INTRODUCTION

This Privacy Notice for the use of SmartRecruiters by Portsmouth Hospitals University NHS Trust sets out the categories of your personal data we collect, how we collect it, what we use it for and with whom we share it, in accordance with applicable data protection legislation, including the General Data Protection Regulation (EU) 2016/679 as it forms part of United Kingdom law by virtue of section 3 of the European Union (Withdrawal) Act 2018 and as subsequently amended (the UK GDPR).

By personal data we mean any information which identifies you such as your name andcontact details. Personal data does not include data which has been anonymised, such as data from equal opportunities monitoring carried out on an anonymised basis.

Portsmouth Hospitals University NHS Trust will be the data controller in respect of the processing of your personal data and in this Privacy Notice “we”, “us” or “our” refers to Portsmouth Hospitals University NHS Trust.

The data controller is responsible for deciding how personal data about you is used.

Should you have any questions about this Privacy Notice you can contact us using the details set out in the ‘Contact Us’ section below.

This Privacy Notice applies to personal data about you that we collect, use and otherwise process in connection with our recruitment, and if applicable, our offer and on-boarding processes. We do not require you to provide any special categories of personal data, other than as defined and set out below. We would recommend that you do not include any additional special categories of personal data in your application as it is unlikely to be relevant to the application process.

HOW DO WE COLLECT INFORMATION ABOUT YOU AND WHAT DO WE USE IT FOR?

We set out below the types of personal data about you which we may collect or create at each stage of the recruitment process. This will be in accordance with the Data Protection Act 2018 (DPA), the UK General Data Protection Regulations (2016) and all applicable laws and regulations relating to Processing of Personal Data and privacy, including where applicable the guidance and codes of practice issued by the Information Commissioner.

We process personal data and sensitive personal data to support the recruitment process to vacancies that can be found on our careers site. Personal data is data that relates to an identifiable living person ('data subject').

We are processing this information at your request prior to you potentially entering into a contract of employment with us.

Special Categories of personal data we may process include:

* Race or ethnicity
* Physical or mental health
* Sexual orientation and sexual life

Additional information that is considered sensitive is:

* The commission or alleged commission of an offence, or proceedings or sentence relating to offences or alleged offences.

**Application and assessment process**

In connection with assessing your application we process the following categories of personal data (see also the section entitled ‘Special categories of personal data’ below):

* Information we collect from you at the application stage/ upon joining our talent communities

We collect the personal data that you provide to us in your application, CV and covering letter. It is for you to decide what you include in these documents. However, the kinds of information may include: name, contact details, details of your qualifications and information about your employment experience.

* Information we collect from you in the course of interviews

If you are invited to undertake further assessments (such as an interview) in connection with your application and your participation in such assessments, we may collect further personal data that you provide to us as part of that process. The kinds of information you may disclose, include information about your qualifications and information about your employment experience. You may choose to disclose salary history or salary expectations.

* Information we create ourselves

Throughout the recruitment process, we may create personal data in connection with the assessment of your application. For example, we may record the views of those considering your application about your suitability for the role for which you have applied and retain interview notes. We may contact the individuals whose names you provide to us as employment or educational references and record their views on your previous performance and on your suitability for the role for which you have applied and retain notes of these conversations.

We may use your name and contact details to contact you in connection with your application, such as to invite you to undertake further assessments or to make you an offer of employment. We have a legitimate interest in facilitating the interview process and communicating offers of employment to you.

We may use the information we collect as part of the application and assessment process and the information that we create ourselves in connection with the assessment of your application for the purpose of assessing your suitability for the role for which you have applied. We have a legitimate interest in making informed recruitment decisions and selecting suitable candidates for roles with us.

**If your application is successful**

If your application is successful we will collect further personal data about you as set out below (see also the section entitled ‘Special categories of personal data’ below):

* Background checking

We will undertake background checks, for example: obtaining evidence of employment from previous employers, verifying academic records and requesting a copy of your P45. We will use the personal data contained in such documents to verify the details provided by you in the recruitment process. For some of our roles, Disclosure and Barring Service checks are required. We have a legitimate interest in maintaining standards of integrity and excellence in our workforce.

* Identification information

We will collect copies of identification documents from you (such as your passport or driving licence, proof of address, a copy of your work permit (where applicable), a photograph and a copy of your signature). We use this information to comply with immigration requirements and to verify your identity for our own internal security purposes. This personal data is required for us to comply with our legal obligations and for the performance of your employment contract with us.

WHAT IF YOU DO NOT PROVIDE THE PERSONAL DATA WE REQUEST?

If you do not provide us with certain information when requested, it may impact our ability to assess your suitability for a role with us or we may not be able to make you an offer of employment.

CHANGE OF PURPOSE

We will only use your personal data for the purposes for which we collected it (as identified above), unless we reasonably consider that we need to use it for another reason which is compatible with the original purpose. If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

In some circumstances we may anonymise your personal data so that it can no longer be associated with you, in which case it is no longer personal data.

WITH WHOM WILL WE SHARE YOUR INFORMATION?

Most NHS organisations and a number of other organisations providing NHS services use Electronic Staff Record System (ESR), which is a payroll and human resources system. The information you submit may be transferred to ESR for the purposes of: establishing the human resources and payroll record; completing the recruitment process or parts of the process on ESR; or for reporting purposes such as equal opportunity monitoring.

We will not sell or share your information for marketing purposes.

Note that summary high level data is being shared with NHS Digital for NHS vacancy monitoring purposes only.

**Our service providers**

We share personal data with Portsmouth Hospitals University NHS Trust’s third-party service providers that perform services and functions at our direction and on our behalf. Our service providers are our IT service providers, and our recruitment service providers. We rely on service providers in order to effectively operate our organisation.

**Other third parties**

We may need to share your personal information to comply with applicable laws and government or regulatory bodies' lawful requests for information.

PROCESSING OF YOUR PERSONAL DATA OUTSIDE THE UK

Certain of the parties with whom we may share your personal data (see the section immediately above) may be located outside the UK – for example, but without limitation, this will be relevant in respect of our third-party service providers (e.g., our recruitment service providers and IT providers).

We will only transfer your personal data outside of the UK, UK Crown Dependencies or the European Economic Community Area upon your request and consent

If you want further information on the specific mechanism used by us when transferring your personal data out of the UK, please contact our HR team.

WHERE WE STORE YOUR PERSONAL DATA

All personal data you provide to us during recruitment process will be stored on servers located in the EU.

HOW LONG WILL WE RETAIN YOUR INFORMATION?

We will only retain your personal data for as long as necessary to fulfil the purposes for which it was collected, including for the purposes of satisfying any legal, regulatory, accounting or reporting requirements.

If you are successful in your application, we will retain the majority of the categories of personal data set out above for the duration of your working relationship with us and up to your 76th birthday or 8 years post termination of employment as described in our Records Retention Policy which will be made available to you once you become an employee. If you are unsuccessful in your application, we will retain the majority of the categories of personal data set out above for a reasonable period of time (no longer than twelve months, or 5 years for those who apply for Consultant positions governed by the NHS (Appointment of Consultants Regulations) after the recruitment process has ended unless you have consented to us keeping it longer.

In some circumstances we may anonymise your personal data so that it can no longer be associated with you, in which case it is no longer personal data.

Once we no longer require your personal data for the purposes for which it is processed, we will securely destroy your personal data in accordance with applicable laws and regulations and in accordance with our records retention policy.

ACCURACY OF INFORMATION

It is important that the personal data we hold about you is accurate and current. Please let us know if your personal data changes during the recruitment process. The UK GDPR sets out your right to rectification of inaccurate information.

AUTOMATED DECISIONS

We do not envisage that you will be subject to decisions that will have a significant impact on you based solely on automated decision-making.  We will notify you in writing if this position changes.

YOUR RIGHTS IN RELATION TO YOUR INFORMATION

Subject to the UK GDPR, you have rights as an individual which you can exercise in relation to the information we hold about you under certain circumstances. These rights are to:

* request access to your personal data (commonly known as a “data subject access request”) and request certain information in relation to its processing;
* request rectification of your personal data;
* request the erasure of your personal data;
* request the restriction of processing of your personal data;
* object to the processing of your personal data; and
* request the transfer of your personal data to another party.

If you want to exercise one of these rights, please contact the Information Governance Department using the contact details set out below.

You also have the right to make a complaint at any time to the UK data protection regulator, the UK Information Commissioner’s Office – whose contact information is below:

The Information Commissioner’s Office
Water Lane, Wycliffe House
Wilmslow – Cheshire SK9 5AF
Tel. +44 303 123 1113
Website: <https://ico.org.uk/make-a-complaint/>

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is to ensure that personal data is not disclosed to any person who has no right to receive it.

FURTHER INFORMATION

This Privacy Notice was written with brevity and clarity in mind and is not an exhaustive account of all aspects of our collection and use of personal data.  If you require any further information, please do not hesitate to contact us.

CONTACT US

To make use these rights or have any concerns about our processing of your information then please contact Portsmouth Hospitals University NHS Trust´s Information Governance Department.

Information.governance@porthosp.nhs.uk or 02392 286000 ext. 1288.

Information Governance Department

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Queen Alexandra Hospital

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Cosham, Portsmouth

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