

Job Applicant Privacy Notice

Data controller: Mental Welfare Commission

Data protection officer: Information Governance & IT Manager

As part of any recruitment process, the Mental Welfare Commission collects and processes personal data relating to job applicants. The Mental Welfare Commission is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

What information does the Mental Welfare Commission collect?

The Mental Welfare Commission collects a range of information about you, almost all of which is supplied by you or your referees. This includes:

- your name, address and contact details, including email address and telephone number;
- details of your qualifications, skills, experience and employment history;
- information about your current level of remuneration;
- if you choose to tell us, whether or not you have a disability for which the organisation needs to make reasonable adjustments during the recruitment process;
- information about your entitlement to work in the UK; and
- if you choose to tell us, equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief.

The Mental Welfare Commission collects this information in a variety of ways. For example, data might be contained in application forms, CVs or resumes, obtained from your passport or other identity documents, or collected through interviews or other forms of assessment, including online tests.

The Mental Welfare Commission will also collect personal data about you from third parties, such as references supplied by former or current employers, information from employment background check providers and information from criminal records checks. The Mental Welfare Commission will seek information from third parties only once a job offer to you has been made and will inform you that it is doing so.

Data will be stored in a range of different places, including on your application record, in HR management systems and on other IT systems (including email).

Why does the Mental Welfare Commission process personal data?

The Mental Welfare Commission needs to process data to take steps at your request prior to entering into a contract with you. It also needs to process your data to enter into a contract with you.

In some cases, the Mental Welfare Commission needs to process data to ensure that it is complying with its legal obligations. For example, it is required to check a successful applicant's eligibility to work in the UK before employment starts.

The Mental Welfare Commission has a legitimate interest in processing personal data during the recruitment process and for keeping records of the process. Processing data from job applicants allows the organisation to manage the recruitment process, assess and confirm a candidate's suitability for employment and decide to whom to offer a job. The Mental Welfare

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Commission may also need to process data from job applicants to respond to and defend against legal claims.

Where the Mental Welfare Commission relies on legitimate interests as a reason for processing data, it has considered whether or not those interests are overridden by the rights and freedoms of employees or workers and has concluded that they are not.

The Mental Welfare Commission processes health information, with the candidate's consent, if it needs to make reasonable adjustments to the recruitment process for candidates who have a disability. This is to carry out its obligations and exercise specific rights in relation to employment.

Where the Mental Welfare Commission processes other special categories of data, such as information about ethnic origin, sexual orientation, health or religion or belief, this is for equal opportunities monitoring purposes and again, is done with the consent of the candidate.

For some roles, the Mental Welfare Commission is obliged to seek information about criminal convictions and offences. Where the Mental Welfare Commission seeks this information, it does so because it is necessary for it to carry out its obligations and exercise specific rights in relation to employment.

The Mental Welfare Commission will not use your data for any purpose other than the recruitment exercise for which you have applied.

Who has access to data?

Your information will be shared internally for the purposes of the recruitment exercise. This includes members of the HR team, interviewers involved in the recruitment process, managers in the business area with a vacancy and IT staff if access to the data is necessary for the performance of their IT roles.

The Mental Welfare Commission will not share your data with third parties, unless your application for employment is successful and it makes you an offer of employment. The Mental Welfare Commission will then share your data with former/current employers to obtain references for you, employment background check providers to obtain necessary background checks and the Disclosure and Barring Service to obtain necessary criminal records checks.

The Mental Welfare Commission will not transfer your data outside the European Economic Area.

How does the Mental Welfare Commission protect data?

The Mental Welfare Commission takes the security of your data seriously. It has internal policies and controls in place to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by our employees in the proper performance of their duties.

For how long does the Mental Welfare Commission keep data?

If your application for employment is unsuccessful, the Mental Welfare Commission will hold your data on file for 12 months after the end of the relevant recruitment process. At the end of that period your data is deleted or destroyed.

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If your application for employment is successful, personal data gathered during the recruitment process will be transferred to your personnel file and retained during your employment. The periods for which your data will be held will be provided to you in a new privacy notice.

Your rights

As a data subject, you have a number of rights. You can:

- access and obtain a copy of your data on request;
- require the Mental Welfare Commission to change incorrect or incomplete data;
- require the Mental Welfare Commission to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing;
- object to the processing of your data where the Mental Welfare Commission is relying on its legitimate interests as the legal ground for processing; and
- ask the Mental Welfare Commission to stop processing data for a period if data is inaccurate or there is a dispute about whether or not your interests override the organisation's legitimate grounds for processing data.

If you would like to exercise any of these rights, please contact the HR Manager using the email address, enquiries@mwscot.org.uk You can make a subject access request by completing the organisation's form.

If you believe that the Mental Welfare Commission has not complied with your data protection rights, you can complain to the Information Commissioner.

What if you do not provide personal data?

You are under no statutory or contractual obligation to provide data to the Mental Welfare Commission during the recruitment process. However, if you do not provide the information, the organisation may not be able to process your application properly or at all.

Automated decision-making

Recruitment processes are not based solely on automated decision-making.