



### **Privacy Notice for Edinburgh College job applicants**

Edinburgh College is providing you with this information, as a potential job applicant, to comply with data protection law and to ensure that you are fully informed and we are transparent in how we collect and use your personal data.

This privacy notice applies to individuals applying to work with us. This privacy notice explains how and why we will collect and use your personal and sensitive information in the context of our recruitment process and your rights in relation to your personal information.

### **Who is collecting the information?**

Edinburgh College is the Data Controller. We have an appointed Data Protection Officer (DPO), Alice Wilson, who can be contacted by emailing:

[DataProtection@edinburghcollege.ac.uk](mailto:DataProtection@edinburghcollege.ac.uk)

### **Why are we collecting it and what are we doing with it (Purpose)?**

We collect your personal data in order to effectively manage our recruitment process and in order to assist us in:

- Making a decision about your recruitment/appointment;
- Determining the terms on which you work for us;
- Checking that you are legally entitled to work in the UK;
- Checking your criminal history, including PVG Disclosure Scotland checks;
- Assessing qualifications;
- Checking whether you are eligible for guaranteed offer of interview under Disability Confident Scheme;
- Monitoring and advancing equality of opportunity and eliminating unlawful discrimination, as per the college's legal duty under the Equality Act 2010 (the Scottish Public Sector Equality Duty requires the college to analyse and produce anonymised reports on the recruitment of persons from specific protected characteristic groups).

### **What personal data do we collect?**

We process the following personal data for all applicants:

- Name/Title
- Address(es)
- Telephone number(s) – home & mobile
- Personal email address
- Date of birth
- Salary
- Application form (or, if via agency, CV & covering letter)
- Proof of Right to work in the UK



- Caring responsibilities
- Gender
- Marital Status

And for applicants who are offered a role with Edinburgh College we also process:

- References
- Qualification certificates
- Bank details
- Next of kin/emergency contact details
- Pension details

We also process special category personal data for all applicants:

- Race
- Ethnicity
- Religious beliefs
- Sexual orientation
- Disability
- Gender identity
- Criminal convictions information

And for applicants who are offered a role at Edinburgh College, we will also process the following special category data (further information on how we use this information is provided in the college's employee privacy notice):

- PVG Membership Number
- Medical questionnaire

#### **How are we collecting this information? What is the source?**

We will collect the majority of your personal and sensitive information from you during the application stage of our recruitment process. Further information will be requested directly from you if you are offered a role with Edinburgh College (bank details, medical questionnaire, PVG application information (e.g. previous addresses); next of kin details; pension details; occupational health information questionnaire).

If you applied for a post directly through our Edinburgh College website (or link to our website) from January 14<sup>th</sup>, 2019 onwards, we will store your personal and sensitive information securely on our recruitment module within our HR system (currently iTrent).

If you previously applied for a post through [myjobscotland.gov.uk](https://myjobscotland.gov.uk) we will have received your information from myjobscotland: they will be a separate controller of your personal



data – for further information on how they process your data please see their [privacy notice](#).

### **The lawful basis for the processing**

For processing of your personal data, the lawful basis is GDPR Article 6(1)(b) “processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract”.

To meet our Public Sector Equality Duties under the Equality Act 2010, we collect additional personal and special category data about our applicants, via our Equalities Monitoring form, to assist the college in monitoring and advancing equality of opportunity and eliminating unlawful discrimination.

Where your special category personal data (e.g. gender identity, sexual orientation, race, ethnicity) are processed for this purpose the lawful basis is GDPR Article 9(2)(g) “processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject”.

Where applicants’ special category demographic information (gender identity, sexual orientation, race, ethnicity) are processed for the purposes of monitoring and advancing equality of opportunity and eliminating unlawful discrimination the specific law authorising this is the Equality Act 2010.

Where applicants’ criminal convictions information are processed the specific law authorising this is the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2016.

Where applicants’ asylum status/right to work in the UK information are processed the specific law authorising this is the Immigration, Asylum and Nationality Act 2006.

### **Who we share the information with:**

We share personal information with the following data processor:

- Midland HR (providers of iTrent) only for the purposes of maintaining and upgrading the HR system and resolving technical queries. Edinburgh College hosts the iTrent application and database internally.



If you are offered a role at Edinburgh College we will share your personal information with the following third party data controllers as part of our new starter process and in order to enter into an employment contract with you (further information on how we use this information is provided in the college's employee privacy notice):

- Disclosure Scotland;
- Pension providers (e.g. Lothian Pension Fund, STSS & Prudential for AVCs);
- HMRC;
- Department of Work & Pensions;
- GPs/Consultants/Occupational Health practitioners (a separate privacy notice will be provided at that time).

### **How long do we hold the personal data?**

If you are unsuccessful in our recruitment process (i.e. you are not offered a role with Edinburgh College) your information will be deleted 6 months after the closure of the recruitment campaign for which you applied.

If you are successful in being appointed to a role at Edinburgh College, we will transfer your personal and sensitive information into our iTrent employee module (please see Privacy Notice for Employees of Edinburgh College (November 2018)).

### **Individuals' rights in relation to this processing**

Under data protection law, you have a number of rights, some of these rights only apply if certain conditions are met. Your rights are: right to be informed (e.g. privacy notice), right of access, right of rectification, right of erasure (commonly known as the right to be forgotten), right to restrict processing, right to object, right to data portability and the right to know of any automated decision making (including profiling). It's worth noting that you can exercise your rights either verbally or in writing and the College would be required to process your request in one month.

The rights that apply for this particular processing are:

- Right to be informed – this privacy notice addresses this.
- Right of access – you can request access and copies of your personal data held by the college. To do this, please email the [DataProtection@edinburghcollege.ac.uk](mailto:DataProtection@edinburghcollege.ac.uk) and your request will be processed accordingly.
- Right to rectification – you can request that inaccurate or incomplete personal data is rectified.
- Right to erasure (this right is not absolute and is subject to specifics of the request).
- Right to object (including to direct marketing). The right to object to direct marketing is absolute and will be responded to accordingly.



- Right to data portability (this right is not absolute and is subject to specifics of the request).

### **Complaints to UK Information Commissioner's Office (ICO)**

If you are concerned about how your personal data is being used by the College, in the first instance please can you contact the College Data Protection Officer (DPO) at [DataProtection@edinburghcollege.ac.uk](mailto:DataProtection@edinburghcollege.ac.uk).

If you are not satisfied with the outcome then you can complain to the regulator of data protection, the UK Information Commissioner's Office (ICO). The ICO has guidance on their website here: <https://ico.org.uk/your-data-matters/raising-concerns/>

You can email them at [casework@ico.org.uk](mailto:casework@ico.org.uk) or call them on 0303-123-113 or you can send a letter to them at the following address:

Customer Contact  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AF