



Third Sector
Dumfries and Galloway

Your data, privacy and right to work

1. Job applicant privacy notice

1.1. Introduction

As part of any recruitment process, the organisation collects and processes personal data relating to job applicants. The organisation is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

1.2. What information does the organisation collect?

The organisation 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, including benefit entitlements;
- whether or not you have a disability for which the organisation needs to make reasonable adjustments during the recruitment process; and
- information about your entitlement to work in the UK.

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

The organisation may also collect personal data about you from third parties, such as references supplied by former employers, information from employment background check providers and information from criminal records checks.

Data will be stored in a range of different places, including on your application record, in HR/administration management systems and on other IT systems (including email).

1.3. Why does the organisation process personal data?

The organisation needs to process data to take steps at your request prior to entering into a contract with you. It may also need to process your data to enter into a contract with you.

In some cases, the organisation 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 organisation 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 organisation 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.

The organisation may process special categories of data, such as information about ethnic origin, sexual orientation or religion or belief, to monitor recruitment statistics. It may also collect information about whether or not applicants are disabled to make reasonable adjustments for candidates who have a disability. The organisation processes such information to carry out its obligations and exercise specific rights in relation to employment.

For some roles, the organisation is obliged to seek information about criminal convictions and offences. Where the organisation 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.

If your application is unsuccessful, the organisation may keep your personal data on file in case there are future employment opportunities for which you may be suited. The organisation will ask for your consent before it keeps your data for this purpose and you are free to withdraw your consent at any time.

1.4. Who has access to data?

Your information may be shared internally for the purposes of the recruitment exercise. This includes people used in the shortlisting process, 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 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 organisation will then share your data with former employers to obtain references for you, employment background check providers to obtain necessary background checks and the Disclosure Scotland to obtain necessary criminal records checks or PVG membership details.

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

1.5. How does the organisation protect data?

The organisation takes the security of your data seriously. It 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.

1.6. For how long does the organisation keep data?

If your application for employment is unsuccessful, the organisation will hold your data on file for 6 months after the end of the relevant recruitment process. If you agree to allow the organisation to keep your personal data on file, the organisations will hold your data on file for a further 12 months for consideration for future employment opportunities. At the end of that period or once you withdraw your consent, 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. The periods for which your data will be held will be provided to you in a new privacy notice.

1.7. 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 organisation to change incorrect or incomplete data;
- require the organisation to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing; and
- object to the processing of your data where the organisation is relying on its legitimate interests as the legal ground for processing.

If you would like to exercise any of these rights, please contact info@tsdg.org.uk.

If you believe that the organisation has not complied with your data protection rights, you can complain to the Information Commissioner.

1.8. 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 or at all.

1.9. Automated decision-making

Recruitment processes are not based solely on automated decision-making.

2. Right to work in the UK check

2.1. Proof of entitlement to work in the UK

It is a legal requirement for every UK employer to complete a right to work check before employment begins. These checks can either be carried out using documentary evidence or through the Home Office's online Right to Work Checking Service.

Please bring the necessary original documentation (or share code) with you to your Interview.

2.2. Documentary right to work checks

Where documentary checks are undertaken, we must see the applicant's original documents and we are required to make and keep copies of these, and make certain checks, alongside recording the date the check was made. Checks will be carried out with the applicant present.

The Home Office provides two lists of documents, List A and List B (Groups 1 and 2), which employers may accept as a person's proof of right to work in the UK. A document from List A will demonstrate that the holder has a definite right to work in the UK without restriction and should be checked before the start of employment. List B contains documents that demonstrate the holder has a time-limited right to work in the UK and should be checked before the start of employment and at point of document expiry.

2.3. Lists of acceptable documents for right to work checks

2.3.1. List A: Documents which need only be checked before employment starts

1. A passport (current or expired) showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2. A passport or passport card (current or expired) showing that the holder is a national of the Republic of Ireland.
3. A current document issued by the Home Office to a family member of an EEA or Swiss citizen, and which indicates that the holder is permitted to stay in the United Kingdom indefinitely.
4. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted unlimited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.

5. A current Biometric Immigration Document (biometric residence permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
6. A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
7. A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer
8. A birth or adoption certificate issued in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
9. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
10. A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

2.3.2. List B – Time limited right to work in the UK

2.3.3. Group 1: Documents which must be checked before employment starts and at the expiry date

1. A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
2. A current Biometric Immigration Document (biometric residence permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
3. A current document issued by the Home Office to a family member of an EEA or Swiss citizen, and which indicates that the holder is permitted to stay in the United Kingdom for a time-limited period and to do the type of work in question.
4. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted limited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
5. A document issued by the Bailiwick of Jersey or the Bailiwick of Guernsey, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has made an application for leave to enter or remain under Appendix EU to the Jersey Immigration Rules or Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008, on or before 30 June 2021.
6. A frontier worker permit issued under regulation 8 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020.
7. A current immigration status document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

2.3.4. Group 2: Documents which must be checked within the six-month time limit of the Positive Verification Notice

1. A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Checking Appendix EU to the immigration rules on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Service.
2. A document issued by the Bailiwick of Jersey or the Bailiwick of Guernsey, showing that the holder has made an application for leave to enter or remain under Appendix EU to the Jersey Immigration Rules or Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.
3. An application registration card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.
4. A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.

2.4. Online right to work checks

Where the individual's immigration status means their right to work can be checked online, employers must receive a response confirming the individual can undertake the work in question before employing them or continuing to employ them.

In order to submit an online check, employers will need to input the following information:

- the individual's date of birth
- the employee's share code as provided by the employee portal of the online Right to Work Checking service.

The right to work check should be recorded in an uneditable format.

Where an online check is carried out for a student who will be employed during the term time, the employer should check and make a copy of their academic term dates.