

## Sussex Primary Care Recruitment Privacy Policy

This notice is provided in accordance with data protection legislation which incorporates the General Data Protection Regulations (GDPR).

Sussex Primary Care is committed to protecting and respecting your privacy. This Privacy Notice (together with any other documents referred to herein) sets out the basis on which the personal data collected from you, or that you provide to SPC, will be processed by SPC in connection with our recruitment processes. Please read the following carefully to understand our views and practices regarding your personal data and how we will treat it.

### **Our Contact Details**

Name: Sussex Primary Care

Address: 1<sup>st</sup> Floor Arundel Building, Brighton General Hospital, Elm Grove, Brighton BN2 3EW

Tel: 01273 265800

E-mail: [sc-tr.sussexprimarycare@nhs.net](mailto:sc-tr.sussexprimarycare@nhs.net)

Website: [www.sussexprimarycare.co.uk](http://www.sussexprimarycare.co.uk)

Data Protection Officer: Lindsey Wells

### **The Type of Personal Information We Collect,**

We currently collect and process all or some of the following information:

- Information that you provide when you apply for a role. This includes information provided through an online job site, via email, in person at interviews and/or by any other method.
- SPC process personal details such as name, email address, address, telephone number, date of birth, qualifications, experience, information relating to your employment history, skills experience that you provide to SPC.
- Reference information.
- If you contact SPC, we may keep a record of that correspondence.
- A record of your progress through any hiring process that we may conduct.

If you do not provide information when requested, which is necessary for us to consider your application, we will not be able to process your application successfully.

### **How We Get the Personal Information**

Most of the personal information we process is provided to us directly by you for the following reasons:

- You have applied for a job or secondment with us.
- You have made an information request

At times we will be provided with your personal information indirectly:

## Information from Other Sources, Pre-Employment Checks and Security Clearance:

If your application is successful, in order to work in an organisation that provides NHS Services, we will need to establish your identity and you will need to go through a security clearance process. Different roles within Sussex Primary Care have access to different levels of sensitive information, so the type and level of security clearance you need will depend on what the role entails. As part of the security clearance process, we will ask you to share your information with Disclosure Services who maintain criminal record databases.

Confirmation that you have passed is required. You are required to provide the information necessary to carry out the pre-employment checks and relevant security clearance processes for the role before your appointment can be formally confirmed. Failure to provide the necessary information may mean we are unable to offer you an appointment.

Very exceptionally, data supplied by you or by a third party may be sufficiently serious that Sussex Primary Care will consider if it is necessary and in the public interest to share relevant information with an appropriate authority, such as the police. This might occur, but is not limited to, when information suggests that:

- you may have committed a previously undetected criminal offence, or that an offence may be about to be committed
- you or others may be at risk of harm;
- action is required to safeguard national security

## Purposes of Processing Your Information

We use information held about you in the following ways:

- To consider your application in respect of a role for which you have applied.
- To consider your application in respect of other roles.
- To communicate with you in respect of the recruitment process.
- To enhance any information that we receive from you with information obtained from third party data providers.
- To find appropriate candidates to fill our job openings.
- To help our service providers and Partners (such as the job sites through which you

## Lawful Basis for Processing

Under the General Data Protection Regulation (GDPR), the lawful bases we rely on for processing this information are:

- a) Your consent. You are able to remove your consent at any time. You can do this by contacting [sc-tr.susseprimarycare@nhs.net](mailto:sc-tr.susseprimarycare@nhs.net)
- b) We have a contractual obligation.
- c) We have a legal obligation.
- d) We have a vital interest.
- e) We need it to perform a public task.

f) We have a legitimate interest.

- Article 6 (1)(b) of the General Data Protection Regulation (GDPR) – the processing is necessary for the performance of a contract to which you are a party, or in order to take steps at your request prior to entering into a contract. In this case, the contract would be a contract of employment, if you are successful in your application.
- Article 6 (1)(e) of GDPR – the processing is necessary for the performance of a task carried out in the public interest
- Article 6 (1)(f) of GDPR – the processing is necessary for the purposes of the legitimate interests pursued by SPC or by a third party. In this instance, the legitimate interest of SPC is to carry out adequate checks on candidates to assess their suitability to have access to sensitive information, assets and equipment as potential employees. The risk to data subjects arising from these checks is that if adverse information is discovered during the recruitment process, SPC may not provide or confirm an offer of employment to a candidate. It is in a candidate's best interest to provide full disclosure during pre-employment assurance processes, so any risks they present as a potential employee can be properly assessed.

Where we process special category data about you, we rely on the following lawful basis:

- Article 9(2)(b) which relates to carrying out our obligations and exercising our rights in employment and the safeguarding of your fundamental rights.
- Article 9(2)(h) for the purposes of preventative or occupational medicine and assessing your working capacity as an employee
- Article 9(2)(f) for the establishment, exercise or defence of legal claims

In addition, we rely on processing conditions at Schedule 1 part 1 paragraph 1 and Schedule 1 part 1 paragraph 2(2)(a) and (b) of the Data Protection Act 2018. These relate to the processing of special category data for employment purposes, preventative or occupational medicine and the assessment of your working capacity as an employee.

### **Automated Decision Making / Profiling**

SPC may use online jobsite technology (e.g. NHS Jobs & Indeed) to pre-select appropriate candidates for us to consider based on criteria expressly identified by us, or typical in relation to the role for which you have applied. The process of finding suitable candidates is automatic, however, any decision as to who we will engage to fill the job opening will be made by our staff.

### **Data Security**

- We take appropriate measures to ensure that all personal data is kept secure including security measures 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 information 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.

- Unfortunately, the transmission of information via the internet is not completely secure. Although We will do Our best to protect your personal data, We cannot guarantee the security of your data transmitted through any online means, therefore any transmission remains at your own risk.

### Where We store your Personal Data and How Long For

If your application is successful, personal data gathered during the recruitment process will be transferred to our HR files and retained during your employment or engagement. The periods for which we will continue to hold your personal data will be notified to you in a new privacy notice.

If your application is unsuccessful we will retain your personal data for a period of six months after we have communicated our decision to you. We retain your personal data for that period so that 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. After this period, we will securely destroy your personal data in accordance with applicable laws and regulations.

If we wish to retain your personal data on file, on the basis that a further opportunity may arise in future and we may wish to consider you for that, we will write to you separately, seeking your explicit consent to retain your personal data for a fixed period on that basis.

### Other Rights

In certain circumstances, you have the right to:

1. object to and restrict the use of your personal information, or to ask to have your data deleted, or corrected.
2. The right to withdraw your consent to the processing of your data (where you have explicitly consented to the use of your personal data and that is the lawful basis for processing it).

If you have any questions or concerns about the collection, use or disclosure of your personal information please contact the Sussex Primary Care Data Protection Officer:

01273 265800 or [sc-tr.susseprimarycare@nhs.net](mailto:sc-tr.susseprimarycare@nhs.net)

Or for independent advice about data protection, privacy and data-sharing issues, you can contact:

The Information Commissioner

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Phone: 0303 123 1113 Website: <https://ico.org.uk/global/contact-us>