



# GDPR Privacy Notice for Recruitment

The following statement explains how data is managed for the purposes of recruitment, specifically managing the data received by The City of Edinburgh Council from job applicants as potential new employees.

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## Who we are

The City of Edinburgh Council is a local authority established under the Local Government etc. (Scotland) Act 1994 and having its administrative office at Waverley Court, 4 East Market Street, Edinburgh EH8 8BG.

You can contact our data protection officer by email at: [information.compliance@edinburgh.gov.uk](mailto:information.compliance@edinburgh.gov.uk), or by telephone – 0131 200 2340.

Please do not contact this number/email address in relation to your job application – inquiries about the application process should be made to the contact point listed in the advertisement.

## Why we need your personal information and what do we do with it

You are giving us your personal information to allow us to effectively manage your application through our recruitment processes and for us to meet our obligations to you as a prospective employer.

Throughout the duration of the recruitment process and the lifetime of any prospective employment relationship with The City of Edinburgh Council, the information you provide will be used for the following purposes:

- your name, national insurance number and contact details, including your home address, telephone numbers and email addresses, will be used to identify you and communicate with you as necessary;
- during the recruitment process, or at times during your prospective employment relationship, information may be gathered to assess your suitability to perform specific roles such as PVG and disclosure checks. In addition, information will be gathered to check

eligibility to work in the United Kingdom;

- information in relation to employment history, qualifications, training certification(s) and licences (such as a driving licence) may be required in order to validate that you are appropriately qualified to undertake the activities of the post applied for and to ensure calculation of allowances or statutory payments for which you are entitled;
- successful candidates personal banking details are required in order to process all payments due to you in respect of your employment with The City of Edinburgh Council;
- information in respect of your health may be gathered via a pre-employment health check by our Occupational Health Provider. This information is required for positions as identified via our risk assessment process. This information is captured to ensure that we comply with our statutory responsibilities;
- during the recruitment process, you may be invited to disclose protected characteristic information as defined in the Equality Act 2010 and other equalities related information. This information is used for statistical monitoring of The City of Edinburgh Council's applicants and candidates;
- some posts require prospective employees to have Disclosure Scotland / PVG checks made against them. In these cases, The City of Edinburgh Council will process information regarding criminal convictions (and any police intelligence regarding suspected criminality included in a PVG check) to assess your suitability for the post in question.

Some applicants may also be service users. We process information on service users (including service users who are job applicants) in accordance with the privacy statements published for the various services we provide and you should consult those service delivery privacy statements for details of this processing.

## **Legal basis for using your information**

These services are provided in terms of the Council's statutory functions as a local authority. In the case of recruitment, processing your personal information is necessary to take steps to potentially enter into a contract with you. If you do not provide us with the information we have asked for, then we will not be able to process your application for employment.

Some information needs to be processed because the Council is under a legal obligation to do so and some information needs to be shared with external bodies, also because the Council is under a legal obligation to do so.

## **Who we share your information with**

We are legally obliged to safeguard public funds, so details will be checked internally for fraud prevention and verification purposes and may be shared with other public bodies for the same purpose.

We are legally obliged to share certain data with other public bodies such as HMRC, Scottish Social Services Council (SSSC), General Teaching Council for Scotland (GTCS) and we will do so where the law requires this; we will also generally comply with requests for specific information from other regulatory and law enforcement bodies where this is necessary and proportionate.

Information is also analysed internally in order to provide management information, inform service

delivery reform and similar purposes. This is in accordance with the Council's information security arrangements.

**In some circumstances there will be a requirement to share some information with those external to The City of Edinburgh Council:**

- depending upon the nature of the post applied for, relevant information may be shared with relevant registered employment bodies such as the SSSC or GTCS;
- information gathered in respect of accidents at work may be gathered and may be shared with the Health and Safety Executive (HSE) as required;
- your personal details may be shared with the Council's insurance provider for the purposes of insurance policies held by The City of Edinburgh Council in respect of Employers Liability Insurance, indemnification of employees and other insurance purposes as necessary;
- if at any time before, during or subsequent to application for employment you exercise your rights to enter into a dispute via the courts system, including the Employment Tribunal, Employment Appeal Tribunal, or Ordinary Courts, we may be required to share information in relation to any potential employment relationship with the courts or legal representatives as required;
- if you have ever had an appointment with The City of Edinburgh Council's current or previous occupational health provider, you may have an occupational health record. The contents of your medical records are confidential and are not disclosed to The City of Edinburgh Council without your permission, but in the event that The City of Edinburgh Council are in receipt of such information, it shall be used in accordance with relevant policies and procedures to inform us in respect of our recruitment processes;
- in the event that The City of Edinburgh Council change occupational health provider, it is likely that these medical records will transfer directly to the new provider and will not pass to The City of Edinburgh Council;
- The City of Edinburgh Council is obliged to participate in the National Fraud Initiative in Scotland and in terms of this passes information on staff (primarily payroll data) to Audit Scotland for data matching to detect fraud or possible fraud;
- The City of Edinburgh Council is subject to freedom of information ("FOI") legislation. Often, we receive requests which seek disclosure of information about members of staff. Such requests are assessed carefully and we will only release staff information in response to FOI requests if doing so is compatible with our obligations under data protection law. We will not voluntarily release non-work-related information about members of staff such as home address, nor will we voluntarily release information where this relates to the member of staff being a service user rather than in their capacity as an employee. We will seek the views of current members of staff as to any such release;
- The City of Edinburgh Council is subject to general data protection ("GDPR") legislation. Often, we receive requests which seek disclosure of information. Such requests are assessed carefully and we will only release information in response to subject access requests if doing so is compatible with our obligations under data protection law.

## **International transfers**

Information published on the Council's website (including video footage of webcast meetings and committee reports) can be accessed from anywhere in the world.

## How long we keep your information for

The Council maintains a Records Retention Schedule which sets out how long we hold different types of information for and this is available on the Council's website at [http://www.edinburgh.gov.uk/info/20032/access\\_to\\_information/](http://www.edinburgh.gov.uk/info/20032/access_to_information/) or you can request a hard copy via the contact telephone number previously stated above.

## Your rights under data protection law

- **Access to your information** – You have the right to request a copy of the personal information about you that we hold.
- **Correcting your information** – We want to make sure that your personal information is accurate, complete, and up to date and you may ask us to correct any personal information about you that you believe does not meet these standards.
- **Deletion of your information** – You have the right to ask us to delete personal information about you where:
  - I. you consider that we no longer require the information for the purposes for which it was obtained;
  - II. you have validly objected to our use of your personal information – see Objecting to how we may use your information, below;
  - III. our use of your personal information is contrary to law or our other legal obligations.

**Objecting to how we may use your information** – You have the right at any time to require us to stop using your personal information for direct marketing purposes.

**Restricting how we may use your information** – in some cases, you may ask us to restrict how we use your personal information. This right might apply, for example, where we are checking the accuracy of personal information about you that we hold or assessing the validity of any objection you have made to our use of your information. The right might also apply if we no longer have a basis for using your personal information but you don't 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.

Please contact us in any of the ways set out above if you wish to exercise any of these rights.

## Complaints

If you do not have access to the internet you can contact us on the above telephone number to request hard copies of any of the above documents.

We seek to resolve directly all complaints about how we handle personal information.

If your complaint is about how we have handled your personal information, you can contact the Council's Data Protection Officer by email at [information.compliance@edinburgh.gov.uk](mailto:information.compliance@edinburgh.gov.uk), or by telephone – 0131 200 2340.

However you also have the right to lodge a complaint about data protection matters with the Scottish Information Commissioner's Office, whose contact details are on the following website:

<http://www.itspublicknowledge.info/home/ScottishInformationCommissioner.aspx>

Complaints of unfair treatment during the recruitment and selection process will be dealt with in line with the recruitment complaints procedure, details of which are made available to all applicants as part of the recruitment package.

**The City of Edinburgh Council**  
**25 May 2018**