

PRIVACY STATEMENT FOR JOB APPLICANTS

Data controller: Scottish Land Commission, An Lochran, 10 Inverness Campus, IV2 5NA

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As part of any recruitment process, the Scottish Land Commission (the Commission) collects and processes personal data relating to job applicants. The Commission is committed to being transparent about how they collect and use that data and to meeting data protection obligations.

What information does the Commission collect?

The Commission collects a range of information about you. 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;
- whether or not you have a disability for which the Commission needs to make reasonable adjustments during the recruitment process;
- information about your entitlement to work in the UK; and
- equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health, and religion or belief.

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

The Commission will also collect personal data about you from third parties, such as confirmation of employment supplied by former employers and information from criminal records checks. The 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 the Commission email systems).

Why does the Commission process personal data?

The 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 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 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 Commission to manage the recruitment process, assess and confirm a candidate's suitability for employment and decide to whom to offer a job. The Commission may also need to process data from job applicants to respond to and defend against legal claims.

Where the organisations rely on legitimate interests as a reason for processing data, we have considered whether or not those interests are overridden by the rights and freedoms of employees or workers and have concluded that they are not.

The Commission processes health information if we need 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 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.

The Commission is obliged to seek information about criminal convictions and offences. Where the Commission seeks this information, it does so because it is necessary for us to carry out our obligations and exercise specific rights in relation to employment.

The 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 Commission and 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 roles.

The Commission will not share your data with third parties, unless your application for employment is successful and it makes you an offer of employment. If you are made an offer for employment, the Commission will share your data with Cairngorms National Park Agency (CNPA) for payroll purposes as the CNPA are the Commission's payroll provider and they will also share your data with Tecnica Ltd. as the Commission's IT provider.

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

How does the Commission protect data?

The Commission takes the security of your data seriously. The Commission 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.

We store our data electronically on servers. The employee records held by the Commission have access restrictions meaning only specific staff (the CEO, members of the HR team and the Line Manager of the post) are able to view and process it.

For how long does the Commission keep data?

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

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 Commission to change incorrect or incomplete data;
- require the 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 Commission/CNPA is relying on its legitimate interests as the legal ground for processing; and
- ask the 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 Commission's legitimate grounds for processing data.

If you would like to exercise any of these rights or make a subject access request, please contact: -

Caron Munro, Data Protection Officer, info@landcommission.gov.scot

If you believe that the Commission have 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 Commission during the recruitment process. However, if you do not provide the information, the Commission may not be able to process your application properly or at all.

You are under no obligation to provide information for equal opportunities monitoring purposes and there are no consequences for your application if you choose not to provide such information.