



Recruitment – Privacy Notice

Data controller:

Scottish Courts and Tribunals Service Human Resource Unit
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Data protection officer:

Head of Information Governance and Correspondence

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Purpose of this Notice

As part of any recruitment process, the Scottish Courts and Tribunals Service (SCTS) collects and processes personal data relating to job applicants. SCTS is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

SCTS recognises the importance of your privacy and personal information and we have therefore outlined below how we use, disclose and protect this information.

What information does SCTS collect?

SCTS collects a range of information about you. This includes:

- your name, address, National Insurance Number and contact details, including email address and telephone number;
- details of your qualifications, skills, experience and employment history (including referees)

- whether or not you have a disability for which the organisation needs to make reasonable adjustments during the recruitment process;
- information about your criminal record;
- information about insolvency or undischarged bankruptcy;
- information about your nationality and entitlement to work in the UK; and
- equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health, and religion or belief.

SCTS collects this information in a variety of ways, for example:

- through application forms
- from identity documentation (e.g. passport or driving licence);
- from correspondence with you; or
- through interviews, meeting or other forms of assessment including online tests.

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 SCTS process personal data?

SCTS needs to process data to take steps at your request prior to entering into a contract with you.

In some cases, SCTS 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 and Civil Service before employment starts.

SCTS is obliged to seek information about criminal convictions and offences, and details of insolvency or bankruptcy. Where SCTS 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.

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

Where SCTS 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.

SCTS processes health information if it needs to make reasonable adjustments to the recruitment process for disabled candidates. This is to carry out its obligations and exercise specific rights in relation to employment.

Where SCTS processes other special categories of personal data, such as information about ethnic origin, sexual orientation, health or religion or belief, this is done for the purposes of equal opportunities monitoring (in terms of Article 9(2)(b) of the GDPR). Data that the SCTS uses for these purposes is anonymised or is collected with the express consent of employees, which can be withdrawn at any time. Employees are entirely free to decide whether or not to provide such data. It has no impact on the recruitment process or the assessment of candidates.

In most cases, SCTS will not use your data for any purpose other than the recruitment exercise for which you have applied. In most cases, SCTS will not use your data for any purpose other than the recruitment exercise for which you have applied. SCTS may only use your data for the following alternative purposes:

- There is a legal basis for doing so, for example if there is evidence of criminal activity
or;
- In the interests of providing you with a better service, for example if candidates are placed on reserve list and then contacted in relation to another same or similar role.

If your application is unsuccessful but you are offered reserve status, the organisation will keep your personal data on file in case there are future employment opportunities for which you may be suited. SCTS will ask for your consent (in terms of Article 6(1)(a) of the GDPR) before it keeps your data for this purpose and you are free to withdraw your consent at any time.

Who has access to data?

Your information will be shared internally for the purposes of the recruitment exercise in relation to which it was submitted. This includes

- members of the HR and recruitment 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 roles

- Clevry, who have their own [privacy policy](#).

SCTS shares your data with third parties in order to obtain pre-employment references from other employers, obtain employment background checks from third-party providers and obtain necessary criminal records checks from Disclosure Scotland. The organisation will not share your data with third parties, unless your application for employment is successful and it makes you an offer of employment.

The SCTS Recruitment system, E-Recruitment Online (EROL), is maintained by the SCTS IT team and your data is held on SCTS's systems.

How does SCTS protect data?

The SCTS takes the security of your data seriously. The SCTS has internal policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by its employees in the performance of their duties.

Where the SCTS engages third parties to process personal data on its behalf, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and SCTS measures to ensure the security of data.

For how long does SCTS keep data?

If your application for employment is unsuccessful, the organisation will keep your data for a period of 2 years after the end of the relevant recruitment process. Details of how long your data is held by our third party providers are contained within their privacy notices which can be shared with you should you request it. This data is held to comply with audit requirements from the Civil Service Commission.

SCTS will only process sensitive personal data (for example on health, disability, ethnicity or sexual orientation) where it is necessary to carry out our role, for example in mandatory monitoring of equality and diversity, to ensure that SCTS is a safe place to work, or to ensure compliance with other legal obligations.

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, including any references details. No local copies of data will be kept by management. The periods for which your data will be held will be provided to you in the HR 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 SCTS to change incorrect or incomplete data;
- require SCTS 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 SCTS is relying on its legitimate interests as the legal ground for processing; and
- ask SCTS to stop processing data for a period if data is inaccurate or there is a dispute about whether or not your interests override SCTS's legitimate grounds for processing data.

If you would like to exercise any of these rights, please contact the Head of Information Governance. You can make a subject access. The SCTS form for making a subject access request is available on our website.

If you believe that the SCTS has not complied with your data protection rights, you can complain to the Information Commissioner's Office (ICO).

Information Commissioner's Office

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113

Email: casework@ico.org.uk

<https://ico.org.uk/global/contact-us/>

What if you do not provide personal data?

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

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.

Automated decision-making

Some of SCTS's employment decisions are based solely on automated decision-making. Where high volume recruitment situations are expected, SCTS will utilise online assessments to assess eligibility of candidates. These assessments are provided by a third party who have been invited to tender for the specific business of assessing candidate applications and the platform is called Clevry. The data you enter on the SCTS recruitment system will be shared with the online assessment centre for assessment purposes only.

You will complete multiple assessments to demonstrate suitability for the role. These have a pre-set pass mark which you must meet in order to progress to the application stage.

Your details and standardised assessment scores are kept for review for 12 months on the third party platform after which they will be anonymised and archived. Retaining this information will allow you to ask follow up questions and will give SCTS access to the standardised assessment scores as well as your overall score and how this compares to the pre-set pass mark. You will have the right to appeal your results whereby manual intervention and scoring of the assessments is possible.

Candidates will have access to the third party's privacy policies through the SCTS recruitment system.

Changes to this Privacy Notice

We may update this Notice at any time. It is important that you read this notice, together with any other privacy notice we provide on specific occasions when we are collecting or processing personal data about you, so that you are aware of how and why we are using such information.

Date of Implementation

25th May 2018

Updated

01 June 2022