

CANDIDATE PRIVACY NOTICE

WHO WE ARE AND WHAT WE DO

We are the Human Resources Division of South West London and St George's Mental Health NHS Trust (SWLSTG). When you apply to work for us, we need certain information in order to progress your application and fulfil our obligations as an NHS employer. This privacy notice describes what information we record about you and why, and how it may be used.

WHAT IS THE PURPOSE OF THIS DOCUMENT?

Once we hold your information, SWLSTG are its "data controller". This means we are responsible for deciding how we hold and use personal information about you. You are being sent a copy of this candidate privacy notice because you are applying for work with us (whether as an employee, worker or contractor). As the "data controller", we have a duty under the Data Protection Act (DPA) 2018 to make you aware of how and why your personal data will be used, namely for the purpose of the recruitment exercise, and how long it will usually be retained for. It also clarifies the legal basis for holding your information, your rights regarding your information and how you can apply to see it.

DATA PROTECTION PRINCIPLES

We will comply with data protection law and principles which means that your data will be:

- Used lawfully, fairly and in a transparent way;
- Collected only for valid purposes that we have clearly explained to you and only used in ways that are incompatible with those purposes;
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date;
- Kept only as long as necessary for the purposes we have told you about;
- Kept securely.

THE KIND OF INFORMATION WE HOLD ABOUT YOU

In connection with your application for work with us, we will collect, store, and use the following categories of personal information about you:

- Information you have provided to us in any curriculum vitae and cover letter;
- Information you have provided on our application form, including name, title; address, telephone number, personal email address, date of birth, gender, employment history, qualifications, professional registration, information about your current level of remuneration, including benefit entitlements; information about your entitlement to work in the UK;
- Information you provide to us via identity documents provided or during an interview, online test or other forms of assessment relevant to the recruitment process;
- Information provided by way background and reference checks where applicable

We may also collect, store and use the following 'special categories' of more sensitive personal information:

- Information about your race or ethnicity, religious beliefs, sexual orientation, political opinions, and disability;
- Information about your health and sickness record, including any medical conditions.

HOW IS YOUR PERSONAL INFORMATION COLLECTED?

We collect personal information about candidates from the following sources:

- You, the candidate;
- Recruitment agencies;
- Disclosure and Barring Service in respect of criminal convictions (please see below);
- Your named referees, from whom we collect personal data relevant to you.

SWLSTG will seek information from third parties either before or after a job offer has been made and in all instances the organisation will inform you that it is doing so.

HOW WE WILL USE INFORMATION ABOUT YOU

We will use the personal information we collect about you to:

- Assess your skills, qualifications, and suitability for the work OR role;
- Decide whether to invite you for an interview;
- Decide whether to offer you the role or work;
- Carry out background and reference checks, where applicable;
- Communicate with you about the recruitment process;
- Keep records related to our hiring processes;
- Comply with legal or regulatory requirements.

As an NHS Trust, SWLSTG is legally obliged to manage the recruitment process, decide whether to appoint you to the role OR work since it would be beneficial to SWLSTG to appoint someone to that role OR work in order to carry out its functions.

We also need to process your personal information to decide whether to enter into a contract (of employment) with you.

If you fail to provide personal information

If you fail to provide information when requested, which is necessary for us to consider your application (such as evidence of qualifications or work history), we will not be able to process your application successfully. For example, if we require references for this role and you fail to provide us with the relevant details, we will not be able to take your application further.

HOW WE USE PARTICULARLY SENSITIVE PERSONAL INFORMATION

We will use your particularly sensitive personal information in the following ways:

- We will use information about your race or national or ethnic origin, religious philosophical or moral beliefs or sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting, which is also necessary for compliance with a legal obligation to which we are subject as well as being an important aspect of our role as a public body. The Equality Act 2010 is the main relevant statutory provision in this context;
- We will use information about your disability status to consider whether we need to provide appropriate adjustments during the recruitment process, for example whether adjustments need to be made during a test or interview or other assessments relevant to the recruitment process. This is necessary for compliance with our legal obligations.

INFORMATION ABOUT CRIMINAL CONVICTIONS

For some roles, SWLSTG is obliged to seek information about criminal convictions and offences. Where the organisation seeks this information, it does so because it is necessary for compliance with obligations and to exercise specific rights in relation to your potential employment.

We will collect information about your criminal convictions history if we would like to offer you work OR role (conditional on checks and any other conditions, such as references, being satisfactory). We are required and/or entitled to carry out a criminal records check in order in order to satisfy ourselves that there's nothing in your criminal convictions history which makes you unsuitable for the role. In particular:

- Where we are legally required by a regulatory body to carry out a criminal record checks for those carrying out the role OR work you have applied for;
- Where the role you have applied for is one which is listed on the rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (SI 1975/1023) and is also specified in the Police Act 1997 (Criminal Records) Regulations (SI 2002/233)] so eligible for a standard OR enhanced check from the Disclosure and Barring Service;
- The role, which you have applied for requires a high degree of trust and integrity since it may involve dealing with vulnerable people or high value resources on behalf of the organisation and so we would like to ask you to seek a basic disclosure of your criminal records history.

For further information about how we deal with information about criminal convictions please contact RecruitmentTeam@swlstg.nhs.uk

WHO HAS ACCESS TO DATA?

Your information will be stored in a range of secure places including your application record, HR management and recruitment systems and other IT systems including email. Your information will be shared internally and is accessible to a third party provider for the purposes of recruitment. This includes members of the HR and recruitment team, interviewers involved in the recruitment process, managers in the business area with a vacancy and IT staff if access to the data is necessary for the performance of their roles, including the third party provider.

Why might you share my personal information with third parties?

The organisation shares your data with a third party provider, at the point of your application being submitted. At the point that employment is successful and it makes you an offer of employment, the organisation will then share your data with current and former employers /other referees to obtain references for you, employment background checks providers to obtain necessary background checks and the Disclosure and Barring Service to obtain necessary criminal records checks.

The organisation shares your data with a third party provider, at the point of your application being submitted. At the point that employment is successful and it makes you an offer of employment, the organisation will then share your data with current and former employers /other referees to obtain references for you, employment background checks providers to obtain necessary background checks and the Disclosure and Barring Service to obtain necessary criminal records checks.

AUTOMATED DECISION MAKING

Rarely, some of our recruitment and employment decisions are based solely on automated decision-making. In these instances, Automatic decision making applies to part of our job application process for the roles, usually where an essential criterion must be met in order to be considered for the role. This can include pre-application questions and assessments.

Should the requirements for the role applied for not be met in such instances, the applicant will be rejected. You will not be subjected to decisions that will have significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so. You will also be given an opportunity to request reconsideration of the decision. For further information about the limited ways we employ automated decision making, please contact RecruitmentTeam@swlstg.nhs.uk

DATA SECURITY

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need-to-know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality. Details of these measures may be obtained from our Data Protection Officer – governance@swlstg.nhs.uk

We have put in place procedures to deal with suspected data security breaches and will notify you and the regulator of a suspected breach where we are legally required to do so.

DATA RETENTION

How long will you use my information for?

If your application for employment is unsuccessful, the organisation will hold your data on file for a period of up to twelve months after the end of the relevant recruitment process. We retain your personal information for a period so we can show, in the event of a legal claim, that we have not discriminated against candidates on prohibited grounds and that we have conducted the recruitment exercise in a fair and transparent way. At the end of that period, your data is deleted or destroyed in accordance with data retention policy.

If your application to work for us is successful, personal data gathered during the recruitment process will be transferred to your HR/personnel file and retained during your employment. The periods for which your data will be held, including after you have stopped working for SWLSTG, will be provided to you in a separate privacy notice for employees, workers and contractors.

YOUR RIGHTS TO CONNECTION WITH PERSONAL INFORMATION

Under certain circumstances, by law you have the right to:

- **Request** access to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us to continue to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground.
- **Request the restriction** of processing of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.

If you would like to exercise any of these rights, please contact the Data Protection Officer – governance@swlstg.nhs.uk

If you believe that the organisation has not complied with your data protection rights, you can complain to the Information Commissioner's Office (ICO), the UK Supervisory Body for data protection issues – www.ico.org.uk

RIGHT TO WITHDRAW CONSENT

When you applied for this role, you provided consent by completing an application form to us processing information for the purpose of the recruitment exercise. You have the right to withdraw your consent for processing for that purpose at any time. To withdraw your consent, please contact RecruitmentTeam@swlstg.nhs.uk

Once we have received notification that you have withdrawn your consent, we will no longer process your application and, subject to our retention policy, we will dispose of your personal data securely.

DATA PROTECTION OFFICER

We have appointed a Data Protection Officer (DPO) to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO – governance@swlstg.nhs.uk. You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

OTHER PRIVACY NOTICES

The Trust has also published a generic privacy notice which can be accessed on our website - <https://www.swlstg.nhs.uk/privacy-notice> - and we also have a privacy notice for staff which can be found on our intranet (InSite).