

SPCB Privacy Notice - Recruitment of Scottish Parliamentary Corporate Body Staff

This privacy statement explains how we collect and use personal information as a data controller for the following process:

Recruitment of Scottish Parliamentary Corporate Body Staff

The purposes of the processing

We will process your personal information to enable us to consider your suitability for an advertised job vacancy. This may include collecting your personal information, recording it, storing it, using it, amending it and destroying it.

In general, we process your personal information to:

- Assess your suitability for an advertised job vacancy;
- Make a decision about your recruitment or appointment; and
- Contact you in relation to your application;
- Request feedback on recruitment interviews

Provision may be made for interviews to take place on the telephone or using suitable video conferencing software such as Microsoft Teams. In this event the meeting will not be recorded although notes may be taken of your responses to questions during the interview. If you participate in an interview, we will ask you to complete a questionnaire using Microsoft Forms to provide feedback on your interview experience. The purpose of providing feedback is to ensure we are continually improving our service and the candidate experience. Participation in the feedback is voluntary. The questions do not require candidates or interviewers to identify themselves and responses will be anonymised.

The questionnaire includes a number of free text boxes where you can add your own text. When completing the free text boxes, you are reminded not to name individuals or job titles or provide information likely to disclose the identity of third parties in your comments.

Personal data will be reviewed in order to assess suitability for an advertised job vacancy and will be stored securely on a UK based third party cloud-based system (see below).

Categories of information processed

For assessing your application, we process **normal category** data such as your title, name, home address, email address, telephone number, qualifications, previous employment history, employment reference addresses, skills and experiences.

We also ask for **special category** data for monitoring of equal opportunity and treatment which may include information such as your gender, ethnicity, nationality, sexual orientation, disability, religion/belief and trans status. Our equal opportunities monitoring form also asks for your date of birth which is normal category data. The completion of the equal opportunities form is voluntary.

*Special category personal data consists of information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, and the processing of genetic data, biometric data for the purposes of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

Source of the information

At this stage in the recruitment process all personal data will be provided by the applicant (the data subject).

Legal basis for processing

Data protection law states that we must have a legal basis for handling your personal data.

The processing of personal data for the purposes of staff recruitment, including pre-employment checks is necessary for the legitimate interests of the SPCB (Article 6(1)(f) UK General Data Protection Regulation (UK GDPR), to select a suitable employee for an advertised position.

When an appointment has been made the processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract (Article 6(1)(b) UK GDPR).

The processing of special categories of data is necessary to exercise or perform employment law rights and obligations and to review equality of opportunity or treatment. The processing is necessary for reasons of substantial public interest (Article 9(2)(g) UK GDPR and paragraph 8, part 2, schedule 1 of the Data Protection Act 2018 (DPA)) as the processing is necessary for the purposes of identifying or keeping under review the existence or absence of equality of opportunity or treatments between groups of people with a view to enabling such equality to be promoted and maintained. Applicants are not under an obligation to provide the data to us.

The legal basis for processing of personal data for the purposes of completing the feedback questionnaire is that it is carried out with the consent of the data subject in terms of Article 6(1)(a) UK GDPR. If you provide any special category data about yourself in the free text questions, the legal basis is that it is carried out with your explicit consent in terms of Article 9(2)(a) UK GDPR.

Where we offer a place on a reserve list or applicants bank, we will seek your consent separately for holding your personal data for that purpose.

Data sharing

Your application will be anonymised, and your name will only be supplied to the selection panel at interview stage.

There will be some automated processing depending on the answers you give to screening questions. For instance, if you answer “no” to the right to work in the UK, your application may be automatically declined, and an automated email sent. Similarly, objective selection questions may generate an automated response that declines your application. There will be no automated processing in relation to free text information.

Your personal details will be processed through a third-party recruitment system (Eploy), stored on their computer system and accessed by authorised Eploy employees for the purposes of managing the recruitment system. Eploy use UK data centres to store this information and any personal data stored is protected by [multiple tiers of security](#).

More information about the third-party provider’s privacy policy can be found [here](#)
Information about their security status can be found [here](#)

For the purposes of assessing your suitability for an advertised job vacancy you may be required to undertake psychometric testing via our third-party supplier, Kornferry. In this event, limited personal information about you, including your email address, name and gender will be shared with Kornferry for the purposes of carrying out psychometric testing.

If you disclose that you have a disability, then we may require to share some special category data relating to your disability with Kornferry for the purposes of making reasonable adjustments that may be required to enable you to complete the test. We will not disclose more information than is necessary for this purpose.

Kornferry is a data controller of this information once it is provided to them. The privacy notice for Kornferry can be accessed [here](#) together with a link to their security and UK GDPR statements.

Your personal data will be held by Kornferry within the EEA. If you wish to delete your personal information from Kornferry's data base, then you can either get in touch with Kornferry directly or contact us in which event we will instruct Kornferry to delete candidate personal identifiers and test result reports in line with our retention schedule for recruitment data.

We may also share your personal data with MHS assessments who we use as a platform to administer emotional intelligence quotient questionnaires. To complete the questionnaire, we will process your name and email address whereupon you will be issued with a link to the website in order to complete the questionnaire. Once completed the report will be held securely and deleted in accordance with our privacy notice.

Personal data collected and received by MHS will be transmitted and stored in the US with a third-party cloud services provider which complies with the US-EU privacy shield framework.

The security policy for MHS can be accessed [here](#)

And the privacy policy can be accessed [here](#)

We will not pass your personal details to any other third party.

Anonymised responses to the feedback questionnaire will be shared with the People and Culture Office for the purposes of improving the virtual interview experience for candidates and interviewers.

Retention of data

Personal details for unsuccessful applications will be retained for one year then applicants will be given the opportunity to consent for their details to be held on the system. If consent is withdrawn, or there is no response, then candidate details will be automatically anonymised within the system. Anonymisation completely removes any personal information, candidates can no longer be identified, and the process cannot be reversed.

Where applicants are unsuccessful but pass the board, applicants will be placed on a reserve list with their consent for up to 12 months in case any future positions become available.

Personal details held as part of successful recruitment applications will be retained in accordance with the Scottish Parliament records management policy as part of the employee's career history, until the age of 100.

Responses to feedback questionnaires will be retained for a period of 12 months from the date of the interview.

Your rights

Data protection legislation sets out the rights which individuals have in relation to personal data held about them by data controllers. Applicable rights are listed below. You can exercise your data subject rights in particular circumstances depending on the purpose for which the data controller is processing the data and the legal basis upon which the processing takes place.

The following rights may apply:

Access to your information – You have the right to request a copy of the personal information about you that we hold. For further information, see information on how to make a data protection subject access request:

<https://www.parliament.scot/abouttheparliament/23315.aspx>

Correcting your information – You have the right to ask us to correct the personal data we hold about you. We want to make sure that your personal information is accurate, complete and up to date and you may ask us to correct any personal information about you that you believe does not meet these standards.

Objecting to how we may use your information – You have the right at any time to require us to stop using your personal information for direct marketing purposes. In addition, where we use your personal information to perform tasks carried out in the public interest then, if you ask us to, we will stop using that personal information unless there are overriding legitimate grounds to continue.

- Please note that the right to object to the processing of personal data does not apply where the data subject has consented to the processing, subject to the right to withdraw consent.
- The right to object to the processing of personal data for the purposes of a public interest task is restricted if there are legitimate grounds for the processing which override the interest of the data subject.
- The right of erasure and the right to object to processing of personal data do not apply where personal data is processed for the performance of a legal obligation. This will be considered on a case by case basis and depends on what personal data is involved and the risks further processing of that data could pose to you.

Deletion of your information – You have the right to ask us to delete personal information about you where:

- You consider that we no longer require the information for the purposes for which it was obtained
- We are using that information with your consent and you have withdrawn your consent – see *Withdrawing consent to using your information* below
- You have validly objected to our use of your personal information – see *Objecting to how we may use your information* above
- Our use of your personal information is contrary to law or our other legal obligations
- Please note that the right allowing for deletion or erasure of personal data (right to be forgotten) does not apply in cases where personal data is processed for the purposes of the performance of a task carried out in the public interest.
- The right of erasure and the right to object to processing of personal data do not apply where personal data is processed for the performance of a legal obligation. This will be considered on a case by case basis and depends on what personal data is involved and the risks further processing of that data could pose to you.

Restricting how we may use your information – In some cases, you may ask us to restrict how we use your personal information. This right might apply, for example, where we are checking the accuracy of personal information about you that we hold or assessing the validity of any objection you have made to our use of your

information. The right might also apply where there is no longer a basis for using your personal information, but you don't want us to delete the data. Where this right is validly exercised, we may only use the relevant personal information with your consent, for legal claims or where there are other public interest grounds to do so. **Withdrawing consent to using your information** – Where we use your personal information with your consent, you may withdraw that consent at any time and we will stop using your personal information for the purposes for which consent was given.

Please contact us in any of the ways set out below if you wish to exercise any of these rights.

Changes to our privacy statement

We keep this privacy statement under regular review and will place any updates on this website. Paper copies of the privacy statement may also be obtained using the contact information below.

This privacy statement was last updated on 20 September 2021.

Contact information and further advice

If you have any further questions about the way in which we process personal data, or about how to exercise your rights, please contact the Head of Information Governance at:

The Scottish Parliament
Edinburgh
EH99 1SP

Telephone: 0131 348 6913 (Calls are welcome through the Text Relay service or in British Sign Language through [contactSCOTLAND-BSL.](#))

Email: dataprotection@parliament.scot

Complaints

We seek to directly resolve all complaints about how we handle personal data. You also have the right to lodge a complaint with the Information Commissioner's Office online at: <https://ico.org.uk/make-a-complaint>.

Or by phone at: 0303 123 1113



Please contact us if you require information in another language or format.

Date	Version	Summary of changes
29/05/2019	1.0	
07/05/2020	2.0	Privacy Notice updated to include reference to the Data Protection Act 2018 and the definition of special category data. To include changes to the section on "The legal basis for processing" to include the processing of special category data and the section on "Your rights" to reflect the legal

		basis for processing. To include reference to the right to make a complaint to the ICO and minor formatting changes.
22/03/2021	3.0	Updated to refer to the UK GDPR and to include the sections titled "Children and young people safeguarding and protection" and "Complaints". Updates to the wording in the sections titled "Your rights" and "Retention of data". Minor formatting updates.
25/08/2021	4.0	Additional text provided to cover provision of interview feedback.
26/01/2022	5.0	Update to section on categories of information processed to include reference to trans status.