

Job applicant privacy notice

This privacy notice, in accordance with the General Data Protection regulation (GDPR), May 2018 informs job applicants about how Wiltshire Council will use their personal data.

As part of any recruitment process Wiltshire Council collects and processes personal data relating to job applicants. Wiltshire Council is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

Data controller: Wiltshire Council is the data controller for the personal information you provide and can be contacted at dataprotection@wiltshire.gov.uk

The Data protection officer can be contacted at dataprotection@wiltshire.gov.uk

What information does the Council collect?

Wiltshire Council collects a range of information about you. This includes:

- 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 you have a disability for which the Council needs to make reasonable adjustments during the recruitment process.
- information about your entitlement to work in the UK for the purpose of immigration requirements.

Wiltshire Council can collect this information in a variety of ways e.g. from 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.

Wiltshire Council may also collect personal data about you from third parties, such as references supplied by former employers, information from employment background check providers and information from criminal records checks. The council 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, apart from Passenger Assistant positions and safeguarding roles in Families and Children's services when references will be sought prior to interview.

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 Wiltshire Council process personal data?

Wiltshire Council needs to process data to take steps, at your request, prior to entering into a contract with you. It may also need to process your data to enter into a contract with you.

In some cases, Wiltshire Council needs to process data to ensure that it is complying with its legal obligations e.g. it is required to check a successful applicant's eligibility to work in the UK before employment starts.

Processing personal data from job applicants and keeping records of the process allows the Council to deliver a service, manage the recruitment process, assess and confirm a candidate's suitability for employment and decide to whom to offer a job. Wiltshire Council may also need to process data from job applicants to respond to and defend against legal claims.

Wiltshire Council may process special categories of data, such as information about ethnic origin, sexual orientation or religion or belief, to monitor recruitment statistics for equality monitoring purposes. It also collects information about whether applicants are disabled to make reasonable adjustments for candidates who have a disability. Wiltshire Council processes such information to carry out its obligations and exercise specific rights in relation to employment.

For some roles Wiltshire Council is obliged to seek information about criminal convictions and offences. Where the Council 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 and to undertake our safeguarding role for the protection of children and vulnerable adults.

If your application is unsuccessful, Wiltshire Council may keep your personal data on file in case there are future employment opportunities for which you may be suited. The Council will ask for your consent before it keeps your data for this purpose and you are free to withdraw your consent at any time.

Who has access to data?

Your information may be shared internally for the purposes of the recruitment exercise. This includes members of the HR and recruitment team, interviewers involved in the recruitment process and managers in the service area with a vacancy.

Wiltshire Council will not share your data with third parties unless your application for employment is successful and it makes you an offer of employment. If successful, the Council will then share your data with former employers and personal referees to obtain references and with employment background check providers to obtain necessary background checks for example the Health and Care Professions Council, the Teaching Regulation Agency and the Disclosure and Barring Service to obtain necessary criminal records checks. The only exception to this is for safeguarding roles in Families and Children's Services and for Passenger Assistants when references will be requested before interview.

For applicants who require permission to work in the United Kingdom Wiltshire Council may need to share personal data with legal advisers and the Home Office to make sure it complies with immigration requirements.

If you seek employment outside the EEA we may supply a reference to a prospective employer in response to an official reference request.

How does Wiltshire Council protect data?

Wiltshire Council 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.

For how long does Wiltshire Council keep data?

If your application for employment is unsuccessful, Wiltshire Council will hold your data on file for 12 months after the end of the relevant recruitment process so it can respond to any queries and for statistical purposes in order to produce the annual equalities data report.

If your application is unsuccessful and the Council wants to hold your personal data on file for a further period (specify period) to consider you for future employment opportunities your consent will be obtained. At the end of that period (or once you withdraw your consent), your data will be deleted or destroyed.

Should Wiltshire Council conduct a resident labour market test for the sponsorship of a non-UK/EU applicant because there are no suitably qualified candidates from the UK/EU, personal data for unsuccessful applicants may need to be retained for up to seven years for Home Office compliance audit purposes.

If your application for employment is successful, personal data gathered during the recruitment process will be transferred to your personnel file and retained for the duration of your employment. The details on your personnel file will be held in accordance with the Council's retention policy.

Your rights

As a data subject you have a number of rights.

Your rights are set out in Articles 13 to 22 of the General Data Protection Regulation 2016 and include:

- the right to access your personal information, to request rectification or erasure of certain personal information and to object to processing in certain circumstances.
- the right to withdraw any consent you may have given to process your personal information.
- the right to complain to the Information Commissioner if you feel we are processing your personal information unlawfully.
- the right to restrict processing activity in certain circumstances.

- the right to object to certain types of processing activity.

If you would like to exercise any of these rights, please contact our information governance team at dataprotection@wiltshire.gov.uk

What if you do not provide personal data?

You are under no statutory or contractual obligation to provide data to Wiltshire Council during the recruitment process. However, if you do not provide the information Wiltshire Council may not be able to process your application properly or at all.

Automated decision-making

Recruitment processes are not based solely on automated decision-making.