



General Data Protection Regulations (GDPR)

Employment Candidate Privacy Notice

HR Service

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1. The purpose of this document

Hartlepool Borough Council (the Council) is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. You are being provided with a copy of this privacy notice because you are applying for work with us (whether as an employee, worker, volunteer or contractor). This document makes you aware of how and why your personal data will be used, namely for the purposes of the recruitment exercise, and how long your data will usually be retained. It provides you with certain information that must be provided under the General Data Protection Regulation ((EU) 2016/679) (GDPR) and the Data Protection Act (DPA) 2018.

2. Data protection principles

We will 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 / relevant purposes that we have stated and not used in any way that is incompatible with those purposes.
- Accurate and kept up to date.
- Kept securely and only as long as necessary for the purposes we have told you about.

3. The types of information we hold about you

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

1. Title
2. Name (including previous names)
3. Address
4. Date of birth
5. Place of birth
6. Gender
7. Marital / civil status
8. Personal telephone numbers
9. Personal email address
10. National Insurance number
11. Education history
12. Qualifications
13. Professional Development / Training history
14. Professional body registration
15. Previous employers / Employment history
16. Any personal relationships with other Council employees / Councillors
17. Details of your Driving Licence
18. Nationality / immigration status
19. Right to work in the United Kingdom
20. Proof of identity (e.g. Passport)
21. Whether or not you receive a local government pension
22. Your interests / hobbies
23. Individuals who may provide you a reference
24. Medical information / declarations relating to Coronavirus vaccinations
25. Any additional information you provide to us

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

- Information about your race or ethnicity, religious beliefs, sexual orientation.
- Information about your health, including any medical condition, health and sickness and Coronavirus Vaccination records (in specific circumstances – see below) and whether you are disabled or not.
- Information about criminal convictions and offences (e.g. Disclosure & Barring Service check / Baseline Personnel Security Standard).

4. How is your personal information collected

We collect personal information about candidates from the following sources:

- You, the candidate.
- Recruitment agencies, which may provide to us with your consent, information consistent with that listed in section 3 above.
- Disclosure and Barring Service in respect of criminal convictions.
- Your named referees, from whom we collect the following categories of data: previous employment information, sickness absence history for the previous 2 years (if a conditional offer is made), information regarding any recent disciplinary proceedings or safeguarding concerns.

5. How we will use information about you

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

- Assess your skills, qualifications, eligibility and suitability for 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, e.g. right to work.
- Access funding from third parties, e.g. Apprentices or organisations funding specific roles.

We need to process your personal information to decide whether to enter into a contract with you and to comply with our legal or regulatory requirements.

Having received your application form, we will then process that information 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 to decide whether to offer you the role. If we decide to offer you the role, we will then take up pre-employment checks including references, qualifications, right to work in the UK, medical clearance and criminal record check, Baseline Personnel

Security Standard check and professional body registration, if applicable, before confirming your appointment.

To be clear for some roles we may request references before we interview you, unless you specifically request that we do not.

6. If you fail to provide personal information

If you fail to provide information when requested, which is necessary for us to consider your application, such as evidence of qualifications or work history, we will not be able to process your application successfully. Examples:

- 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.
- If you would be required to enter a care home as part of the normal role for which you are applying and decline to tell us whether or not you are vaccinated against coronavirus we could not progress your application.

7. How we use particularly sensitive personal information (special categories)

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

- We will use information about your disability status to consider whether we need to provide appropriate adjustments during the recruitment process, e.g. whether adjustments need to be made for / during an interview. The processing of this information is necessary for the Council to carry out its obligations and exercise specific rights in relation to employment.
- We will use information about race or nationality or ethnic origin, religious or sexual orientation in an anonymous format, to ensure meaningful equal opportunity monitoring and reporting as required by legislation.
- From 11th November 2021, all CQC care home workers, and anyone entering a care home, will need to be fully vaccinated, unless they are exempt under the regulations. We will use information from an Employee Candidate (with a contractual start date on or after 11th November 2021) whose role may require them to enter a CQC care home as part of their regular duties, to determine if you are eligible to undertake roles in the care sector in compliance with The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 and the Health and Social Care Act 2008. These regulations require you to provide information in relation to whether or not you have been vaccinated against coronavirus or you are medically exempt. The authority for the provision of this information is Article 9 (b) & (i) of the DPA and Schedule 1 (Special Categories of Personal Data and Criminal Convictions Data, Part 1 Conditions relating to Employment, Health and Public Health etc.

8. Information about criminal convictions

If a criminal record check is applicable to your role, we will collect information about your criminal convictions history (in addition to any other pre-employment checks). We are entitled 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 addition to the above, in some circumstances we may ask you to obtain additional criminal record checks from other countries you have lived or worked in that we think are reasonable and appropriate to obtain. The Council will pay for the cost of any Criminal Record Certificates we require, but will not pay for any additional / ancillary costs, e.g. travel regarding obtaining such overseas checks, these would be borne by the applicant. The applicant would retain ownership and control of the relevant certificate.

We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data.

9. Data sharing - Why might you share my personal information with third parties

We will only share your personal information with third parties for the purposes of processing your application: Durham County Council Occupational Health Service (to process health checks prior to recruitment), North East Regional Employers' Organisation and the Disclosure and Barring Service (to carry out criminal record checks) and reference providers (to clarify work history and suitability). Northgate Public Services (UK) / North Yorkshire County Council and Firmstep Limited have access to maintain computer systems and software.

All our third-party service providers and other entities are required to take appropriate security measures to protect your personal information. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

10. Data security

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, or be altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need-to-know / purpose for accessing the data. They will only process your personal information for the purpose of the recruitment process and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

11. Data retention - How long will you use my information for?

We will retain your personal information for a period of six months after we have communicated to you our decision about whether to appoint you to role. We retain your personal information 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 information in accordance with our records management policy.

If you are recruited to a post and become an employee, worker or volunteer we have additional policies and procedures that cover the management of your personal data.

12. Rights of access, correction, erasure, and restriction

Your rights in connection with personal information.

Under certain circumstances, by law you have the right to:

- Request access to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- Request correction of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- Request erasure of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- Object to processing of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- Request the restriction of processing of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- Request the transfer of your personal information to another party.
- If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the Data Protection Officer (DPO) (see below) in writing.

13. Data Protection Officer

We have appointed a DPO to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO at the address below:

Data Protection Officer
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

Or via e-mail DataProtection@hartlepool.gov.uk

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues. www.ico.org.uk