



Data protection privacy notice (Recruitment)

East Midlands Combined Authority Privacy Notice

For Recruitment

This notice explains what personal data (information) we will hold about you, how we collect it, and how we will use and may share data about you during the application process. We are required to notify you of this information, under data protection legislation, Data Protection Act 2018 and other regulations including the UK General Data Protection Regulation (UK GDPR). Please ensure that you read this notice (sometimes referred to as a 'privacy notice') and any other similar notice we may provide to you from time to time when we collect or process personal data about you.

Who collects the data

East Midlands Combined County Authority is the data controller of the personal data, which means it determines what your personal data is used for and why it is collected.

About the data we collect and hold

What data

We may collect the following data up to and including the shortlisting stage of the recruitment process:

- Your name and contact details (ie address, home and personal mobile phone numbers, personal email address);
- Date of birth
- Gender
- Marital status
- Personal information included in a CV or cover letter or as part of the application process.
- Details of your qualifications, experience, employment history (including job titles, salary and working hours) and interests.
- Employment records (including job titles, work history, working hours, holidays, training records and professional memberships)
- Performance information
- Disciplinary and grievance information
- Your racial or ethnic origin, sex and sexual orientation, religious or similar beliefs;
- Details of your referees.

We may collect the following data after the shortlisting stage, and before making a final decision to recruit:

- Data about your academic and professional qualifications, employment history, including details of any conduct, grievance or performance issues, appraisals, time and attendance, from references obtained about you from previous employers and/or education providers.
- Data regarding your criminal record, in a basic criminal records certificate (DBS) or enhanced criminal records certificate (DBS) as appropriate*
- Your nationality and immigration status and data from related documents, such as your passport or other identification and immigration information*
- A copy of your driving licence and car insurance details *.
- Data relating to your health, including any medical condition, health and sickness records, which would be collected by EMCCA's Occupational Health Provider.

You are required by law or in order to enter into your contract of employment to provide the categories of data marked “*” above to us to enable us to verify your right to work and suitability for the position.

How we collect the data

We may collect this data from you, your referees (details of whom you will have provided), your education provider, relevant professional body, the Disclosure and Barring Service (DBS) and the Home Office.

We collect personal information about you, sometimes from employment agencies or background check providers.

How do we use your personal information

In the following circumstances:

- So that we can contact you by letter, email, or phone where necessary to progress your application, arrange interviews and inform you of the outcome at all stages
- To inform the relevant manager or department of your application
- So that we can make an informed decision about which candidates to shortlist for interview and ultimately recruit
- To see whether an associated company/agencies has any suitable candidates
- To comply with legal/regulatory obligations
- Checking you are legally entitled to work in the UK
- Administering the contract we have entered into with you
- Business management and planning, including accounting and auditing
- Assessing qualifications for a particular job or task
- Education, training, and development requirements
- Ascertaining your fitness to work
- Complying with health and safety obligations.
- To prevent fraud

- To conduct data analytics studies to review and better understand employee retention and attrition rates
- Equal opportunities monitoring

Why we collect the data

The legal basis we rely on to use your personal information are:

- For the performance of a contract to which you are party to or in order to take steps at your request prior to entering into a contract.
- For the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller (EMCCA)
- for compliance with a legal obligation.
- for the purposes of our legitimate interests or those of a relevant third party (such as a benefits providers), but only if these are not overridden by your interests, rights or freedoms.

The legal basis we rely on to process your Special category (sensitive) personal information/criminal offence personal information are:

- It would be necessary for carrying out obligations or exercising rights in employment law, social security and social protection law
- It would be necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of domestic law or pursuant to contract with a health professional and subject to the relevant conditions and safeguards
- for reasons of substantial public interest (ie equality of opportunity or treatment, promoting or retaining racial and ethnic diversity at senior level, preventing or detecting unlawful acts; and
- to establish, exercise and/or defend any legal claims that may be brought by or against us in connection with your recruitment.

We seek to ensure that our data collection and processing is always proportionate. We will notify you of any changes to data we collect or to the purposes for which we collect and process it.

How we may share the data

We may also need to share some of the above categories of personal data with other parties, such as HR consultants and professional advisers. Usually, data will be anonymised but this

may not always be possible. The recipient of the data will be bound by confidentiality obligations. We may also be required to share some personal data with our regulators or as required to comply with the law. We also share your personal data with our carefully selected suppliers and constituent councils.

Where data may be held

Data may be held at our offices and those of our constituent Councils, and third-party agencies, service providers, representatives and agents as described above.

How long we keep your data.

We keep the personal data that we obtain about you during the recruitment process for no longer than is necessary for the purposes for which it is processed. How long we keep your data will depend on whether your application is successful, and you become employed by us, the nature of the data concerned and the purposes for which it is processed.

We will keep recruitment data (including interview notes) for no longer than is reasonable, taking into account the limitation periods for potential claims such as race or sex discrimination (as extended to take account of early conciliation), after which they will be destroyed.

If your application is unsuccessful at this stage, we will keep your data, in pseudonymised form, for the purpose of establishing, exercising and/or defending any legal claims, in accordance with our legitimate interests.

If your application is successful, we will keep only the recruitment data that is necessary in relation to your employment.

Further details on our approach to data retention and destruction are available in our retention policies.

Your right to object to us processing your data

Where our processing of your data is based solely on our legitimate interests (or those of a third party), you have the right to object to that processing if you give us specific reasons why you are objecting, which are based on your particular situation. If you object, we can no longer process your data unless we can demonstrate legitimate grounds for the processing, which override your interests, rights and freedoms, or the processing is for the establishment, exercise or defence of legal claims.

Please contact our Data Protection Officer (DPO), if you wish to object in this way. The DPO can be contacted at:

Data Protection Officer
East Midlands Combined County Authority
Northern Gateway Enterprise Centre
Saltergate
Chesterfield
S40 1UT

InformationGovernance@eastmidsdevo.org.uk

Telephone: 0115 8044922

Your rights to correct and access your data and to ask for it to be erased.

Please contact our Data Protection Officer (DPO) as above who can be contacted if in accordance with applicable law you would like to correct or request access to data that we hold relating to you or if you have any questions about this notice. You also have the right to ask our Data Protection Officer for some but not all of the data we hold and process to be erased (the 'right to be forgotten') in certain circumstances. Our Data Protection Officer will provide you with further information about the right to be forgotten, if you ask for it.

Keeping your personal data secure

We have appropriate security measures in place to prevent personal data from being accidentally lost or used or accessed in an unauthorised way. We limit access to your personal data to those who have a genuine business need to know it. Those processing your data will do so only in an authorised manner and are subject to a duty of confidentiality.

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

How to complain

We hope that our Data Protection Officer can resolve any query or concern you raise about our use of your data. If not, contact the Information Commissioner ICO at: Information Commissioner's Office, Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Or at <https://ico.org.uk/concerns/> or telephone: 0303 123 1113 for further information about your rights and how to make a formal complaint.

Changes to this privacy policy

This Privacy Notice is regularly reviewed; however, you are advised to check this page from time to time for any updates to this notice.

The ICO has published [draft guidance on recruitment and selection](#), which is out for consultation until 5 March 2024. This Policy will be updated once the new ICO guidance has been finalised.