



# Commissioner for Ethical Standards in Public Life in Scotland

## Privacy Notice for current and former employees and job applicants

Date policy adopted: 25/05/2018

Review frequency: 3 years

Date of last review:

Date policy must be reviewed by: 24/05/2021

The Commissioner is the data controller for the information you provide during all stages of the recruitment process and in the course of your employment unless otherwise stated. This privacy statement was drafted with brevity and clarity in mind and explains what you should expect when we process your personal data. It is not intended to provide exhaustive detail of all aspects of how the Commissioner may collect and use personal information. Where requested, we will endeavour to provide any additional information or explanation needed. Requests should be addressed to the Business Manager using the contact details provided at the end of this statement.

### What will we do with the information you provide to us?

All of the information you provide will only be used for the purpose of

- progressing your application
- improving our employment practices
- allowing us to make reasonable adjustments to assist you in the recruitment process and/or continuing employment
- managing performance and/or
- fulfilling legal or regulatory requirements relating to your employment where necessary.

We will not share any of the information you provide during the recruitment process with any third parties for marketing purposes or store any of your information outside the European Economic Area. The information you provide will be held securely by us and/or our data processors whether the information is in electronic or physical format.

We do not collect more information than we need to fulfil our stated purposes and will not retain it for longer than is necessary. We have a retention schedule which sets out how long we will hold information. It can be accessed here - <http://www.ethicalstandards.org.uk/publications/publication/734/cespls-file-plan-and-retention-schedule>.

## Job Applicants

### What information do we ask for, and why?

The information we ask for is used to assess your suitability for employment and to improve our employment practices. You don't have to provide what we ask for but it might affect your application if you don't.

The contact details you provide will be used by us to inform you about the progress your application.

### Application stage

We ask you for your personal details including name and contact details. We will also ask you questions related to your suitability for the role that you have applied for. Such questions may be about your previous experience, education, referees and/or other information relevant to the role you have applied for.

You will also be asked to provide diversity information. This is not mandatory and if you don't provide it, it will not affect your application. It does help us to assess whether our employment practices have different impacts on people depending on their protected characteristics which include age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity. This information will not be made available to anyone outside our office in a way which can identify you. Any information you do provide, will be used only to monitor our performance in relation to diversity.

### Shortlisting and Assessments

Our hiring managers shortlist applications for interview.

We might ask you to complete tests or questionnaires and/or to attend an interview – or a combination of these. Information will be generated by you and by us. For example, you might complete a written test or we might take interview notes. This information is held securely within the Commissioner's office.

If you are unsuccessful following assessment for the position you have applied for we will retain your details for a period of six months to enable us to answer any questions about the recruitment exercise.

We may ask if you would like us to retain your contact details for an agreed period to allow us to contact you should any further suitable vacancies arise.

### Conditional offer

If we make a conditional offer of employment we will ask you for information so that we can carry out pre-employment checks. These must be successfully completed to progress to a final offer. We are required to confirm the identity of our staff, their right to work in the United Kingdom and entitled to seek assurance as to their trustworthiness, integrity and reliability.

Depending on the role for which you have applied, we may require you to provide any or all of the following (the information we require will be set out in writing as part of any conditional offer):

- Proof of your identity – you will be asked to attend our office with original documents, we will take copies.
- Proof of your qualifications – you will be asked to attend our office with original documents, we will take copies.
- You will be asked to complete a criminal records declaration to declare any unspent convictions.

We may provide your email address to the Government Recruitment Service who will contact you to complete an application for a Basic Criminal Record check via Disclosure Scotland which will verify your declaration of unspent convictions.

- We will contact your referees, using the details you provide in your application, directly to obtain references

If we make a final offer, we will also ask you for the following:

- Bank details – to process salary payments
- P45 or similar and your National Insurance Number – to make appropriate taxation payments
- Emergency contact details – so we know whom to contact in case you have an emergency at work
- Information relating to any previous membership of a Civil Service or public service pension scheme – so we can send you a questionnaire to determine whether you are eligible to re-join your previous scheme.
- Declaration of interests form – to identify any potential conflicts which may affect your ability to perform your role.

### Post start date

Our Code of Conduct requires all staff to declare if they have any potential conflicts of interest, or if they are active within a political party. The information will be held on your personnel file.

## Use of data processors

Data processors are third parties who provide elements of our Human Resource service for us. We have contracts in place with our data processors. This means that they cannot do anything with your personal information unless we have instructed them to do it. They will not share your personal information with any organisation apart from us unless they are statutorily required to, e.g. paying tax and national insurance to HMRC. They will hold it securely and retain it for an agreed period.

### The Computer Bureau (Fife) Ltd

If you are employed by the Commissioner, relevant details about you will be provided to The Computer Bureau (Fife) Ltd who provide payroll services to the organisation. As a minimum, this will include your name, bank details, address, date of birth, National Insurance Number and salary.

### HMRC

We will share your information with HMRC to allow them to collect personal taxation and National Insurance payments.

### MyCSP

Likewise, your details will be provided to MyCSP who are the administrators of the Civil Service Pension Scheme, of which the Commissioner's Office is a member organisation. You will be auto-enrolled into the pension scheme. As a minimum, the details provided to MyCSP will be your name, date of birth, National Insurance number and salary.

### Scottish Legal Aid Board (SLAB)

SLAB are our landlords and provide a number of facilities management services, including the provision of swipe cards to access the building, disability access to the building and training courses. Only necessary, relevant information will be provided to them.

### Health & Safety Executive

The details of certain accidents which occur in the workplace must be reported to the Health & Safety Executive. This may include personal details of the parties involved.

### Euro-Systems Ltd

Euro-systems provide IT and communications systems support. Employee names, locations and contact details are shared routinely in order to enable them to provide the service.

### Police forces and prosecuting authorities

There may be occasion where we are obliged to share information with the police and/or prosecuting authorities.

### The Scottish Parliament and other staff members

Contact details for staff members are held in our contingency plan, which outlines the action to take in an emergency. The plan is shared with the Scottish Parliament and other staff.

## How long is the information retained for?

If you are successful in your application for employment, the information you provide during the application process will be retained by us as part of your employee file for the duration of your employment plus 5 years following the end of your employment. This includes your criminal records declaration, fitness to work, records of any security checks and references. Your pension details are kept indefinitely.

If you are unsuccessful at any stage of the process, the information you have provided until that point will be retained for 6 months from the closure of the recruitment campaign.

Information generated throughout the assessment process, for example interview notes, is retained by us for 6 months following the closure of the recruitment campaign.

Diversity information is retained for 6 months following the closure of the recruitment campaign whether you are successful or not.

## How we make decisions about recruitment?

Final recruitment decisions are made by hiring managers and members of our recruitment team using a number of different assessment methods to evaluate your response against a set of advertised criteria. All relevant information gathered during the application process is taken into account.

## Secondments

We may on occasion offer opportunities for people to come and work with us on a secondment basis. We accept applications from individuals or from organisations who may think they could benefit from their staff working with us.

Applications are considered by the line manager and/or Commissioner. Once we have considered your application, if we are interested in speaking to you further, we'll contact you using the details you provided.

We might ask you to provide more information about your skills, knowledge and experience or invite you to an interview.

If we do not have any suitable work at the time, we'll let you know but we might ask you if you would like us to retain your application so that we can contact you about possible opportunities in the future. If you say yes, we will keep your application for a time period that we will agree with you.

If you are seconded to the Commissioner's Office, we will ask that you complete:

- Declaration of interests form
- Emergency contact form

Also you will be expected to adhere to a confidentiality agreement and code of conduct which will be agreed with your organisation.

Any information gathered will be retained for the duration of your secondment plus 5 years following the end of your secondment.

## Your rights in relation to your personal data

You have certain rights which you are entitled to exercise in relation to personal data that we hold about you.

### Right of Access

You have the right to ask us to tell you what personal data we hold about you and to access that data. If we do hold information about you, we will provide it if we are able to, having regard to the requirements of the Data Protection Act 1998 Act.

### Right to object

You have the right to object to us processing personal data we hold about you.

### Right to rectification

You have the right to ask us to rectify personal data we hold about you if it is inaccurate or incomplete.

### Right to erasure

You have the right to request that personal data that we hold about you be erased if there is no compelling reason for us to continue processing it.

### Right to restrict processing

Where you have sought to exercise one or other of your other rights in relation to personal data that we hold about you, or you consider that we are processing your data unlawfully, you have the right to ask us to restrict the processing of your personal data.

Requests to exercise any of your rights in relation to your personal data should be made in writing and sent to the email or postal addresses given below.

## Disclosure of personal information

This notice details the organisations with whom we may share your personal information in dealing with matters relating to your application for work or employment with us. If we wish to share your information for any other purposes then we will usually seek your consent. There are, nevertheless, circumstances in which we are obliged to pass on personal data without seeking consent, for example, to prevent and detect crime.

## Links to other websites

This privacy statement does not cover any links within this site to other websites. We encourage you to read the privacy statements on the other websites you visit.

## Complaints or queries

We take any complaints we receive about the way we process personal information seriously. We encourage people to bring it to our attention if they think that our processing of personal data is unfair or inappropriate. We would also welcome any suggestions for improving our procedures.

If we are unable to resolve any issues internally which you may have in relation to the way we have handled your personal data, you are entitled to make a complaint to the Information Commissioner. More information can be found here: <https://ico.org.uk/>.

## Changes to this privacy statement

We keep our privacy statement under regular review and will update and amend it as necessary.

## How to contact us

If you want to contact us about anything in this privacy statement, or in relation to any other matter regarding our use of personal data, you can email us [foi@ethicalstandards.org.uk](mailto:foi@ethicalstandards.org.uk) or write to the Business Manager, Commissioner for Ethical Standards in Public Life in Scotland, Thistle House, 91 Haymarket Terrace, Edinburgh EH12 5HE.