

Frontline Fife Job Applicants Privacy Notice

In accordance with the General Data Protection Regulation (GDPR), Frontline Fife as Data Controller have implemented this privacy notice to inform you, as prospective employees of our charity, of the types of data we process about you. We also include within this notice the reasons for processing your data, the lawful basis that permits us to process it, how long we keep your data for and your rights regarding your data.

This notice applies to all persons seeking employment/who have sought employment at Frontline Fife.

A) DATA PROTECTION PRINCIPLES

Under GDPR, all personal data obtained and held by us must be processed according to a set of core principles. In accordance with these principles, we will ensure that:

- a) processing is fair, lawful and transparent
- b) data is collected for specific, explicit, and legitimate purposes
- c) data collected is adequate, relevant and limited to what is necessary for the purposes of processing
- d) data is kept accurate and up to date. Data which is found to be inaccurate will be rectified or erased without delay
- e) data is not kept for longer than is necessary for its given purpose
- f) data is processed in a manner that ensures appropriate security of personal data including protection against unauthorised or unlawful processing, accidental loss, destruction or damage by using appropriate technical or organisation measures
- g) we comply with the relevant GDPR procedures for international transferring of personal data

B) TYPES OF DATA HELD

We keep several categories of personal data on our prospective employees in order to carry out effective and efficient processes. We keep this data in recruitment files relating to each vacancy and we also hold the data within our computer systems, for example, recruitment logs.

Specifically, we hold the following types of data:

- a) personal details such as name, address, phone numbers;
- b) name and contact details of your next of kin;
- c) your gender, marital status, information of any disability you have or other medical information;
- d) right to work documentation;
- e) information gathered via the recruitment process such as that entered into a CV or included in a CV cover letter;
- f) references from former employers;
- g) details on your education and employment history etc;
- h) criminal convictions.

C) COLLECTING YOUR DATA

You provide several pieces of data to us directly during the recruitment exercise.

In some cases, we will collect data about you from third parties, such as employment agencies, former employers when gathering references or credit reference agencies. Should you be successful in your job application, we will gather further information from you, for example, your bank details and next of kin details, once your employment begins.

D) LAWFUL BASIS FOR PROCESSING

The law on data protection allows us to process your data for certain reasons only.

The information below categorises the types of data processing we undertake and the lawful basis we rely on.

Activity requiring your data	Lawful basis	Who do we share data with?
Application Form/CV Data such as personal details, employment history, qualifications, evidence of qualifications	<u>Legitimate interest</u> GDPR Article 6 (1)(f)	We do not share this data out with Frontline Fife prior to you accepting an offer of employment
Carrying out checks in relation to your right to work in the UK such as requiring a copy of your passport/birth certificate	<u>Legal obligation</u> GDPR Article 6(1)(c) Immigration, Asylum and Nationality Act 2006, s.15 <u>Special category data:</u> Biometric data, racial or ethnic origin <u>Special Category Data Legal Basis</u> Data Protection Act 2018 Schedule 1, Part 1, s.1 Special category data necessary for the purposes of performing legal obligations in connection to employment.	We do not share this data out with Frontline Fife prior to your acceptance of an offer of employment
Making reasonable adjustments for disabled applicants (for the purposes of interview)	<u>Legal obligation</u> GDPR Article 6(1)(c): <ul style="list-style-type: none"> Equality Act 2010 	We do not share this data out with Frontline Fife prior to your acceptance of an offer of employment.

	<p><u>Special Category: Health</u> <u>Special Category Data Legal Basis</u></p> <p>Data Protection Act 2018 Schedule 1, Part 1, s.1 Special category data necessary for the purposes of performing legal obligations in connection to employment.</p>	<p>The nature of your reasonable adjustments required to be made during your interview may be shared with staff interviewing you in order to allow them to help implement your reasonable adjustments</p>
<p>Making recruitment decisions in relation to both initial and subsequent employment e.g. interview notes, assessing competencies and training needs</p>	<p><u>Legitimate interest</u></p> <p>GDPR Article 6 (1)(f)</p>	<p>We may share this data with our regulators (SSSC and the Care Inspectorate) and our funders.</p>
<p>Dealing with legal claims made against us (for example, any claims against us in relation to the recruitment process) as well as preventing unlawful acts such as fraud.</p>	<p><u>Legitimate interest</u></p> <p>GDPR Article 6 (1)(f)</p>	<p>We may share data with legal professionals to satisfy legal claims made against us/bring legal claims against those seeking to commit unlawful acts such as fraud.</p>
<p>PVG Data</p>	<p><u>Legal obligation</u></p> <p>GDPR Article 6(1)(c)</p> <ul style="list-style-type: none"> • Protection of Vulnerable Groups (Scotland) Act 2007, s.34 • Common law Duty of Care <p><u>Criminal Conviction Data Legal Basis</u></p> <p>Data Protection Act 2018 Schedule 1, Part 1, s.1 Criminal Conviction data necessary for the purposes of performing legal obligations in connection to employment.</p>	<p>We share this data with Disclosure Scotland to verify PVG scheme membership prior to your acceptance of a contract of employment.</p>
<p>SSSC registration number and renewal dates</p>	<p><u>Legal obligation</u></p> <p>GDPR Article 6(1)(c)</p>	<p>We do not share this data out with Frontline Fife.</p>

	<ul style="list-style-type: none"> • Regulation of Care (Scotland) Act 2001, s.23 • Common Law Duty of Care 	
Data from previous employers (references)	<u>Legitimate interest</u> GDPR Article 6 (1)(f)	We do not share this data out with Frontline Fife

E) SPECIAL CATEGORIES OF DATA

Special category data is data prescribed by the GDPR as being particularly sensitive. The GDPR lists data to be considered as special category as follows:

- a) health
- b) sex life
- c) sexual orientation
- d) race
- e) ethnic origin
- f) political opinion
- g) religion
- h) trade union membership
- i) genetic and biometric data.

In order for Frontline Fife to process special category data, we must first document a legal basis for processing that special category data as well as a further legal basis for this special category data [Section D: Legal basis for processing]

We carry out processing activities using special category data:

- a) for the purposes of equal opportunities monitoring
- b) to determine reasonable adjustments
- c) to carry out checks in relation to your right to work in the UK

Most commonly, we will process special categories of data when the following applies:

- a) we must process the data in order to carry out our legal obligations
- b) we must process data for reasons of substantial public interest
- c) you have given explicit consent to the processing
- d) you have already made the data public.

F) FAILURE TO PROVIDE DATA

Your failure to provide us with data may mean that we are unable to fulfil our requirements for entering into a contract of employment with you. This could include being unable to offer you employment or administer contractual benefits.

G) CRIMINAL CONVICTION DATA

We will only collect criminal conviction data where it is appropriate given the nature of your role and where the law permits us. This data will usually be collected at the recruitment stage, however, may also be collected during your employment. We use criminal conviction data to determine your

suitability, or your continued suitability for the role. We rely on the lawful basis of GDPR Article 6(1)(c) necessary for compliance with a legal obligation, coupled with Data Protection Act 2018 Schedule 1, Part 1, s.1

Criminal Conviction: processing is necessary for the purposes of performing legal obligations in connection to employment.

H) WHO WE SHARE YOUR DATA WITH

Employees within our company who have responsibility for recruitment will have access to your data which is relevant to their function. All employees with such responsibility have been trained in ensuring data is processed in line with GDPR.

Data is shared with third parties for the following reasons:

- To comply with the requirements of our funders
- To comply with the requirements of our regulators
- To satisfy or commission legal claims

We may also share your data with third parties as part of a Company sale or restructure, or for other reasons to comply with a legal obligation upon us. We have a data processing agreement in place with such third parties to ensure data is not compromised. Third parties must implement appropriate technical and organisational measures to ensure the security of your data.

We do not share your data with bodies outside of the European Economic Area.

I) PROTECTING YOUR DATA

We are aware of the requirement to ensure your data is protected against accidental loss or disclosure, destruction and abuse. We have implemented processes to guard against such.

J) RETENTION PERIODS

We only keep your data for as long as we need it for which, in relation to unsuccessful candidates, is two months.

If your application is successful, your data will be kept and transferred to the systems we administer for employees. We have a separate privacy notice for employees, which will be provided to you.

K) AUTOMATED DECISION MAKING

Automated decision-making means making decisions about you using no human involvement e.g. using computerised filtering equipment. No decision will be made about you solely on the basis of automated decision making (where a decision is taken about you using an electronic system without human involvement) which has a significant impact on you.

L) YOUR RIGHTS

You have the following rights in relation to the personal data we hold on you:

- a) the right to be informed about the data we hold on you and what we do with it;
- b) the right of access to the data we hold on you. We operate a separate Subject Access Request Policy and all such requests will be dealt with accordingly;
- c) the right for any inaccuracies in the data we hold on you, however they come to light, to be corrected. This is also known as 'rectification';

- d) the right to have data deleted in certain circumstances. This is also known as 'erasure';
- e) the right to restrict the processing of the data;
- f) the right to transfer the data we hold on you to another party. This is also known as 'portability';
- g) the right to object to the inclusion of any information;
- h) the right to regulate any automated decision-making and profiling of personal data.

If you wish to exercise any of the rights explained above, please contact our data protection officer (details below)

M) MAKING A COMPLAINT

If you think your data rights have been breached, you are able to raise a complaint with the Information Commissioner (ICO). You can contact the ICO at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or by telephone on 0303 123 1113 (local rate) or 01625 545 745. Alternatively, you can make a complaint online by visiting www.ico.org.uk/make-a-complaint/

N) DATA PROTECTION COMPLIANCE

Our Data Protection Officer is:

Name: Natasha Johnstone

Contact address: natasha.johnstone@frontlinefife.co.uk