

# CANDIDATE PRIVACY NOTICE

## INTRODUCTION

Essex Partnership University NHS Foundation Trust ("the Trust") is committed to protecting the personal data of its job applicants. This Notice sets out important information about how the Trust ("the Trust" or "we" or "us") collect and use your personal data during the course of the application and recruitment process.

You should read this Notice carefully and raise any questions you may have with the Trust's HR team or Data Protection Officer.

## SCOPE

This Notice applies to job applicants located in the UK. In connection with the recruitment process, the relevant data controller is **Essex Partnership NHS Foundation Trust, Trust Head Office, The Lodge, Runwell, Wickford, Essex, SS11 7XX.**

## WHAT PERSONAL DATA DO WE COLLECT?

Personal data means information which identifies you and relates to you as an individual. As your prospective employer, the Trust will collect, use and store your personal data for a wide variety of reasons in connection with the application and recruitment process. We have set out below the main categories of candidate personal data which we process in connection with our recruiting activities on a day to day basis<sup>1</sup>:

- personal contact information (including your name, home address, personal telephone number(s) and personal e-mail address)\*
- business contact information (including e-mail address and telephone number)
- job title
- date of birth\*
- driving licence number \*
- personal demographics including gender, race, ethnic origin, sexual orientation, religion and other beliefs, disability, marital status etc.\*
- emergency contact/next of kin information
- Pension, tax and National Insurance details
- Trade union membership for the purposes of deducting subscription fees
- photograph
- documents evidencing your right to work (including information about your immigration status where relevant)\*
- bank account details\*
- documents gathered during the recruitment process (including cv, application form, references, professional memberships and qualifications, background vetting information, including current/previous criminal convictions where relevant to the role)\*
- documents maintained and updated during your employment relating to professional memberships and qualifications and statutory and mandatory training (including but not limited to professional revalidation)\*
- general employment records including details of training, disciplinary and grievance matters, benefits, holiday and other absences and may include medical information, along with a copy of your employment contract, performance records (including appraisals) and compensation history\*
- information gathered through the Trust's monitoring of its IT systems, building access records and CCTV recording\*
- personal data which you otherwise voluntarily provide, for example when using your

## Trust e-mail account

The personal data to be provided by you [**and identified with \* above**] is mandatory in connection with our recruitment activities. Failure to provide mandatory personal data may affect our ability to accomplish the purposes stated in this Notice, including considering your suitability for employment and/or entering into an employment contract with you.

The list set out above is not exhaustive, and there may be other personal data which the Trust collects, stores and uses in the context of the application and recruitment process. The Trust will update this Notice from time to time to reflect any notable changes in the categories of personal data which it processes.

The majority of the personal data which we process will be collected directly from you. In limited circumstances your personal data may be provided by third parties, such as former employers, official bodies (such as police, regulators or Disclosure and Barring services), medical professionals.

## REFERENCING AND VETTING

As part of our referencing and vetting procedures, we will contact certain third parties in order to verify your personal information (including personal information that you provide as part of the application and recruitment process). These third parties will include:

- former employers in order to verify your previous employment history
- universities and/or other establishments for higher education that you attended in order to verify your education history
- Disclosure and Barring Service
- Regulatory bodies, including professional bodies such as the General Medical Council and Nursing and Midwifery Council
- Credit agencies
- Home Office

We will only seek this information in relation to successful candidates that have accepted a conditional offer of employment with us and we will specifically inform such candidates that we will be contacting these third parties in advance of doing so. If information is to be sought prior to this stage candidates will be informed.

## HOW DO WE USE YOUR PERSONAL DATA?

The Trust uses your personal data for a variety of purposes in order to take steps necessary to assess your candidacy and enter into an employment contract with you, to comply with legal obligations or otherwise in pursuit of its legitimate organisational interests. We have set out below the main purposes for which candidate personal data is processed:

- to identify and evaluate job applicants, including assessing skills, qualifications and experience
- verifying candidate information and carrying out employment, background and reference checks, where applicable and in order to prevent fraud
- to ensure you have any applicable professional qualifications, training, registration and revalidation
- communicating with you about the recruitment process and your application

- to comply with our legal, regulatory, or other governance requirements
- [for the purposes of conducting data analytics to review and better understand the operation of our recruitment processes]

Again, this list is not exhaustive and the Trust may undertake additional processing of personal data in line with the purposes set out above. The Trust will update this Notice from time to time to reflect any notable changes in the purposes for which its processes your personal data.

## **WHAT SPECIAL CATEGORIES OF PERSONAL DATA DO WE PROCESS?**

Certain categories of data are considered "special categories of personal data" and are subject to additional safeguards. The Trust limits the special categories of personal data which it processes as follows:

- **Health Information**

We may process information about a candidate's physical or mental health in compliance with our obligations owed to disabled employees.

We will always treat information about health as confidential and it will only be shared internally where there is a specific and legitimate purpose to do so. We have implemented appropriate physical, technical, and organisational security measures designed to secure your personal data against accidental loss and unauthorised access, use, alteration, or disclosure.

If a candidate is successful, any health information processed as part of the recruitment process that is relevant to the Trust's compliance with its obligations in connection with employment will be retained and processed in accordance with the Employee Privacy Notice.

If a candidate is unsuccessful, any health information obtained as part of recruitment process will be deleted with the rest of the candidate's personal data within [12 months] of their rejection.

- **Disclosure and Barring Service checks (DBS)**

Given the nature of our organisation, DBS requirements apply to all successful candidates who have accepted a conditional offer of employment with the Trust. We carry this out as part of our background vetting process and in compliance with our obligations in connection with employment.

We are required to carry out DBS checks for all clinical roles, other regulated roles and for any roles that involve contact with patients in the course of their normal duties. In all cases, we carry out the checks in accordance with the applicable law.

For clinical and other regulated roles, the DBS checks may be repeated periodically during the course of employment in accordance with our regulatory obligations.

We will always treat DBS information as confidential and it will only be shared internally where there is a specific and legitimate purpose to do so. We have implemented appropriate physical, technical, and organisational security measures designed to secure your personal data against accidental loss and unauthorized access, use, alteration, or disclosure.

DBS information will be deleted once the recruitment process has been completed subject to any exceptional circumstances and/or to comply with particular laws or

regulations. DBS information will typically be retained for a maximum of 6 months, although the outcome of any check will remain on the employee's record.

- **Equal Opportunities Monitoring**

The Trust is committed to providing equal opportunities for employment and progression to all of its job candidates and employees and from time to time it will process information relating to ethnic origin, race, nationality, sexual orientation and disability, alongside information relating to gender and age, for the purposes of equal opportunities monitoring.

We have implemented appropriate physical, technical, and organizational security measures designed to secure your personal data against accidental loss and unauthorized access, use, alteration, or disclosure. In addition, this monitoring will always take place in accordance with appropriate safeguards as required under applicable law, including:

- the provision of information relating to ethnic origin, race, nationality, sexual orientation and disability for the purposes of monitoring will be voluntary and processed for this purpose only with your consent;
- wherever possible, the monitoring will be conducted on the basis of using anonymised data so individual candidates cannot be identified;
- the information processed for monitoring purposes will be maintained separately from general management and HR records.

## **WHEN DO WE SHARE CANDIDATE PERSONAL DATA?**

The Trust will share candidate personal data with other parties only in limited circumstances in order to take steps necessary to enter into the employment contract or where necessary to comply with a legal obligation, or otherwise in pursuit of its legitimate business interests as follows:

- recruitment agencies
- background vetting specialists
- occupational health providers
- any applicable regulatory body, including a professional body such as the General Medical Council and Nursing and Midwifery Council
- HMRC and/or any other applicable government body
- accountants, lawyers and other professional advisers
- anonymised Staff Data is also used to report nationally for the purposes of workforce planning
- 3<sup>rd</sup> party provider Integrated Care Board's (ICB)

In all cases, the candidate personal data is shared under the terms of a written agreement between the Trust and the third party which includes appropriate security measures to protect the personal data in line with this Notice and our obligations. The third parties are permitted to

use the personal data only for the purposes which we have identified, and not for their own purposes, and they are not permitted to further share the data without our express permission or within legal provisions.

## **FOR HOW LONG WILL MY PERSONAL DATA BE RETAINED?**

The Trust's policy is to retain personal data only for as long as needed to fulfil the purpose(s) for which it was collected, or otherwise as required under applicable laws and regulations. Under some circumstances we may anonymise your personal data so that it can no longer be associated with you. We reserve the right to retain and use such anonymous data for any legitimate business purpose without further notice to you.

For unsuccessful candidates:

- We will typically retain personal data collected during the recruitment process for a maximum period of 12 months from the end of the process subject to any exceptional circumstances and/or to comply with particular laws or regulations.

For successful candidates who accept employment with us:

- The personal data we collect during the application and recruitment process will become part of your employment record.
- We may use it in connection with your employment in accordance with the Employee Privacy Notice.

## **WHAT ARE MY RIGHTS IN RELATION TO MY PERSONAL DATA?**

The Trust will always seek to process your personal data in accordance with its obligations and your rights.

You will not be subject to hiring decisions based solely on automated data processing without your prior consent.

In certain circumstances, you have the right to seek the erasure or correction of your personal data, to object to particular aspects of how your data is processed, and otherwise to seek the restriction of the processing of your personal data. You also have the right to request the transfer of your personal data to another party in a commonly used format. If you have any questions about these rights, please contact your local Data Protection Officer using the details set out below.

You have a separate right of access to your personal data processed by the Trust. You may be asked for information to confirm your identity and/or to assist the Trust to locate the data you are seeking as part of the Trust's response to your request. If you wish to exercise your right of access you should set out your request in writing to your local Data Protection Officer using the details set out below.

Finally, you have the right to raise any concerns about how your personal data is being processed with the Information Commissioner's Office (ICO) by going to the ICO's website: <https://ico.org.uk/concerns/> or contacting the ICO on 0303 123 1113 or [casework@ico.org.uk](mailto:casework@ico.org.uk).

## **WHERE CAN I GET FURTHER INFORMATION?**

The Trust has appointed a Data Protection Officer to oversee compliance with this Notice and to deal with any questions or concerns. If you would like further information about the matters set out in this Notice, please contact the Trust's HR Team and/or Data Protection Officer.

The contact details are set out below:

Data Protection Officer  
Trust Head Office  
The Lodge  
Lodge Approach  
Runwell  
Wickford  
Essex SS11 7XX

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