



SPS Recruitment

Data Protection Act 2018 and GDPR Privacy Notice

Job applicant Information and how your personal data will be used by SPS

Data Controller

The controller of your personal data is the Scottish Prison Service, One Lochside, 1 Lochside Avenue, Edinburgh, EH12 9DJ. SPS acts on behalf of the Scottish Ministers.

Data Protection Officer (DPO)

The SPS Data Protection Officer (DPO) can be contacted using the following email address - spsdataprotectionofficer@prisons.gov.scot.

What is this notice?

This notice sets out the Applicant Privacy Notice for the Scottish Prison Service (SPS).

This notice is applicable to any person who creates a profile on our recruitment system or submits an application to work for the SPS and sets out how and why your personal information will be processed and used in the context of recruitment practices.

We are committed to ensuring that candidates applying to the SPS have their personal information handled in accordance with Data Protection laws and GDPR.

This notice may be updated or re-issued at any time.

The main information we collect when you apply for a job with the Scottish Prison Service (SPS)

The information we collect as part of the recruitment and selection process may include:

- Name
- Address
- E-mail Address
- Contact Number
- NI Number
- Date of Birth
- Employment history including past and present employers
- Employment referee and character referee details
- Qualifications and educational background
- Evidence of right to work within the Civil Service and in the UK

- Identification documentation
- Psychometric testing data
- Associations or connections that may result in a conflict of interest with your role within the SPS, or the SPS generally.

Some of the information we collect from candidates may be subject to automatic decision making. This may include:

- Application screening questions
- Responses provided within psychometric tests and results
- Responses provided within situational judgement tests and results

Special Category Information

- Equal Opportunities monitoring information. This is collected for the purposes of monitoring purposes only.
- Socio-Economic background monitoring information This is collected for the purposes of monitoring purposes only.
- Information in relation to past or pending criminal convictions
- Information in relation to health may be collected by our Occupational Health Provider during pre-employment checks.
- Whether you do or do not wish your application to be managed in line with the Disability Confident Scheme
- Information you have provided on any reasonable adjustments you require to support you within the recruitment process

The main sources that this information will be collected from are:

- From information disclosed by the applicant
- From employers providing verification of employment history
- From character referees providing verification of character
- From academic institutions confirming academic qualifications
- From third parties such as our ATS Provider; Occupational Health Provider; Disclosure Scotland; Testing Providers; HMRC; Civil Service Pensions
- From internally held records

What we do with the Personal Data you provide us when applying for a job with SPS?

Your personal data is managed in a secure manner and only SPS employees or partners working with SPS with a need to see the information have access to it. The information we hold is used in a range of ways when assessing suitability of candidates for roles at SPS. We will use your contact details to contact you in regard to your application, by providing your contact details you consent to us contacting you about your application.

Other ways we may use, process and disclose your information include:

- To communicate with you and administer and facilitate the recruitment process
- To provide a platform to submit your application
- To share with relevant third parties in order to progress your application (noted below)
- To use anonymised information to support statistical analysis
- To support internal reporting mechanisms
- To form a contract of employment
- We may share your information with our internal public protection unit team such as; name, date of birth, address, contact number and any known associations which may cause a conflict of interest. This is in order to conduct internal vetting and check intelligence records

We may share your data, where there is a legal basis to do so, with some or all of the following organisations/departments:-

- The Civil Service (CS) Commissioners and Internal and External Auditors associated with ensuring that our recruitment practices observe the CS Recruitment Principles
- Occupational Health Advisors and contracted third parties associated with our pre-employment selection processes, where they may need to contact you to complete health questionnaires, complete telephone consultations and/or attend face-to-face consultations.
- The host organization of our Applicant Tracking System where your application is made and stored.
- Disclosure Scotland – all candidates appointed to the SPS are subject to a minimum of Enhanced Disclosure. Some roles may require the applicant to undergo PVG Checks.
- Testing Providers – where the role you have applied to requires a test to be undertaken we may share your information with our nominated third-party supplier(s)
- Civil Service Pensions – in order to assess eligibility for a Civil Service Pension, we may need to share your information with Civil Service Pensions
- United Kingdom Security Vetting (UKSV) - Some roles require a higher level of vetting and as such your personal information will be shared in order to conduct this check.

Purpose and Legal Basis for Processing Personal Data

The purpose of processing your data is in order to ensure your suitability for employment within the SPS.

The legal basis for processing your personal information is:

- Article 6(1)(b) of the UK GDPR. This article outlines that processing is necessary in order to take steps towards entering into a contract. We are required to process your information in order to ensure suitability for employment and with the intention to form an employment contract with you.
- Article 6(1)(c) of the UK GDPR. This article outlines that processing is necessary in order to comply with legal obligations under UK law, including but not limited to:
 - compliance with the Civil Service Recruitment Principles (Recruitment Principles 2018).
 - fulfilling equal opportunities monitoring (Equality Act 2010).
 - verifying right-to-work status (Immigration, Asylum and Nationality Act 2006).
 - meeting employment-related statutory requirements (Employment Rights Act 1996).
 - processing of data in relation to criminal convictions (Rehabilitation of Offenders Act 1974).
 - processing of health-related data during recruitment (Health & Safety at Work Act 1974).

The legal basis for processing your personal information which is classed as special category, such as ethnicity information, health or sexual orientation is:

- Article 9(2)(b) of the UK GDPR. This relates to the SPS employment obligations to protect the safeguarding of your fundamental rights.
- Article 9(2)(h) of the UK GDPR. This relates to the assessment of working capacity as an employee.
- Schedule 1 Part 1(1) DPA2018. This relates to the processing of information for the purposes of exercising obligations which are imposed on the SPS in connection with employing individuals.

In the majority of circumstances, the SPS does not require your permission to process your personal data. However, where any processing of your personal data is based upon consent you may withdraw that consent at any time.

Where consent is withdrawn, there may be restrictions on our ability to process your application.

In certain circumstances there may be other legal bases for processing your data.

How Long Do We Keep Your Personal Data

We only retain your personal data for as long as is necessary. The timeframes differ depending on the type of personal data being processed and the retention and destruction policies specified by SPS and the CSC.

What Are Your Rights?

- Access to Personal Data - You can request to see the personal data that SPS is processing about you.
- Rectification of Personal Data - If you believe the personal data that SPS is processing about you is incorrect or incomplete then you are entitled to request to have that data corrected.
- Erasure of Personal Data - You have the right to ask for your personal data to be erased data.
- Restricting Processing of Data – You have the right to request restriction or suppression of your personal data.
- Data Portability – You have the right to obtain and reuse your personal data.
- Right to Object – You have the right to object to the processing of your personal data.
- Rights Related to Automated Decision Making – Some of our processes may use automatic decision making including:
 - Situational Judgement Tests
 - Application Screening Questions
 - Psychometric Tests

Please contact the resourcing team at the e-mail address above for information regarding automated decision making.

To exercise your rights, requests should be made in writing to the resourcing team:
vacancies@prisons.gov.scot .

If you are not satisfied with the response received, you may contact the SPS Data Protection Officer at SPS headquarters (see address above).

Complaint to the Information Commissioners' Office (ICO)

If you wish to make a complaint about how the SPS is processing your personal data you can do so to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

In the first instance however, the SPS Data Protection Officer can be contacted on the following email address - spsdataprotectionofficer@prisons.gov.scot