



ALBA | CHRUTHACHAIL

Creative Scotland Recruitment Privacy Notice

Introduction

When you apply for a role with Creative Scotland (CS), you will be required to supply CS with personal information about yourself. This Privacy Notice contains details of how CS will handle and use the personal information that you provide.

To help clarify some of the wording, a 'Definitions' Section is located at the bottom of this Privacy Notice.

For the purposes of Data Protection Laws, CS will be the Controller of your personal information and will comply with the Data Protection Laws when handling and using your personal information.

CS has appointed a Data Protection Officer (DPO), who provides advice on CS's data protection obligations and helps CS demonstrate its compliance with data protection laws. If you have any questions about this Privacy Notice or how CS holds or uses your personal information, please contact:
dataprotection@creativescotland.com

What personal information does CS collect about you?

- 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 CS needs to make reasonable adjustments during the recruitment process;
- information about your entitlement to work in the UK; and
- equalities monitoring information, including information about your ethnic origin, sexual orientation, and religious or philosophical beliefs, however the provision of this information is optional.

If an offer of employment is made, CS will collect personal information about you from third parties, such as references supplied by your former employers.

Your personal information will be stored by CS in different places, including on your application record, in the HR management system and on other IT systems.

What does CS use your personal information for?

CS will use your personal information, and any supporting information that you provide, as part of the recruitment process to fully assess your application. CS will use this to make decisions on whether to invite you to an interview and make you an offer of employment to you.

Who will have access to your personal information?

Your personal information will be shared internally within CS for the purposes of the recruitment process. This will include sharing your personal information with members of the HR department and the IT department for the performance of their roles.

Managers in the respective CS business area for which the recruitment process is being undertaken and other members of CS staff involved in the recruitment process will also have access to a redacted version of your application (i.e. a version from which your personal information has been removed so far as possible) to ensure that applications are assessed impartially.

CS will not share your personal information with third parties, unless your application for employment is successful and CS makes an offer of employment to you. As part of this, CS will then share your personal information with your former employers to obtain references about you.

What is CS's legal basis for handling and using your personal information?

Data Protection Laws require CS to have a legal reason for handling and using your personal information. CS may handle and use your personal information for the following legal reasons:

- To comply with its **legal obligations** e.g. to comply with health and safety laws and equalities laws when making interview arrangements for applicants and to check a successful applicant's eligibility to work in the UK before employment starts.
- To protect the **legitimate interests** of CS e.g. to keep records of the recruitment process, manage the recruitment process, assess and confirm suitability for the job, decide who to make an offer of employment to, and respond to and defend against legal claims.
- Some of the personal information you provide to CS may be special category personal information, such as information about ethnic origin, sexual orientation and religious or philosophical beliefs. CS handles and uses this personal information for the purposes of equal opportunities monitoring with your explicit **consent**. Provision of an Equal Opportunities Monitoring form is optional.

How long will CS keep your personal information?

If your application is successful and you accept an offer of employment made to you by CS, then CS will retain your application (including any supporting information) for the length of time of your employment with CS plus a further period of 6 years. Following the expiry of this timescale, the said information will be disposed of securely.

CS will retain an unsuccessful, withdrawn or ineligible application (including any supporting information) for a period of 6 months after the end of the recruitment

process. Following the expiry of this timescale, the said information will be disposed of securely.

Does CS send your personal information outside the United Kingdom?

CS will comply with Data Protection Laws if handling and using your personal information in accordance with this Privacy Notice requires CS to transfer your personal information to organisations in countries outside the United Kingdom.

Where your personal information is transferred outwith the United Kingdom, we will provide you with information regarding the safeguards that we have put in place with the recipient country to protect your personal information.

How will CS keep your personal information secure?

CS will take reasonable technical and organisational precautions to prevent the loss, misuse or alteration of your personal information and will store your personal information on secure servers.

Please be aware that sending information via the internet is inherently insecure, and CS cannot guarantee the security of your personal information if you send it to CS over the internet.

What if your application contains personal information about other individuals?

If your application and/or supporting information contains personal information about other individuals, you must comply with Data Protection Laws when providing their personal information to CS.

What will happen if you do not provide CS with the information it requires?

CS will be unable to progress your application and/or invite you to attend an interview.

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 to CS.

What rights do you have in relation to the personal information that CS handles and uses about you?

You have the right to:

- **Be informed** about the collection and use of your personal data e.g. this Privacy Notice. This is a key transparency requirement under the UK GDPR;
- **Request access to your personal data** (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you. This right always applies, although there are some exemptions which means you may not always receive all the information we process. You can request access to your personal data by contacting our Data Protection Officer (contact details are provided below);
- **Request correction of the personal data that we hold about you.** This enables you to have any incomplete or inaccurate data we hold about you

corrected, though we may need to verify the accuracy of the new data you provide to us. This right always applies;

- **Request erasure of your personal data.** This enables you to ask us to delete or remove personal data in certain circumstances. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request;
- **Object to processing of your personal data where we are relying on a legitimate interest or the process forms part of our public task** and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms;
- **Request restriction of processing of your personal data.** This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it;
- **Request the transfer of your personal data to you or to a third party.** We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you;
- **Withdraw consent** at any time where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

You can read more about your individual rights on the [Information Commissioner's Website](#).

No fee usually required

You will not usually have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we could refuse to comply with your request in these circumstances.

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 your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any

person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

Time limit to respond

We try to respond to all legitimate requests within one month. Occasionally it could take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

Psychometric testing

Some job vacancies may involve psychometric testing of applicants as part of the recruitment process. CS does not base its recruitment decisions solely on the results of such testing. This testing does not therefore constitute automated decision-making for the purposes of Data Protection Laws.

Making a complaint

If you have any concerns with how CS has handled and used your personal information, you should contact the CS Data Protection Officer in the first instance, as CS would welcome the opportunity to work with you to resolve any complaint.

The contact details for the CS Data Protection Officer are as follows:

Data Protection Officer
Creative Scotland
2-4 Waterloo Place
Edinburgh
EH1 3EG
Telephone: 0330 333 2000
Email: dataprotection@creativescotland.com

If you are still dissatisfied, you can submit a complaint to the Information Commissioners Office (ICO) either by telephone or by completing an online form. The ICO's contact details are as follows:

Telephone: 0303 123 1113
Website link: <https://ico.org.uk/concerns/>

Definitions:

You, Your, Yourself	means the job applicant, who the personal information is about
Data Protection Laws	means the retained EU law version of the General Data Protection Regulation ((EU) 2016/679) (EU GDPR) as it forms part of the domestic law of the United Kingdom by virtue of section 3 of the European Union (Withdrawal) Act 2018 and as amended by Schedule 1 to the Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (the "UK GDPR"); together with the Data Protection Act 2018 and any other national legislation intended to enact, implement or supplement the UK GDPR (or any part thereof); the Privacy and Electronic Communications (EC Directive) Regulations 2003 ("PECR") and, from the date of its becoming applicable, any legislation intended to replace the PECR and all applicable laws and regulations relating to the privacy, protection or processing of personal data, including where applicable guidance and codes of practice issued by the ICO and, as applicable, the equivalent of any of the foregoing in any relevant jurisdiction;
Controller	determines how and why personal information is handled and used
Personal Information	means information relating to a living individual who can be identified