offenders Act 1974 under section 4(2) of said 1974 Act. Candidates are therefore required to disclose any unspent convictions or cautions and any spent convictions for offences included in Schedule A1, 'Offences which must always be disclosed' of the Rehabilitation of Offenders Act (Exclusions and Exceptions) (Scotland) Amendment Order 2015 No.2.

- Candidates are not required to disclose spent convictions for offences included in Schedule B1, 'Offences which are to be disclosed subject to rules' until such time as they are included in a higher-level disclosure issued by Disclosure Scotland. These lists of offences are available on the Disclosure Scotland website or at [www.legislation.gov.uk](http://www.legislation.gov.uk).
- Roles at the SCCMI are eligible for PVG Scheme Membership from Disclosure Scotland. We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data.

### **For how long does the SCCMI keep data?**

We will retain your personal data for a period of 6 months after we have communicated to you our decision about whether to appoint you to the role. We retain your personal data for that period so that we can show, in the event of a legal claim, that we have not discriminated against candidates on prohibited grounds and that we have conducted the recruitment exercise in a fair and transparent way. After this period, we will securely destroy your personal data in accordance with our data retention policy.

If we wish to retain your personal data on file, on the basis that a further opportunity may arise in future and we may wish to consider you for that, we will write to you separately, seeking your explicit consent to retain your personal data for a fixed period on that basis.

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

If you would like to exercise any of these rights, please contact our HR Advisor, Kirsty MacIndeor: [Kirsty@craighalbert.org.uk](mailto:Kirsty@craighalbert.org.uk) or call 01236 456 100

If you believe that the SCCMI has not complied with your data protection rights, you can complain to the [Information Commissioner](#).

## **If you fail to provide personal information**

You are under no statutory or contractual obligation to provide data to the SCCMI during the recruitment process. If you fail to provide information when requested, which is necessary for us to consider your application (such as evidence of qualifications, medical history, convictions or work history), we will not be able to process your application successfully. For example, if we require references for this role and you fail to provide us with relevant details, we will not be able to take your application further.

## **Right to withdraw consent**

When you apply for a role at the SCCMI, you provide consent to us processing your personal information for the purposes of the recruitment process. You have the right to withdraw your consent for processing for that purpose at any time. To withdraw your consent, please contact our HR Advisor, Kirsty MacIndeor: [Kirsty@craighalbert.org.uk](mailto:Kirsty@craighalbert.org.uk) or call 01236 456 100. Once we have received notification that you have withdrawn your consent, we will no longer process your application and, subject to our retention policy, we will dispose of your personal data securely.

## **Automated decision-making**

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making.

## **Version Control Information**

### **Revision History**

<b>Revision Number</b>	<b>Author</b>	<b>Details</b>	<b>Sign Off</b>	<b>Release Date</b>
1	K MacIndeor	New Document	CLT	17/06/2022