



Job Applicant Privacy Notice

January 2023

This Job Applicant Privacy Notice sets out what personal data the Probation Board for Northern Ireland (PBNI) holds about you and how we collect and use it during and after the recruitment process. It applies to anyone who is applying to work for us, whether as an employee, worker, contractor, consultant, or student, (together referred to as 'Job Applicant' or 'you').

PBNI will not necessarily hold, use, or share *all* of the types of personal data described in this Privacy Notice in relation to you. The specific types of data about you that we will hold, use and share will depend on the role for which you are applying, the nature of the recruitment process, how far you progress in the recruitment process and your individual circumstances.

We are required by data protection legislation to give you the information in this Privacy Notice. It is important that you read the Privacy Notice carefully, together with any other similar or additional information that we might give you from time to time about how we collect and use your personal data.

Should your application be successful, when you start work for us, we will provide you with the Privacy Notice for Employees and Board Members, that explains how we deal with your personal data whilst you are working for us.

This Job Applicant Privacy Notice applies from 24 January 2023 and is in compliance with the General Data Protection Regulations that came into force with associated data protection Acts. It does not give you any contractual rights.

We may update this Privacy Notice at any time.

Who is the controller?

Probation Board for Northern Ireland (PBNI) is the "controller" for the purposes of data protection law. This means that we are responsible for deciding how we hold and use personal data about you.

What is personal data?

Personal data means any information relating to a living individual who can be identified (directly or indirectly) in particular by reference to an identifier (e.g., name, National Insurance number, employee number, email address, physical features).

It can be factual (e.g., contact details or date of birth), an opinion about an individual's actions, behaviour, or information that may otherwise impact that individual in a personal or business capacity.

Data protection legislation divides personal data into two categories: ordinary personal data and special category data. Any personal data that reveals racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health conditions, sexual life or sexual orientation, or biometric data that are used to identify an individual are known as **special category data**. (The rest is **ordinary personal data**).

What type of ordinary personal data do we hold about you and why?

At the initial stages of recruitment, we collect, hold, and use the following types of ordinary personal data about you:

- Information contained in your application form, including your name, title, contact details, National Insurance number, driving license, eligibility to work in the UK, employment history, previous experience, gaps in employment, current professional registrations, qualifications/training/demonstrable experience against set competencies, referees' names and contact details.
- Equal opportunities monitoring information; community background, gender, age, race or ethnicity and disability. (Please note that this information is not made available to the recruitment panel).
- Selection information, including correspondence, interview notes, internal notes, and the results of any written or online selection tests if applicable.

If you receive a conditional offer of employment, we may collect, hold, and use the following additional types of personal data about you:

Pre-employment check information, including:

- Documentary evidence of your eligibility to work in the UK.
- Verification of qualifications and professional memberships.
- References, where applicable.
- Medical declaration form/pre-employment health assessment.
- Valid diving license and insurance cover for business use.
- Completion of a satisfactory Access Northern Ireland (Access NI) check/Counter Terrorism Check (CT Check) where relevant including completion of convictions and offences declaration form/self-disclosure form.

We hold and use this personal data so that we can:

- process your application and correspond with you about it.

- Assess whether you have the required skills, experience, qualifications and competencies, and training for a role within the organisation.
- Make informed recruitment decisions.
- Verify the information provided by you.
- Check and demonstrate that you have the legal right to work in the UK.
- Keep appropriate records of our recruitment process and decisions.

What are our legal grounds for using your ordinary personal data?

Data protection legislation specifies the legal grounds on which we can hold and use personal data.

We rely on one or more of the following legal grounds when we process your ordinary personal data:

- We need it to take steps at your request to enter into a contract with you (**entry into a contract**), because by applying for a job with us you are effectively asking us to enter into a contract with you whether this is an employment contract, a contract for services or another type of contract.
- We need it to comply with a legal obligation (**legal obligation**), e.g., the obligation not to discriminate during our recruitment process or the obligation not to employ someone who does not have the legal right to work in the UK.
- It is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests (**legitimate interest**). For example, it is in our legitimate interests to review and consider your personal data (as listed above) so that we can select the most appropriate candidate for the job.

What type of special category personal data do we hold about you, why, and on what legal grounds?

We will only collect, hold, and use limited types of special category data about you during the recruitment process, as described below.

Since special category data is usually more sensitive than ordinary personal data, we need to have an additional legal ground (as well as the legal grounds set out in the section on ordinary personal data, above) to collect, hold and use it. The additional legal grounds that we rely on to collect, hold, and use your special category data are explained below for each type of special category data.

At the initial stages of recruitment, we collect, hold, and use the following special category data about you:

- **Equal opportunities monitoring information**

In Northern Ireland, equal opportunities monitoring data could include information about your community background, gender, age, race or ethnicity and disability. We use this information to report and monitor equality of opportunity and diversity in our recruitment process. Our additional legal ground for using this information is that it is necessary in the public interest for the purposes of equal opportunities monitoring.

- **Adjustments for disability/medical conditions**

Information relevant to any request by you for adjustments to the recruitment process as a result of an underlying medical condition or disability. We use this information to enable us to carry out a fair, non-discriminatory recruitment process by considering/making reasonable adjustments to our process as appropriate. Our additional legal ground for using this information is that we need it to comply with a legal obligation/exercise a legal right in relation to employment, namely, the obligations not to discriminate, and to make reasonable adjustments to accommodate a disability.

If you are shortlisted for a position, or you receive a conditional offer of employment, we may collect, hold, and use the following additional types of special category personal data about you:

- **Pre-employment health questionnaires/medical assessment**

We may collect information about your health in a pre-employment medical questionnaire and/or assessment, as well as any information about underlying medical conditions and adjustments that you have brought to our attention.

We use this information to assess whether you are fit to do the job with adjustments, to consider/arrange suitable adjustments and to comply with health and safety requirements.

Our additional legal grounds for using this information are that we need it to comply with a legal obligation/exercise a legal right in relation to employment, namely, the obligation to make reasonable adjustments to accommodate a disability, and it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.

- **Criminal records information**

We may request criminal records checks from Access NI (Northern Ireland) and any other jurisdictions as appropriate. We use this information to assess your suitability for the role and verify information provided by you.

Our additional legal ground for using this information is that it is necessary for compliance with legal and regulatory obligations for safeguarding vulnerable persons.

How do we collect your personal data?

You provide us with most of the personal data about you that we hold and use, for example, in your written or online application, by completing any assessments and during any interviews.

Some of the personal data we hold and use about you is generated from internal sources during the recruitment process. For example, the recruitment panel interviewing you may score your suitability for the role, and they record the reasons for decisions made about whether or not your application is successful.

Some of the personal data about you that we hold, and use may come from external sources. For example, a recruitment agency provides us with a shortlist of candidates. If we offer you a role, we will carry out pre-employment checks, as detailed above in the employment check information.

Who do we share your personal data with?

- **Recruitment panel**

The recruitment process will involve processing your application and assessing whether you have the required skills, experience, qualifications competencies, and training for a role within the organisation. To enable these processes your personal information may be shared internally, but the information shared is limited to what is required by each individual to perform their role in the recruitment process.

- **Recruitment agencies**

At times we engage recruitment agencies to provide us with the details of suitable candidates for our available vacancies, to communicate with those candidates and to handle administration in connection with the recruitment process. If we have received your initial application details from a recruitment agency, we will share with them any of your personal data that is necessary to enable them to fulfil their functions for us.

Our legal grounds for doing so are that it is necessary for entry into a contract, and it is in our legitimate interest to engage service providers to assist us with the recruitment process.

- **Medical/occupational health professionals**

We may share information relevant to any request by you for adjustments to the recruitment process as a result of an underlying medical condition or disability with medical/occupational health professionals to enable us to identify what, if any, adjustments are needed in the recruitment process and, if you are successful, once you start work.

We may also share details of disclosed medical conditions and/or answers to pre-employment health questionnaires with medical/occupational health professionals to seek a medical report about you to enable us to assess your fitness for the job and whether any adjustments are needed once you start work.

This information may also be used by medical/occupational health professionals to carry out assessments required by health and safety legislation.

Our legal grounds for sharing this personal data are that it is necessary for entry into a contract; it is in our legitimate interests to consider adjustments to enable Job Applicants are to participate fully in the recruitment process and to assess the fitness

for work of Job Applicants to whom we have offered jobs and it is necessary to comply with our legal obligations/exercise legal rights in the field of employment (obligations not to discriminate, to make reasonable adjustments, to comply with health and safety requirements).

- **Legal / professional advisers**

We may share any of your personal data that is relevant, where appropriate, with our legal and other professional advisers, to obtain legal or other professional advice about matters related to you or in the course of dealing with legal disputes with you or other Job Applicants.

Our legal grounds for sharing this personal data are that it is in our legitimate interests to seek advice to clarify our rights/obligations and appropriately defend ourselves from potential claims; it is necessary to comply with our legal obligations/exercise legal rights in the field of employment and it is necessary to establish, exercise or defend legal claims.

- **Home Office**

We may share your right to work documentation with the Home Office, where necessary, to enable us to verify your right to work in the UK.

Our legal ground for sharing this personal data is to comply with our legal obligation not to employ someone who does not have the right to work in the UK.

Consequences of not providing personal data

We only ask you to provide personal data that we need to enable us to make a decision about whether or not to offer you a role. If you do not provide particular information to us, then we will have to make a decision on whether or not to offer you a role without that information, which in some cases could result in us deciding not to recruit you. For example, if we ask you to provide *a certificate verifying a qualification* and you do not, we will have to decide whether to recruit you without that information.

If you choose not to provide us with the personal data requested, we will tell you about the implications of any such decision at the relevant time.

How long will we keep your personal data?

We will keep your personal data throughout the recruitment process.

If your application is successful, when you start work for us you will be issued with a Privacy Notice for Staff and Board Members, which will include information about what personal data we keep from the recruitment process and how long we keep your personal data whilst you are working for us and after you have left.

If your application is unsuccessful or placed on a reserve list, we will keep your personal data for one year after recruitment has been finalised.

If you change your mind about us keeping your personal data on file, you have the right to withdraw your consent at any time—see ‘Your Rights,’ below.

We will keep equality monitoring information for 1 year. There may, however, be circumstances in which it is appropriate for us to keep particular items of your personal data for longer. We will base these decisions on relevant circumstances, taking into account the following criteria:

- the amount, nature, and sensitivity of the personal data
- the risk of harm from unauthorised use or disclosure
- the purposes for which we process your personal data and how long we need the particular data to achieve these purposes
- how long the personal data are likely to remain accurate and up to date
- for how long the personal data might be relevant to possible future legal claims
- any applicable legal, accounting, reporting or regulatory requirements that specify how long certain records must be kept
- In all cases, we will not keep your personal data for longer than we need it for our legitimate purposes.

Speculative Applications

PBNI does not accept speculative applications/CVs.

References

If we seek references and you give us details of referees, we require you to inform them what personal data of theirs you are giving to us. You must also give them our contact details and let them know that they should contact us if they have any queries about how we will use their personal data.

Your rights

You have a number of legal rights relating to your personal data, which are outlined here:

- **The right to make a subject access request.** This enables you to receive certain information about how we use your data, as well as to receive a copy of the personal data we hold about you and to check that we are lawfully processing it. We record and treat requests for feedback and documentation from the selection process as a Subject Access Request.
- **The right to request that we correct incomplete or inaccurate** personal data that we hold about you.
- **The right to request that we delete or remove** personal data that we hold about you where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have exercised your right to object to processing (see below).
- **The right to object to our processing** of your personal data where we are relying on our legitimate interest (or those of a third party), and where we cannot show a compelling reason to continue the processing.

- **The right to request that we restrict our processing** of your personal data. This enables you to ask us to suspend the processing of personal data about you, for example, if you want us to establish its accuracy or the reason for processing it.
- **The right to withdraw your consent to us using your personal data.** As described above, we do not normally rely on your consent as the legal ground for using your personal data. However, if we *are* relying on your consent as the legal ground for using any of your personal data and you withdraw your consent, you also have the right to request that we delete or remove that data if we do not have another good reason to continue using it.
- **The right to request that we transfer** your personal data to another party, in respect of data that you have provided where our legal ground for using the data is that it is necessary for the performance of a contract or that you have consented to us using it (this is known as the right to “data portability”).

How do I complain if I am not happy?

If you would like to exercise any of the above rights, or if you have any concerns about how your personal data is being used, please contact the Data Protection Officer, in writing:

Please contact the Data Protection Officer at:

Data Protection Officer
PBNI
80-90 North Street
Belfast
BT1 1LD
Telephone: 028 9052 2522

Email: DPO@probation-ni.gov.uk

If you remain unhappy, you have the right to lodge a complaint with the Information Commissioner’s Office (ICO). You may contact the ICO at the following address:

Information Commissioner’s Office
Wycliffe House
Water Lane Wilmslow
Cheshire SK9 5AF
Telephone: 0303 123 1113
Email: casework@ico.org.uk <https://ico.org.uk/global/contact-us>.

Note that these rights are not absolute, and, in some circumstances, we may be entitled to refuse some or all of your request.

End
January 2023