



THE DONALDSON TRUST

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Job Applicant Privacy Notice

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Document control

Author

Job title	Role	Date
HR Manager	Author	September 2018
The Trust's appointed lawyer	Reviewer	
Board	Approver	

Version

Version	Date	Author	Amend
1	September 2018	HR Manger	New Version
2	December 2020	HR and Learning & Development Lead	Updated Version

Background

The Governors of the Donaldson Trust (the Trust, we) is a data controller. This means that, as part of any recruitment process, the Trust is responsible for how it collects and processes personal data relating to job applicants.

This privacy statement explains how the Trust collects and uses that data to meet its data protection obligations under the General Data Protection Regulation 2016/679 (GDPR) and Data Protection Act 2018 (DPA 2018).

Any questions about the Trust's data protection obligations in relation to job applicants should be directed to the People Team via people@donaldsons.org.uk

What information does the Trust collect and how does it collect it?

For the purposes of assessing your job application, the Trust collects and processes a range of **normal category** data about you. This includes information which you supply in your CV, Supporting Statement and during an interview such as:

- your name, home address and contact details, including email address and telephone number;
- details of your qualifications, skills, experience and employment history; and
- employment reference names and contact details, including email address and telephone number.

There are also more sensitive types of personal data which the Trust may collect and process about you, including **special category data and criminal offence data**. In particular, this includes:

- information about medical or health conditions, including whether or not you have a disability for which the Trust needs to make reasonable adjustments;
- diversity monitoring information including information about your gender, whether you identify as a trans person, your ethnic origin, sexual orientation and religion or belief. Our Diversity Monitoring Form also asks for information on your date of birth, which is classed as normal category data. Completion of our Diversity Monitoring Form is voluntary.
- information about criminal convictions and offences.

Special category data is defined by the GDPR as personal data that reveals racial or ethnic origins, political opinions, religious or philosophical beliefs, trade union membership, genetic or biometric data and data concerning health, a person's sex life or sexual orientation.

How does the Trust collect personal data?

The Trust may collect this information in a variety of ways. For example, data might be contained in application forms, CVs or resumes, obtained from your passport or other identity documents, or collected through interviews or other forms of assessment.

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The Trust 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 Trust 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.

Where is personal data stored?

Data will be stored on your application record, in our HR management system, which is a UK-based third-party cloud-based system, and on other IT systems (including email) in accordance with all appropriate technical and organisational security measures. Where the data is transferred to the third party service provider, the Trust engages such third party service provider on the basis of specific written instructions, under a duty of confidentiality and ensuring that the third party provider is obliged to implement appropriate technical and organisational measures to ensure the security of data. The Trust does not allow such third-party service provider to use your personal data for their own purposes.

Why does the Trust process personal data?

The Trust needs to process your information to enable us to consider and assess your suitability for an advertised job vacancy. This may include collecting your personal information, recording it, storing it, using it, amending it or destroying it.

In general, we process your personal information to:

- Assess your suitability for an advertised job vacancy;
- Make a decision about your recruitment or appointment;
- Comply with legal or regulatory requirements;
- Keep records of the Trust's hiring process; and
- Contact you in relation to your application.

If you are the successful applicant for an advertised vacancy, the Trust will need to process your personal data to take steps in order to enter into a contract of employment with you.

The Trust has a legitimate interest in processing personal data during the recruitment process and for keeping records of the process. Processing data from job applicants allows the Trust to manage the recruitment process, assess and confirm a candidate's suitability for employment and decide to whom to offer a job. The Trust may also need to process data from job applicants to respond to and defend against legal claims.

The Trust may process special categories of sensitive data, such as information about ethnic origin, sexual orientation or religion or belief, to monitor recruitment statistics for the purposes of identifying or keeping under review the existence or absence of equality of opportunity or treatment of candidates in order to enable and promote such equality. Applicants are not under an obligation to provide the

data to us. It may also collect information about whether or not applicants are disabled to make reasonable adjustments for candidates who have a disability. The Trust processes such information to carry out its obligations and exercise specific rights in relation to employment.

For specific roles, the Trust is obliged to seek information about criminal convictions and offences. Where the Trust 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 the Trust has in place an appropriate policy and safeguards which are required to be maintained by law when processing such data.

The Trust will not use your data for any purpose other than the recruitment exercise for which you have applied.

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 People Team, interviewers involved in the recruitment process, managers in the business area with a vacancy and IT staff, if access to the data is necessary for the performance of their roles. Your application will be anonymised, and your name will only be supplied to the selection panel at interview stage.

Except from storing arrangements that the Trust has in place with the third-party cloud system provider or as otherwise stated below, the Trust will not share your data with third parties, unless your application for employment is successful and it makes you an offer of employment. The Trust may then share your data with former employers to obtain references for you, employment background check providers to obtain necessary background checks, the Disclosure and Barring Service and Disclosure Scotland to obtain necessary criminal records checks (where relevant) and/or the Trust's Occupational Health provider in order obtain input into any adjustments you may require in respect of the role offered to you. The Trust requires all third parties who have access to your personal data to take all appropriate security measures to protect it and only to process your personal data for specified purposes.

The Trust may also share your personal data with regulators or public authorities or in order to comply with any legal obligations.

The Trust will not transfer your data outside the UK or the European Economic Area.

How does the Trust protect data?

The Trust 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.

Data Breaches

The Trust is required to notify the Information Commissioner's Office in the event of the loss or unauthorised disclosure of personal data it holds. If you know or suspect that a data breach has occurred during the application process please let us know immediately.

The Trust has in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where it is legally required to do so.

For how long does the Trust keep data?

If your application for employment is unsuccessful, the Trust will hold your data on file for six months after the end of the relevant recruitment process. The Trust retains your personal information for that period so that it can show, in the event of a legal claim, that there was no discrimination against candidates on prohibited grounds and that the recruitment exercise has been conducted in a fair and transparent way. After that, the Trust will contact you separately to seek your explicit consent for further retention. If you agree to allow the Trust to keep your personal data on file, the Trusts will hold your data on file for a further year for consideration for future employment opportunities. At the end of that period or once you withdraw your 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.

Personal details held as part of successful recruitment applications will be retained until such time and as long as is necessary to fulfil the purpose for which it was collected in accordance with the Trust's Employee Privacy Policy.

Your Rights

The GDPR sets out the rights which individuals have in relation to personal information held about them by data controllers. These rights are listed below, although whether you will be able to access each of these rights in a particular case may depend on the purpose for which the data controller is processing the data and the legal basis upon which the processing takes place.

As a data subject, you have a number of rights. You can:

- access and obtain a copy of your data on request;
- require the Trust to change incorrect or incomplete data;
- require the Trust to delete or stop processing your data, for example where the data is no longer necessary for the purposes for which it was obtained, or you wish to withdraw your consent to us using your information;

- restrict how the Trust may use your personal information. The right might also apply where this is no longer a basis for using your personal information, but you do not want us to delete the data. Where this right is validly exercised, we may only use the relevant personal information with your consent, for legal claims or where there are other public interest grounds to do so;
- object to the processing of your data where the Trust is relying on its legitimate interests as the legal ground for processing; and
- request the transfer of your personal information to another party.

If you would like to exercise any of these rights, please contact the People Team at people@donaldsons.org.uk

If you believe that the Trust has not complied with your data protection rights, you can complain to the Information Commissioner's Office, the UK supervisory authority for data protection issues.

What if you do not provide personal data?

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

Automated Decision-making

The Trust's recruitment processes are not based on automated decision-making.

Contact us

The Trust has appointed a data protection officer to oversee compliance with this privacy notice. If you have any questions about this job applicant privacy notice or wish to exercise your rights you can contact the Data Protection Officer by:

- Post – FAO: Data Protection Officer, The Donaldson Trust, Preston Road, Linlithgow, West Lothian, EH49 6HZ
- Email – info@donaldsons.org.uk

Document approval

- The HR and Learning & Development Lead is the owner of this privacy notice and is responsible for ensuring its review
- The Trust's appointed lawyers have reviewed this policy
- The Board is responsible for approval of this policy

This policy is reviewed and approved on a version-controlled basis.

This policy is available to all staff.

Signature

The Board of Trustees

Name

The Board of Trustees

Date

December 2020

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