Internal document

Privacy notice for prospective employees

V.2.0

# About this privacy notice

This privacy notice sets out how the Equality and Human Rights Commission (‘Commission’) handles, stores, uses and shares your personal information. The Commission is a ‘data controller’. This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to prospective employees including Commissioners, committee members, interns and agency workers. This notice does not form part of any contract of employment or other contract to provide services. We may update this notice at any time but if we do so, we will provide you with an updated copy of this notice as soon as reasonably practical.

This notice replaces all previous privacy or fair processing notices or statements issued by the Commission. It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information and what your rights are under data protection legislation.

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# What we do with your data

What information we collect if you have applied to work at the Commission in any capacity

## Basic information

* Your name (including any previous names) and personal contact details. This is necessary for us to enter into correspondence with you or when we need to provide you with information relating to the role or contract.

[Refer to number 2 below, where we specify the legal basis for this.](#_The_legal_basis)

* Financial information and any information that would affect your pay or benefits, in order to ensure that you are paid correctly and any requested deductions, such as pension contribution, are made.

[Refer to number 2 below, where we specify the legal basis for this](#_The_legal_basis).

* If you are to be paid directly by the Commission we will collect your National Insurance Number for National insurance contributions through PAYE and your National Insurance details, date of birth and gender as part of the identification process.

[Refer to number 3 below, where we specify the legal basis for this.](#_The_legal_basis)

* We collect copies of evidence, which you provide, of your eligibility-to-work in the UK. We are legally required to collect this under the Immigration Asylum and Nationality Act 2006.

[Refer to number 3 and 12below, where we specify the legal basis for this](#_The_legal_basis).

* We collect copies of your Disclosure and Baring Service (DBS) certificate, proof of address, proof of National Insurance Number and proof of ID. We do this as part of our mandatory security check. This is the Baseline Personnel Security Standard (BPSS) to check identify which is necessary for security and employment purposes.

[Refer to **number 6** and 8 below, where we specify the legal basis for this.](#_The_legal_basis)

* In the event that you are taken seriously ill on our premises, we may disclose relevant information, such as health conditions that we know about, to the emergency or health services. We only do this when it is in your vital interests for the information to be shared.

[Refer to number 4 and 9 below, where we specify the legal basis for this.](#_The_legal_basis)

### Equality and diversity monitoring

We ask you for data relating to your age, sex and nationality for pay, pension and ‘right to work’ checks however we also use this information, along with disabilities and ethnicity information, to monitor equality and diversity within the Commission:

* To ensure that we do not overlook potential employees who are disadvantaged or under-represented and that we are promoting people fairly whatever their protected characteristic.
* To ensure that we are meeting our public sector equality duty.
* To ensure that women and men’s pay is comparable in similar or equivalent jobs.
* To meet our pay gap reporting obligations.

[Refer to number 3 and 12 below, where we specify the legal basis for this.](#_The_legal_basis)

The following categories of information are also collected for equality and diversity monitoring but, although the Commission is obliged to request the details, providing this information is entirely optional and there will be no impact on you if you do not provide it. It will not affect your employment status at the Commission:

* Caring responsibilities, marital status, religion or belief, sexual orientation and transgender status.

[Refer to number 3 and 12 below, where we specify the legal basis for this.](#_The_legal_basis)

### Health information (including disability, sickness and parental leave)

We hold information that you provide us relating to your physical or mental health or disability:

* To provide any reasonable adjustments that you may require. Where you are attending Commission premises for interview, we may need to share relevant details with the venue in order to ensure that you can be catered for.

[Refer to numbers 3 and 12 below, where we specify the legal basis for this](#_The_legal_basis)

* To ensure your health and safety in our workplace, for example ensuring that you have the equipment that you need to take part in an interview safely or have a Personal Emergency Evacuation Plan (PEEP) in place should you require one.

[Refer to numbers **3 and 8** below, where we specify the legal basis for this](#_The_legal_basis)

Information will only be shared with the relevant internal teams required to manage each scenario. This may include the People Team, the finance team, the facilities management team and, if you have a PEEP, a fire marshal. It will only be shared with those necessary to meet the purpose listed.

* If you are involved in an accident or incident on Commission premises, we will record details relating to the accident or incident, including any relevant details about you.

[Refer to number 3 and 8 below, where we specify the legal basis for this.](#_The_legal_basis)

Unless specifically stated, providing the Commission with health information is not a legal requirement, however if you choose not to provide this information we may be unable or limited in our ability to assess or meet your needs, requests, or ensure your health and safety.

## Recruitment

### Applications and interviews

* In order to assess your suitability for the role we will collect information relating to your skills, experience and qualifications.

[Refer to number 2 below, where we specify the legal basis for this.](#_The_legal_basis)

* We are a disability confident employer which means that if you tell us that you have a disability as part of the application process, and you meet the minimum criteria for the role, then we will guarantee you an interview. This is part of the Disability Confident Scheme.

[Refer to number 3 and 8 below, where we specify the legal basis for this](#_The_legal_basis).

* We will collect data that you provide us regarding any reasonable adjustments that may need to be made. You do not have to provide this information however without it we will be unable, or limited, in our ability to meet your needs. This is to ensure that you can fully participate in the recruitment process and also enables us to ensure we are meeting our legal obligations to you under the Equality Act 2010.

[Refer to number 3 and 8 below, where we specify the legal basis for this.](#_The_legal_basis)

* In the event that more than one candidate is equally qualified for a role and we believe that one candidate possessed a protected characteristic that we reasonably believe is underrepresented within our workforce, that individual may be awarded the role.

[Refer to number 5 and 8 below, where we specify the legal basis for this.](#_The_legal_basis)

We use Civil Service Jobs to advertise our vacancies. If you have applied for a role via Civil Service Jobs please also see their privacy notice [here](https://www.civilservicejobs.service.gov.uk/csr/index.cgi?pageclass=StandardMessage&display=privacy).

### If you are successful in your application

We will ask you for:

* Confirmation that you are happy for us to contact your referees for a reference so that we can verify your suitability for the role level.

[Refer to number 2 below, where we specify the legal basis for this.](#_The_legal_basis)

* Records of your registration with any applicable regulatory authority such as the Bar Association in order to verify any required professional registrations.

[Refer to number 2 below, where we specify the legal basis for this](#_The_legal_basis)

### If you are unsuccessful in your application

* If you are unsuccessful in your application but pass the interview criteria for the role we may keep your details on a reserve list for a period of 12 months for future similar vacancies. In this event you will be contacted and given the opportunity to not have your name on this. We do this in our legitimate interests for recruitment.

[Refer to number 6 below, where we specify the legal basis for this](#_The_legal_basis)

### Internal recruitment

* If you apply for an internal vacancy and submit an expression of interest form these will be shared with the People Team as well as the recruiting manager, and the shortlisting and/or interview panel members.

[Refer to number 2 below, where we specify the legal basis for this.](#_The_legal_basis)

## In the office and at work

### Building security

* Your name and a photo of you will be collected by the local Building and Facilities Management Teams at each of the Commission’s offices so that you are provided with a personalised staff badge and access to premises. These will be shared with reception staff who, depending on the site, will ask to see a copy of your photo ID for verification purposes, but will not make a copy. The Commission may also provide you with a separate security pass with your name and a photo so that you can gain access to Commission premises which are secured using our own access control system.
* Whilst in our office premises your image will be caught by CCTV cameras which are operated and managed by the Commission.
* There are also CCTV cameras at the sites that our offices are based which are managed and operated by the relevant building management companies. The Commission does not have access to or control over this data.
* Where you use your pass to enter the office areas these records are collected by the Commission and, in some locations, the Building Management team. These records are used to record the dates and times you have accessed the premises and may be used to evidence when access passes have been de-activated, or as evidence in the event of any suspected or actual security breaches.
* Building swipe card records may also be collected by the relevant building management companies where these are required to enter the building itself.
* From time-to-time you may be asked to provide additional identification and/or be asked to sign in and out of our buildings, for example, in the case of a heightened state of security.

[Refer to number 6 below, where we specify the legal basis for this.](#_The_legal_basis)

# The legal basis on which we handle, store, use and share your personal information

**Personal data**

**We will always meet at least one of the following criteria:**

1. **We have your consent – Article 6(1)(a) of GDPR**
2. **The processing is necessary to fulfil a contract that we have with you – Article 6(1)(b) of GDPR**
3. **The processing is necessary for us to meet a legal obligation – Article 6(1)(c) of GDPR**
4. **The processing is necessary to protect someone’s vital interests – Article 6(1)(d) of GDPR**
5. **The processing is necessary for us to perform our public tasks or in the public interest – Article 6(1)(e) of General Data Protection Regulation (GDPR)**
6. **There is a legitimate interest in the processing – Article 6(1)(f) of GDPR**

**Special category personal data**

**To hold and use more sensitive information such as:**

* **Racial or ethnic origin**
* **Political opinions**
* **Religious or philosophical beliefs**
* **Trade union membership**
* **Health data**
* **Data related to sexual life or sexual orientation**
* **Genetic data or biometric data for identification purposes**

**We will also meet one of the following criteria:**

1. **We have your explicit consent – Article 9(2)(a) GDPR**
2. **The processing is necessary for employment purposes– Article 9(2)(b) GDPR and DPA2018 Schedule 1, Part 2(1)**
3. **The processing is necessary to protect someone’s vital interests– Article 9(2)(c) GDPR**
4. **The information has been made public by you– Article 9(2)(a) GDPR– Article 9(2)(e) GDPR**
5. **The processing is necessary to exercise or defend legal claims– Article 9(2)(f) GDPR**
6. **The processing is necessary for the reasons of substantial public interest – Article 9(2)(g) GDPR and DPA2018 Schedule 1, Part 2(6)**
7. **The processing is necessary to assess your working capacity in relation to your health – Article 9(2)(h) GDPR**
8. **The processing is necessary for archiving purposes – Article 9(2)(j) GDPR**

# How we share your personal information

## Organisations acting on our behalf (suppliers)

We contract third party organisations (suppliers) to process data on our behalf. We will only work with organisations that have equivalent or sufficient security in place to handle personal data, considering the sensitivity of the data. We will always have a contract or agreement in place with the supplier.

Where it is possible to disclose anonymised data we will do so. If personal data needs to be provided we will disclose the minimum needed for the purpose.

We use the following types of third party services:

* Human resources information systems providers
* IT system providers
* Job Evaluation providers
* Photo management platforms
* Phone and IT service providers
* Professional advisors or consultants working on our behalf
* Paper and electronic archive providers

## Other organisations

We may need to share your personal information with other organisations that use the data for their own purpose. For example, with a regulator or to otherwise comply with the law.

This may include sharing relevant information with the following organisations:

* HMRC
* National Audit Office
* Internal Auditors
* External legal services
* Cabinet Office
* Government Actuaries Department

## Other circumstances

We may also share data in other one-off circumstances such as providing information to the police to assist with their work to prevent or detect crime.

In the event of an emergency or safeguarding concern we may share relevant information with key authorities such as the emergency services or other safeguarding services where this is believed to be in the best interests of yourself or another individual, or is in the public interest.

There are also circumstances where we are legally obliged to share information, for example if the courts require us to disclose information to them.

# How long do we keep your personal information for?

We will only keep your personal information for as long as it’s needed.

For details of how long we keep different types of records for please see our [retention schedule](http://portal.ehrc.local/Resources/Information/RecordsManagement/Pages/default.aspx).

For more information on how long personal data is retained, please contact the Commission’s Data Protection Officer (see [how you can contact us](https://www.equalityhumanrights.com/en/privacy-notice#contact)).

# How we keep your personal information safe

We take appropriate measures to secure your personal information and protect it against unauthorised or unlawful processing, as well as against its accidental loss, destruction or damage. This includes ensuring both technical and organisation security measures are in place including:

Technical security measures:

* using secure servers to store personal information
* using technologies to encrypt data in transit and at rest
* access permissions to restrict access only to staff that need it
* providing access to the minimum personal data necessary, using appropriate restrictions
* making the data anonymous, pseudonymised or unidentifiable whenever possible
* regular security testing and assurance

Organisational security measures:

* having organisational policies and procedures in place to protect your information
* ensuring staff handling personal information receive relevant training
* ensuring formal agreements such as contracts or data sharing agreements are in place with other organisations that work with us and handle personal data
* making sure we check suppliers have good security measures in place before working with them.

# Your rights to your personal information

You have the following rights to your personal information:

* to know what information we hold about you ('right to be informed')
* to request access to or a copy of the information we hold about you ('right of access')
* to have your data corrected if it is inaccurate ('right to rectification')
* to have your data erased where we do not have an overriding legal obligation or reason to retain it ('right to erasure')
* to prevent your data being used if you have contested and are pending resolution in relation to its lawful use, accuracy or impact of your rights, or require that it is retained in relation to a legal claim (‘right to restriction of processing’)
* to object to its use, including opting out of receiving marketing such as our newsletter (‘right to object’)
* to request that we pass data about yourself that you provided us to another organisation on your behalf (‘right to data portability’)

In the limited circumstances where you have provided your consent for us to hold or use your personal data for a specific purpose, you have the right to withdraw this consent at any time by contacting us.

We may ask you to provide confirmation of your identify and in most cases requests will be responded to within one month.

# Who you can contact

If you have any questions or concerns about how we collect, handle, store or secure your personal information, contact our Data Protection Officer:

**Data Protection Officer**
Equality and Human Rights Commission
Arndale House
The Arndale Centre
Manchester
M4 3AQ

Email the Data Protection Officer

You also have the right to lodge a complaint with the Information Commissioner’s Office (ICO):

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

# Changes to this privacy notice

We reserve the right to update this privacy notice at any time and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time, about the processing of your personal information.

Version: 2.0