

Privacy Statement for Applicants

21st May 2018

Key Points

- **Why we use your personal data:** We use your personal information to consider your application for employment with us.
- **Why we use your sensitive personal data:** During the application process, we use information about your health, racial and ethnic origin, sexual orientation and religion.
- **Who else has access to your personal data?** Third party service providers may process your personal information on our behalf in line with our instructions.
- **How secure is your personal data?** We respect the security of your data and treat it in accordance with the law.
- **Transferring your data internationally:** We will not transfer your data outside of the EU.

1 WHAT IS THE PURPOSE OF THIS PRIVACY STATEMENT?

- 1.1 Under data protection legislation we are required to explain to you why we collect information about you, how we intend to use that information and whether we will share your information with anyone else.
- 1.2 This statement applies to all job applicants and prospective employees. We have a separate privacy statement which describes our use of employees' personal data.
- 1.3 We may update this statement at any time.
- 1.4 It is important that you read this statement so that you know how and why we use information about you. It is also important that you inform us of any changes to your personal information during your application process so that the information we hold is accurate and current.

2 WHO ARE WE?

- 2.1 We are Oxleas NHS Foundation Trust (**Oxleas**). Our head office is located at Pinewood House, Pinewood Place, Dartford, Kent, DA2 7WG.
- 2.2 We are a "data controller" in respect of the information we hold about you. This means that we are responsible for deciding how we use your information.

3 OUR DATA PROTECTION OFFICER

- 3.1 Our Data Protection Officer is responsible for overseeing what we do with your information and monitoring our compliance with data protection laws.

- 3.2 If you have any concerns or questions about our use of your personal information, you can contact our Data Protection Officer, by phone on 01322 299872, or by email at oxl-tr.dpo@nhs.net or by writing to The Data Protection Officer, Oxleas NHS Foundation Trust, Bracken House, Bracton Lane, Leyton Cross Road, Dartford, DA2 7AF.

4 TYPES OF PERSONAL INFORMATION WE USE

- 4.1 We are collecting information about you which is relevant to our consideration of your application for employment. This includes:
- 4.1.1 **personal details** (such as name, date of birth, gender, marital status, national insurance number);
 - 4.1.2 **contact details** (such as your address, personal telephone number and personal email address);
 - 4.1.3 **confirmation of your identity** (such as a copy of your driving licence);
 - 4.1.4 **recruitment information** (such as copies of right to work documents, references and other information included in a CV or cover letter or as part of the application process);
 - 4.1.5 **information about your previous employment** (such as job titles, work history, working hours, training records, professional memberships, disciplinary information and salary / compensation history); and
 - 4.1.6 any other information you provide to us during an interview.

Special categories of personal data

- 4.2 Some of the information which we collect may be "special categories of personal data". Special categories of personal data require a greater level of protection. The special categories of personal data about you which we may collect include:
- 4.2.1 information about your **race or ethnicity, religious or philosophical beliefs, sexual orientation and political opinions** (for equal opportunity purposes);
 - 4.2.2 information about your **health**, including any medical condition or disability; and
 - 4.2.3 information about **criminal convictions and offences**.

5 SOURCE OF YOUR PERSONAL INFORMATION

- 5.1 The above information which we collect about you will be obtained through a variety of sources which include:
- 5.1.1 from you directly as part of the recruitment process; and
 - 5.1.2 from third parties as part of the recruitment process (such as employment agencies, background check providers, former employers).

6 HOW AND WHY WE USE YOUR PERSONAL INFORMATION

- 6.1 We use the types of personal information listed above for a number of purposes, each of which has a "lawful basis". In accordance with the data protection laws, we need a "lawful basis" for collecting and using information about you. There are a variety of different lawful bases for using personal information which are set out in the data protection laws.
- 6.2 We have set out below the different purposes for which we collect and use your personal information, along with the lawful bases we rely on to do so.

Why we use your information	Our lawful basis for using your information
<p>Assessment: to assess your skills, qualifications and suitability for the role you have applied for.</p>	<p>Contract: It is necessary in order for us to take steps to enter into a contract with you.</p> <p>Legal obligations: It is necessary to meet legal / regulatory obligations.</p> <p>Employment: It is necessary for us to carry out our rights and obligations as your potential employer.*</p>
<p>Communication: to communicate with you during the recruitment process.</p>	<p>Contract: It is necessary in order for us to take steps to enter into a contract with you.</p>
<p>Records: to keep records of our hiring processes.</p>	<p>Contract: It is necessary in order for us to take steps to enter into a contract with you.</p>
<p>Monitoring: to comply with our legal obligations such as to prevent fraud and equal opportunities monitoring.</p>	<p>Legal obligations: It is necessary to meet legal / regulatory obligations.</p> <p>Employment: It is necessary for us to carry out our rights and obligations as your potential employer.*</p>
<p>Adjustments: to consider whether we need to provide appropriate disability adjustments during the recruitment process, for example whether adjustments need to be made during a test or interview, to comply with our legal obligations as an employer and where it is needed in the public interest (such as equal opportunities monitoring).</p>	<p>Contract: It is necessary in order for us to take steps to enter into a contract with you.</p> <p>Legal obligations: It is necessary to meet legal / regulatory obligations.</p> <p>Employment: It is necessary for us to carry out our rights and obligations as your potential employer.*</p> <p>Health: It is necessary to assess the working capacity of potential employees*.</p>
<p>Equality: We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.</p>	<p>Legal obligations: It is necessary to meet legal / regulatory obligations.</p> <p>Employment: It is necessary for us to carry out our rights and obligations as your employer.*</p>
<p>* This is an additional lawful basis which we need to rely on in order to use special categories of data such as information about your health.</p>	

7 HOW WE USE INFORMATION ABOUT CRIMINAL CONVICTIONS

- 7.1 We will only collect information about criminal convictions if it is appropriate given the nature of the role for which you are applying and where we are legally able to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy.
- 7.2 Where appropriate, we will collect information about criminal convictions as part of the recruitment process, such as background and reference checks, where applicable, including Disclosure and Barring Service checks and checking you are legally entitled to work in the UK.
- 7.3 We will use information about criminal convictions and offences in the following ways:
- 7.3.1 To assess whether you are a fit and proper person to work for us.
 - 7.3.2 To assess the relevance of any cautions or convictions to your particular role.
- 7.4 We are allowed to use your personal information in this way to carry out our obligations as your potential employer and because it is necessary to meet legal / regulatory obligations.
- 7.5 Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where you have already made the information public or in the course of legitimate business activities with the appropriate safeguards.

8 WHAT MAY HAPPEN IF YOU DO NOT PROVIDE YOUR PERSONAL INFORMATION?

- 8.1 If you refuse to provide certain information when requested, we may not be able to process your application successfully, or we may be prevented from complying with our legal obligations (such as the requirement to ensure the health and safety in our workplace).

9 COMPLYING WITH DATA PROTECTION LAW

- 9.1 We will comply with data protection law. At the heart of data protection laws are the "data protection principles" which say that the personal information we hold about you must be:
- 9.1.1 used lawfully, fairly and in a transparent way;
 - 9.1.2 collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes;
 - 9.1.3 relevant to the purposes we have told you about and limited only to those purposes;
 - 9.1.4 accurate and kept up to date;
 - 9.1.5 kept only as long as necessary for the purposes we have told you about; and
 - 9.1.6 kept securely.

10 SHARING YOUR INFORMATION

- 10.1 We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.
- 10.2 Some "third parties" are service providers (including contractors and designated agents) carrying out activities on our behalf. Other third parties will be data controllers in their own right. This means that they are not required to act on our instructions and they are solely responsible for ensuring that they comply with the law when using your personal information. We are not responsible for their use of your data if we are acting lawfully whenever we share your data with them.

- 10.3 The types of organisations with whom we may share your personal information include:
- 10.3.1 **Service providers** (such as external IT providers, systems maintenance providers and telephone call recording for monitoring purposes). If you want us to book a taxi for you, some basic personal details such as your name and destination address will be shared via a booking system with the taxi company;
 - 10.3.2 **The Police and other law enforcement agencies** (in limited circumstances we may share your personal data with the police if required for the purposes of criminal investigations and law enforcement);
 - 10.3.3 **Professional advisors** (such as lawyers, in the exercise or defence of legal claims);
 - 10.3.4 **Disclosure and Barring Service.**

11 TRANSFERRING INFORMATION OUTSIDE THE EU

- 11.1 We will not transfer the personal information we collect about you outside the EU.

12 CAN WE USE YOUR INFORMATION FOR ANY OTHER PURPOSE?

- 12.1 We typically will only use your personal information for the purposes for which we collect it. It is possible that we will use your information for other purposes as long as those other purposes are compatible with those set out in this policy. If we intend to do so, we will provide you with information relating to that other purpose before using it for the new purpose.
- 12.2 We may use your personal information without your knowledge or consent where such use is required or permitted by law.

13 STORING YOUR INFORMATION AND DELETING IT

- 13.1 We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for.
- 13.2 To determine the appropriate retention period for personal information, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.
- 13.3 If your application is unsuccessful, we will retain your personal information for a period of 6 months after we have communicated to you our decision.
- 13.4 If we wish to retain your personal information 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 information for a fixed period on that basis.

14 YOUR RIGHTS

- 14.1 Under certain circumstances, by law you have the right to:
- 14.1.1 **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 to check that we are lawfully processing it.
 - 14.1.2 **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 corrected.
 - 14.1.3 **Request erasure** of your personal information in certain circumstances. This enables you to ask us to delete or remove personal information where there is no good reason for us

continuing 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).

14.1.4 **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) or official authority as our lawful basis for processing and there is something about your particular situation which leads you to object to processing on this ground. You also have the right to object if we are processing your personal information for direct marketing purposes.

14.1.5 **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.

14.1.6 **Request the transfer** of your personal information to another party in certain circumstances.

14.2 If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal information, or request that we transfer a copy of your personal information to another party, please contact our Data Protection Officer in writing.

15 RIGHT TO WITHDRAW CONSENT

15.1 In the limited circumstances where we are relying on your consent as our lawful basis to process your data for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact our Data Protection Officer in writing to Data Protection Officer, Oxleas NHS Foundation Trust, Bracken House, Bracton Lane, Leyton Cross Road, Dartford, DA2 7AF or by email to oxl-tr.dpo@nhs.net. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

16 AUTOMATED DECISION MAKING

16.1 An automated decision is one that is made with no human involvement. For example, where filter questions set up on the recruitment application system automatically determine whether your application is suitable or not, depending on whether you have met the criteria set out.

16.2 You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

17 RIGHT TO COMPLAIN TO THE ICO

17.1 You also have the right to complain to the Information Commissioner's Office (the "ICO") if you are not satisfied with the way we use your information. You can contact the ICO by writing to Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

18 CHANGES TO THIS PRIVACY STATEMENT

18.1 We reserve the right to update this privacy statement at any time, and we will provide you with a new privacy statement 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.