

Privacy Notice

This privacy notice sets out how West Berkshire District Council (the “**Council**”) will use your personal data, and your rights in relation to that personal data. This document describes how and why we collect, store, protect, process and share the data you give to us. It is written in accordance with the UK data protection legislation.

This notice applies to potential, current and former customers of the service and those we have contacted but have opted not to partake in the service. It is important that you read this notice so that you know how and why we use information about you. It is also important that you inform us of any changes to your personal information so that the information which we hold is accurate and current.

Date of Issue: 23 May 2018

Update History:

Version 1	First issue of a new Privacy Notice
Version 1.1 13 April 2022	Minor amendment to contact details of the Data Protection Officer
Version 1.2 November 2024	Minor amendment to inform applicants of the use of their data to keep them updated with upcoming vacancies. Minor amendment to third parties we share data with in some recruitment processes.

Directorate: Resources
Service: Strategy, ICT & Governance
Team: Human Resources

About the Organisation

The Council is the Data Controller. This means it is ultimately responsible for the data it holds about you.

Contact Address:

West Berkshire District Council
Market Street
Newbury
Berkshire
RG14 5LD

ICO Registration Number: **Z6825178**
<https://ico.org.uk/ESDWebPages/Entry/Z6825178>

The Data Protection Officer

Contact details for the Data Protection Officer at the Council can be found at:
www.westberks.gov.uk/dpofficer

THE PERSONAL DATA WE HOLD ABOUT YOU

We will process the following personal data about you:

This includes:

- your name, address and contact details, including email address and telephone numbers
- your date of birth
- details of your education, qualifications, skills, experience and employment history, including start and end dates
- information about your current level of remuneration, including entitlement to allowances
- details of any gaps in employment and details of any local government continuous service
- details of whether you are a relative or a partner of, or have any close personal relationship with any employee or elected Councillor of the Council
- details of your registration with or membership of any professional bodies required for you to be able to practice in your profession or meet the requirements of the role that you have applied for, and details of any sanctions or restrictions placed upon you that affect your ability to practice in that role
- information about your identity and entitlement to work in the UK
- information about your criminal record where applicable to your role
- whether or not you have a disability for which the Council needs to make reasonable adjustments during the recruitment and selection process
- equal opportunities monitoring information, including information about your gender, whether you are married or in a civil partnership, ethnic origin, sexual orientation, religion or belief, health and disability
- where you have applied for a role that would require you to drive on Council business/ have a lease car we will collect details of your driving licence and any driving offences that you incur

The Council will collect this information in a variety of ways. For example, data might be collected through application forms, obtained from your passport or other identity documents such as your driving licence and qualification certificates, or collected through interviews or other forms of assessment, including on-line tests.

The Council will also collect information about you from third parties, such as references supplied by former employers, other organisations in relation to pre-employment checks, such as registration with professional bodies where a requirement of the role, and information from criminal records checks permitted by law.

These details are collected and held on Itrent and GovDelivery platforms and will be protected using up-to-date technical and organisational security measures.

SOURCE OF YOUR PERSONAL DATA

We collect the above information about you from the data you enter when completing an application form via our careers site.

PURPOSE AND LEGAL BASIS FOR PROCESSING YOUR PERSONAL DATA

In accordance with the data protection laws, we need a "legal basis" for collecting and using information about you. There are a variety of different legal bases for using personal data which are set out in the data protection laws.

We have set out below the different purposes for which we collect and use your personal data, along with the legal basis we rely on to do so.

Why we use your information	Our legal basis for using your information
<p>The Council processes your data with a view to potentially entering into a contract of employment. The Council has a duty as a public authority to ensure that it runs an efficient and fair recruitment process in the public interest to attract suitable staff, in order to protect public funds.</p> <p>There are also reasons that the Council needs to process this data by law. For instance, The Equality Act 2010 means that the Council has a duty to ensure that no discrimination takes place during recruitment and selection on grounds of "protected characteristics". Clearly, the Council needs to collect the data which relates to the characteristics to ensure (and to be able to show) that it is not treating applicants unfairly as a result.</p> <p>You are under no statutory or contractual obligation to provide data to the Council during the recruitment and selection process. However, if you do not provide the information, the Council may not be able to process your application properly or at all which will obviously have the potential to disadvantage your chances of success.</p> <p>You are under no obligation to provide information for equal opportunities monitoring purposes (this is asked for on a separate form to your main application and is retained within HR for monitoring purposes only and does not form part of the selection process.). There are no consequences for your application if you choose not to provide such information.</p>	<p>Performance of a contract: Article 6b of the General Data Protection Regulations ("GDPR") namely processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.</p> <p>Public Task: Article 6e of the GDPR namely the processing is necessary for the performance of a task carried out in the public interest.</p> <p>Consent: Where you have provided your consent for us to use your personal data in this way. If you do not wish the Council to process your personal data, it will be unable to establish a contract to provide the service for you.</p> <p>Legal obligation: Article 6(1)(c) UK GDPR – processing is necessary for compliance with a legal obligation (e.g. Equality Act 2010).</p> <p>Special category data: Article 9(2)(b) – necessary for carrying out obligations in employment and social protection law.</p> <p>Legitimate interests (for anonymised data): Article 6(1)(f) UK GDPR – where applicable, for internal</p>

Why we use your information	Our legal basis for using your information
<p>Recruitment and selection decisions are never based solely on an automated decision making process – there is always human intervention and judgement exercised at the point of a decision.</p> <p>You can access information about your rights with respect to the data we collect below (see “Your Rights”).</p>	<p>reporting and improvement of recruitment practices.</p> <p>Special category data: Article 9(2)(g) – substantial public interest, with appropriate safeguards.</p>

SHARING YOUR PERSONAL DATA

You will be able to see and update your data through our HR system Itrent.

Your information will be shared internally and seen by authorised Council staff and where required as part of the constitution for senior posts with elected members for the purposes of the recruitment and selection exercise.

This will include members of HR, the recruiting manager and members of the recruitment panel, managers in the service area with the vacancy and IT staff if access to the data is necessary for the performance of their roles.

The Council will share your data with third parties where external advisors/technical experts form part of the recruitment panel, some roles will also require external partners, stakeholders or service users to be involved in the recruitment panel. The Council will also share your data with third parties in order to obtain pre-employment checks required for the role.

This includes your referees and other organisations such as professional bodies necessary to complete pre-employment checks. Medical checks from our Occupational Health Provider and criminal records checks required for the role, obtained from the Disclosure and Barring Service by a third party organisation, will not be sought until a conditional offer of employment has been made.

Some data will also be stored on GovDelivery – provided by Granicus which is the software we use to securely send out vacancy newsletters. Their privacy notice can be viewed here: [Privacy policy | Granicus](#).

Your data will be seen by employees of the Council relevant to the service or information requests you have made.

Where a service or information request requires us to share your data with other parties, a separate privacy notice will describe who that is.

We may share your personal data with third parties where it is necessary for the delivery of the service.

We may also share your data if we are required to do so by law, for example by court order or to prevent fraud or other crime.

RETAINING YOUR PERSONAL DATA

Your personal data will not be kept longer than necessary.

You can check how long the Council will keep each type of data against our retention schedule (www.westberks.gov.uk/retention).

YOUR RIGHTS

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information 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 information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.
- **Withdraw consent** to the processing of your personal data at any time, where processing is based on your consent. To withdraw your consent, please contact our Data Protection Officer using the contact details below. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

HOW TO MAKE A REQUEST

If you wish to make a request associated with any of the rights listed above, contact the Council using the contact details at the top of this notice.

INTERNATIONAL TRANSFERS

Your personal data will not be processed outside the UK or by an international organisation.

COMPLAINTS

If you consider that your personal data has been misused or mishandled, you may make a complaint to the Information Commissioner, who is an independent regulator. Further information can be found at: <https://ico.org.uk/make-a-complaint/your-personal-information-concerns/>

The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
0303 123 1113

Email: casework@ico.org.uk

Any complaint to the Information Commissioner is without prejudice to your right to seek redress through the courts.

CHANGES TO THIS PRIVACY NOTICE

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.