

## HUMAN RESOURCES POLICY AND PROCEDURE

### JOB APPLICANT PRIVACY NOTICE

**Data Controller:** Hertford Regional College, Broxbourne Campus, Turnford, Broxbourne, Herts, EN10 6AE.

**Data Protection Officer:** Olive Oliver - Associate Director [ooliver@hrc.ac.uk](mailto:ooliver@hrc.ac.uk)

As part of any recruitment process, Hertford Regional College (HRC) collects and processes personal data relating to job applicants. HRC is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

#### What information does HRC collect?

HRC 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 or not you have a disability for which HRC needs to make reasonable adjustments during the recruitment process;
- information about your entitlement to work in the UK; and
- equal opportunities monitoring information, including information about your ethnic origin, gender, marital status, sexual orientation, disability, and religion or belief.

HRC collects 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, including online tests.

HRC will 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. HRC will seek information from third parties only once a job offer to you has been made and accepted and will inform you that it is doing so.

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 HRC process personal data?

HRC needs to process data to take steps at your request prior to entering into a contract with you. It also needs to process your data to enter into a contract with you.

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

HRC 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 HRC to manage the recruitment process, assess and confirm a candidate's suitability for employment, which may include undertaking internet searches in accordance with the Keeping Children Safe in Education (KCSIE) guidance and decide to whom to offer a job. HRC may also need to process data from job applicants to respond to and defend against legal claims.

Where HRC relies on legitimate interests as a reason for processing data, it has considered whether or not those interests are overridden by the rights and freedoms of employees or workers and has concluded that they are not.

HRC processes health information if it needs to make reasonable adjustments to the recruitment process for candidates who have a disability. This is to carry out its obligations and exercise specific rights in relation to employment.

Where HRC processes other special categories of data, such as information about ethnic origin, sexual orientation, health, religion or belief, age, gender or marital status, this is done for the purposes of equal opportunities monitoring with the explicit consent of job applicants which is given upon applying for a vacancy. This consent can be withdrawn at any time.

HRC is obliged to seek information about criminal convictions and offences. Where HRC 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.

HRC 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 will be shared internally for the purposes of the recruitment exercise. This includes members of the HR Services team, interviewers and or assessors involved in the recruitment process, managers in the business area with a vacancy and Reception/MIS/IT staff if access to the data is necessary for the performance of their roles.

HRC will not share your data with third parties, unless your application for employment is successful and it makes you an offer of employment. HRC will then share your data with former employers to obtain references for you, employment background check providers to obtain necessary background checks and the Disclosure and Barring Service <sup>1</sup> to obtain

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<sup>1</sup> The Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children.

necessary criminal records checks and checks made against the barred lists.<sup>2</sup> In addition, the college will share health information that is completed by the applicant with their occupational health provider, to determine and verify the candidate's mental and physical fitness to carry out their work responsibilities.

HRC will not transfer your data outside the European Economic Area.

### **How does HRC protect data?**

HRC 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.

All data is backed up and replicated between two sites for Disaster Recovery purposes and kept for at least 1 year. All areas of data are protected by security access restrictions either by user or by security groups.

Where the college engages third parties to process personal data on its behalf, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data

HRC uses Herts Resourcing Group (HRG) as a third party to assist with an online recruitment portal.

HRC and HRG use Monster (owned by Deltek) as their primary recruitment platform. Keeping customers' information safe and secure is amongst HRC and HRG's highest priorities and HRC and HRG have implemented strong security and privacy protection. Monster's (Deltek) services are backed by robust, state-of-the-art technical and administrative safeguards, dedicated security, operational and privacy teams.

### **For how long does HRC keep data?**

If your application for employment is unsuccessful, HRC will hold your hard copy data on file for 12 months after the end of the relevant recruitment process. At the end of that period your hard copy data is deleted or destroyed. If you wish your online application to be deleted, you will need to delete your HRG account. If you are invited to interview and supply documentation, this is destroyed upon notification of your unsuccessful application.

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<sup>2</sup> One list contains the details of individuals who are barred from working with children, and the other those who are barred from working with vulnerable adults. The DBS maintains 'barred lists' of individuals who are unsuitable to work with children and vulnerable adults. In addition, where an enhanced certificate is obtained, and this includes a barred list check, the certificate will also detail whether the applicant is subject to a direction under section 128 of the Education and Skills Act 2008 or section 167A of the Education Act 2002 prohibiting that individual from taking part in the management of independent educational institutions in England and/or Wales respectively.

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. The periods for which your data will be held will be provided to you in a new privacy notice.

## **Your rights**

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

- access and obtain a copy of your data on request;
- require HRC to change incorrect or incomplete data;
- require HRC to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing;
- object to the processing of your data where HRC is relying on its legitimate interests as the legal ground for processing; and
- ask HRC to stop processing data for a period if data is inaccurate or there is a dispute about whether or not your interests override HRC's legitimate grounds for processing data.

If you would like to exercise any of these rights, please contact the HR Services Team – [hr@hrc.ac.uk](mailto:hr@hrc.ac.uk). You can make a subject access request by completing HRC's form for making a subject access request – see appendix A

If you believe that HRC has not complied with your data protection rights, you can complain to the Information Commissioner.

## **What if you do not provide personal data?**

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

You are under no obligation to provide information for equal opportunities monitoring purposes and there are no consequences for your application if you choose not to provide such information.

## **Automated decision-making**

Recruitment processes are not based on automated decision making.

**Appendix A – Subject Access Request**

<b>Name:</b>
<b>Daytime telephone number:</b>
<b>Email:</b>
<b>Address:</b>
By completing this form, you are making a request under the General Data Protection Regulation (GDPR) for information held about you, by the organisation, that you are eligible to receive.
<b>Required information (and any relevant dates):</b>
<p>By signing below, you indicate that you are the individual named above. Hertford Regional College cannot accept requests regarding your personal data from anyone else, including family members. We may need to contact you for further identifying information before responding to your request. You confirm that you are the individual named and will fully indemnify us for all losses, cost and expenses if you are not.</p> <p>Please return this form to the HR Services Department, Ware Campus, London Road, Ware, Herts SG12 9JF or email <a href="mailto:hr@hrc.ac.uk">hr@hrc.ac.uk</a></p> <p>Please allow 28 days for a reply.</p>
<b>Data subject's signature:</b>
<b>Date:</b>