

## Forth Valley College Job Applicant Privacy Notice.

This privacy notice applies to all individuals who apply for a job at Forth Valley College. We provide it to comply with data protection law and to ensure that our handling of your personal data is transparent and lawful.

Forth Valley College is the Data Controller. We have an appointed Data Protection Officer (DPO) who can be contacted by emailing: [dataprotection@forthvalley.ac.uk](mailto:dataprotection@forthvalley.ac.uk)

Forth Valley College is registered as a controller with the Information Commissioner's Office: Registration Number: Z9720531

See [Schedule 1](#) for details of the data that we process.

We collect your personal data in order to effectively manage our recruitment process and in order to assist us with:

- Making a decision about your recruitment/appointment
- Determining the terms on which you work for us
- Checking that you are legally entitled to work in the UK
- Checking your criminal history, including PVG Disclosure Scotland checks
- Assessing qualifications
- Checking whether you are eligible for guaranteed offer of interview under Disability Confident Scheme
- Monitoring and advancing equality of opportunity and eliminating unlawful discrimination, as per the college's legal duty under the Equality Act 2010

### Where do we get the data from?

We will collect the majority of your personal and sensitive information from you during the application stage of our recruitment process. Further information will be requested directly from you if you are offered a role with Forth Valley College (bank details, medical questionnaire, PVG application information (e.g. previous addresses); next of kin details; pension details; occupational health information questionnaire.

When you apply for a post through [myjobscotland.gov.uk](http://myjobscotland.gov.uk) we will have received your information from myjobscotland: they will be a separate controller of your personal data – for further information on how they process your data please see their [privacy notice](#).

### Lawful Basis for Processing

For processing of your personal data, the lawful basis is GDPR Article 6(1)(b) "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".

To meet our Public Sector Equality Duties under the Equality Act 2010, we collect additional personal and special category data about our applicants, via our Equalities Monitoring form, to assist the college in monitoring and advancing equality of opportunity and eliminating unlawful discrimination.

Where your special category personal data (e.g. gender identity, sexual orientation, race, ethnicity) are processed for this purpose the lawful basis is GDPR Article 9(2)(g) "processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject".

Where applicants' special category demographic information (gender identity, sexual orientation, race, ethnicity) are processed for the purposes of monitoring and advancing equality of opportunity and eliminating unlawful discrimination the specific law authorising this is the Equality Act 2010.

Where applicants' criminal convictions information are processed the specific law authorising this is the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2016.

Where applicants' asylum status/right to work in the UK information are processed the specific law authorising this is the Immigration, Asylum and Nationality Act 2006.

### Who do we share your data with?

If offered a post at the college, we may share personal information with Capita, who service the HR content management system, UNITE. Capita do not have routine access to data; they may require to access the data for upgrade or technical issues only.

If you are offered a role at Forth Valley College we will share your personal information with the following third party data controllers as part of our new starter process and in order to enter into an employment contract with you (further information on how we use this information is provided in the college's employee privacy notice):

- Disclosure Scotland
- Pension providers (SPPA, LGPS)
- HMRC
- Department of Work & Pensions
- GPs/Consultants/Occupational Health practitioners (a separate privacy notice will be provided at that time)
- Other bodies where we have a statutory requirement to do so

## How long do we keep your data?

If you are unsuccessful in our recruitment process (i.e. you are not offered a role with Forth Valley College) your information will not be retained by Forth Valley College. To see the myjobscotland privacy notice, [click here](#).

If you are successful in being appointed to a role at Forth Valley College, we will transfer your personal and sensitive information into our UNITE employee module (please see separate Privacy Notice for Forth Valley College Employees).

## Your rights as a data subject

Under data protection law, you have a number of rights, some of these rights only apply if certain conditions are met.

Your rights are: right to be informed (e.g. privacy notice), right of access, right of rectification, right of erasure (commonly known as the right to be forgotten), right to restrict processing, right to object, right to data portability and the right to know of any automated decision making (including profiling).

You can exercise your rights either verbally or in writing and the College would normally be required to process your request in one month.

The rights that apply for this particular processing are:

- Right to be informed – this privacy notice addresses this.
- Right of access – you can request access and copies of your personal data held by the college. To do this, please email [dataprotection@forthvalley.ac.uk](mailto:dataprotection@forthvalley.ac.uk) and your request will be processed accordingly.
- Right to rectification – you can request that inaccurate or incomplete personal data is rectified.
- Right to erasure (this right is not absolute and is subject to specifics of the request).
- Right to object (including to direct marketing). The right to object to direct marketing is absolute and will be responded to accordingly.
- Right to data portability (this right is not absolute and is subject to specifics of the request).

## Data Protection Complaints

If you are concerned about how your personal data is being used by the College, in the first instance please contact the College Data Protection Officer (DPO) at [dataprotection@forthvalley.ac.uk](mailto:dataprotection@forthvalley.ac.uk)

If you are not satisfied with the outcome then you can complain to the regulator, the UK Information Commissioner's Office (ICO). The ICO has guidance on their website here: <https://ico.org.uk/your-data-matters/raising-concerns/>

You can email them at [casework@ico.org.uk](mailto:casework@ico.org.uk)

## Schedule 1: Job Applicant Data Processed

We process the following personal data for all applicants:

- Name/Title
- Address(es)
- Telephone number(s) – home & mobile
- Personal email address
- Age, Date of birth
- Salary
- Application form (or, if via agency, CV & covering letter)
- Proof of Right to work in the UK
- Caring responsibilities
- Gender
- Marital Status
- Former Armed forces or serving reservist

And for applicants who are offered a role with Forth Valley College we also process:

- References
- Qualification certificates
- Bank details
- Next of kin/emergency contact details
- Pension details

We also process special category personal data for all applicants:

- Race
- Nationality/Ethnicity
- Religious beliefs
- Sexual orientation
- Disability
- Gender identity
- Criminal convictions information
- Gender registered at birth
- Transgender data

- Marital Status

And for applicants who are offered a role at Forth Valley College, we will also process the following special category data (further information on how we use this information is provided in the college's employee privacy notice):

- PVG Membership Number
- Medical questionnaire