

Shetland Islands Council

Recruitment Privacy Statement

Who we are?

Shetland Islands Council is a local authority established under the Local Government etc. (Scotland) Act 1994. Its office headquarters is located at 8 North Ness Business Park, Lerwick, Shetland, ZE1 0LZ, United Kingdom and you can contact our Data Protection Officer by post at this address, by e-mail at: dataprotection@shetland.gov.uk and by telephone on (01595) 744 550.

The Data Protection Officer for Shetland Islands Council is the Executive Manager – Governance and Law.

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

You are giving us your personal information to allow us to assess your suitability for the job for which you have applied.

Throughout the recruitment process and the lifetime of any prospective employment relationship with Shetland Islands Council the information you provide will be used for the following purposes:

- Your name and contact details, including your home address, telephone numbers and email addresses will be used to communicate with you.
- Some posts, identified by Protection of Vulnerable Groups (Scotland) and the Police Act 1997 require us to check that individuals are suitable for, and not barred from working in these restricted roles. Shetland Islands Council will process information regarding criminal convictions (and any police intelligence regarding suspected criminality included in a PVG check) to assess suitability for the post in question
- Information will be gathered to check eligibility to work in the United Kingdom.
- Information in relation to knowledge, skills, experience and employment history as well as qualifications, training certification and licences (such as a driving licence) are used to assess your suitability for the role which you have applied. This information may be required in order to validate that you are appropriately qualified to undertake the activities of your prospective role and to ensure the correct calculation of allowances or statutory payments for which you are entitled.
- During the recruitment process, you are asked whether you have a disability so that we meet our policy of guaranteeing an interview to a disabled applicant who meets the minimum stated requirement for an advertised vacancy. It also allows the Council to make reasonable adjustments during the recruitment process; where required.

- Preferred candidate's national insurance number and personal banking details are required in order to process all payments due to you in respect of prospective employment with Shetland Islands Council.
- During the recruitment process if you are selected as the "preferred candidate" we will collect references; this information is used to assess your suitability for the job.
- If you are selected as the "preferred candidate" information in respect of your health may be gathered at pre-employment health screening by our Occupational Health provider. This information is requested for roles identified through risk assessment and to ensure that we comply with our statutory responsibilities, support employee's health and wellbeing and manage attendance across the organisation. In safety critical roles, such screening may include drug & alcohol testing carried out by trained testers. A separate Privacy Statement applies in these specific circumstances.
- During the recruitment process, you are invited to disclose personal characteristic or "protected" characteristic information as defined in the Equality Act 2010 and other equalities related information e.g. about your ethnic origin, sexual orientation and religion or belief. You are not obliged to disclose this. Any such information that you give will be used in anonymous, statistical form for monitoring the effectiveness of our Equality and Diversity policy.

Where do we collect information from?

We collect information from you:

- Through paper, electronic and telephone correspondence with you, through forms you have completed and interviews, tests and assessment centres you have attended
- From application forms on recruitment websites such as but not limited to MyJob Scotland
- From your passport, driving licence or other identity documents

In some cases, we collect personal data about you from third parties such as

- Referees who you have given us permission to contact including previous employers
- Criminal record check providers such as Disclosure Scotland as permitted by law
- Medical professionals including our Occupational Health provider
- Professional bodies such as but not limited to the General Teaching Council for Scotland and the Scottish Social Services Council

Who has access to the information?

Any Council employee who is involved in the recruitment process will use your information to carry out the recruitment exercise. This will mainly include Human Resources, the Corporate Business Support Team and the service in which the

vacancy is located (excluding the Equal Opportunities information that will be held in Human Resources only).

An employee of our Occupational Health provider who administers or considers pre-employment screening questionnaires where you are the “preferred candidate” for a post which has been identified through risk assessment processes as requiring pre-employment screening;

A recruiting manager or recruitment administrator of NHS Shetland where the post you have applied for is part of the Integrated Joint Board

Legal basis for using your information:

Processing your personal information is necessary to take steps to 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 recruitment application. Some information needs to be shared with external bodies because the Council is under a legal obligation to do so.

However, 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. However, if you do provide us with equality monitoring data it is held in the strictest confidence and is used to help us comply with our Public Sector Equality duty.

Who do 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 and 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.

Your information is also analysed internally and externally to help us improve our services and to comply with legislations. We provide an internal audit service because the law states we must do so. The law also states we must be audited externally. The external auditors are appointed by Audit Scotland. Our internal audit team and the external auditors may process any personal information held within the Council for its contractors and partners) in order to assess and provide assurances on the arrangements for governance, risk management and internal control within the service area. External audit will also ensure that the financial position stated in the annual accounts give a true and fair view in accordance with the law and codes of practice.

Information is also analysed internally in order to provide management information, support service improvements and similar purposes.

In some circumstances there will be a requirement to share some information with organisations external to Shetland Islands Council:

- Depending upon the nature of your role, relevant information may be shared with relevant registered employment bodies such as the Scottish Social Services Council (SSSC) or General Teaching Council for Scotland (GTCS)
- If at any time during or subsequent to application for employment you exercise your rights to enter into a dispute via the courts system, including employment tribunal, we may be required to share information in relation to your employment relationship with the courts or legal representatives as required.
- Where you are the successful candidate there are circumstances where relevant personal data requires to be shared with third parties in respect of processing payroll deductions made in respect of salary sacrifice contributions e.g. Child Care Vouchers and Cycle to Work Scheme, charitable giving arrangements, payments made to satisfy court orders, AVC scheme contributions, trade union subscriptions and credit union contributions. Other circumstances where personal data requires to be shared is where employees are required to attend Jury Service, or where they request the council provide information relating to Mortgage requests, Guarantor requests and requests by independent financial advisers.
- If you have ever had an appointment with Shetland Islands Council's current or previous occupational health provider(s), you may have an occupational health record. Such records are retained by the current occupational health provider(s). The contents of your medical records are confidential and are not disclosed to Shetland Islands Council but will inform any occupational health reports issued to Shetland Islands Council by the occupational health provider(s).
- In the event that Shetland Islands Council change occupational health provider, these medical records will transfer directly to the new provider and will not pass to Shetland Islands Council.
- Where drug & alcohol testing has been carried out, the test sample and records may be passed to a laboratory for analysis. There is a specific Privacy Statement that applies which is provided to applicants in these circumstances.

If you are the successful candidate, the information you have provided will form part of your personal file. The Privacy Statement relating to Employee Data sets out how personal data is used for ongoing employment purposes.

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.

In the event that you apply for a post where the recruitment process involves an assessment centre, and where psychometrics are used, your personal Development data may transfer outwith the UK and the EEA.

How long do we keep your information for?

The council maintains a records retention and disposal schedule which sets out how long we hold different types of information for recruitment. This is available on the Council's website at :-

<http://www.shetland.gov.uk/information-rights/InformationManagement.asp>

or you can request a hard copy from the contact address 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.

Information you have given us about other people

If you have provided anyone else's details to the Council, please make sure that you have told them that you have given their information to Shetland Islands Council. We will only use this information for a specific purpose, e.g. to contact those people in the event of an emergency, to assess your own entitlement to a service or to contact them in order to take up references in the event that you are successful in your job application.

If they want any more information on how we will use their information they can visit our web site at <http://www.shetland.gov.uk/information-rights/PrivacyStatements.asp> or email dataprotection@shetland.gov.uk.

Profiling or automated decision-making processes

We do not use any profiling or automated decision making processes.

Complaints:

We aim to directly resolve 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 E-mail at dataprotection@shetland.gov.uk or by Phone on (01595) 744 550.

However, you also have the right to lodge a complaint with the Information Commissioner's Office, who can be contacted by post at:

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

Phone: 0303 123 1113 (local rate) or 01625 545 745.

Visit their website for more information at- <https://ico.org.uk/concerns>

Please note if your complaint is not about a data protection matter and instead relates to a recruitment issue this should be raised to the Executive Manager - Human Resources by post at Shetland Islands Council, HR Service, 8 North Ness Business Park, Lerwick, Shetland, ZE1 0LZ, by e-mail at SIChumanResources@shetland.gov.uk and by telephone on (01595) 744032.