

Public appointments team privacy notice for applicants and appointees to public office (UK)

Contents

1. Purpose of this document	2
2. Data protection principles	2
3. The kind of information we hold about you	3
4. How we collect your personal information.....	3
5. How we use information about you	4
6. How we use particularly sensitive personal information	5
7. Information about criminal convictions	6
8. Data sharing	7
9. Data security	9
10. Data retention.....	9
11. Your right of access, correction, erasure, and restriction	9
12. Right to withdraw consent.....	10
13. Data protection officer	10
14. Changes to this privacy notice	11
15. How to contact us	11

1. Purpose of this document

Defra is committed to protecting the privacy and security of your personal information. This privacy notice describes how we collect and use personal information about you during and after your working relationship with us, in accordance with data protection law (the Data Protection Act 2018 and General Data Protection Regulation (GDPR)).

This Privacy Notice applies to all applicants for board appointments and appointees.

Defra is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to current and former appointees. This notice does not form part of any contract of employment or other contract to provide services. This notice can be updated at any time and we will inform you if this occurs.

It is important that you read this notice, together with any other privacy notice that is provided when we are collecting or processing personal information about you. This is so you are aware of how and why we are using such information.

2. Data protection principles

We will comply with data protection law. This says that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about eg.
 - o if you have been appointed your details will be kept for 2 years after the end of your term; and
 - o if you have not been appointed your details will be kept for 2 years after the announcement of the appointment.
6. Kept securely.

3. The kind of information we hold about you

Personal data, or personal information, means any information relating to an identifiable, living individual.

There are "special categories" of more sensitive personal data which require a higher level of protection.

We collect, store, and use the following categories of personal information about you:

- personal contact details such as name, title, addresses, telephone numbers, and personal email addresses
- dates of birth, marriage and divorce
- gender
- national insurance number
- bank account details, payroll records and tax status information
- salary
- start date, end date of appointment
- location of place of work
- career details (Curriculum Vitae)
- performance and appraisal information

We also collect, store and use the following "special categories" of personal information, should you provide it:

- information about your race or ethnicity, religious beliefs, sexual orientation and political opinions
- information about any disabilities

4. How we collect your personal information

We typically collect personal data about applicants and Non-Executive Directors through the application and recruitment process, either directly from candidates or sometimes from an executive search agency or background checks.

We will sometimes collect additional information from other parties including former employers, personal references agencies or other background check agencies, including:

- consultants and other professionals who advise Defra generally

We will collect additional personal information through due diligence checks where this information is already in the public domain related to your conduct or professional capacity. This will include our undertaking searches of previous public statements and social media, blogs or any other publicly available information. This information may be made available to the Advisory Assessment Panel and to Ministers.

5. How we use information about you

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

1. Where it is necessary for fulfilling the agreement we have entered into with you (when making a Public Appointment to a Non-Departmental Public Body (NDPB)).
2. Where we need to comply with a legal obligation.
3. When required to submit diversity monitoring requirement to Cabinet Office/OCPA.
4. Where it is in the public interest to do so; or for official purposes; or in the exercise of a function of the Crown, a Minister of the Crown or Defra as a government department.

There can be rare occasions where it becomes necessary to use your personal information to protect your interests (or someone else's interests).

Situations in which we will use your personal information

We need all the categories of information in the list above (see: The kind of information we hold about you) to enable us to satisfy our agreement with you; to enable us to comply with legal obligations, to carry out our functions as a government department/functions of the Crown; or, where it is necessary, to do so in the public interest.

The situations in which we will process your personal information are listed below:

- making a decision about your recruitment or appointment
- determining the terms on of your appointment
- making decisions about your continued appointment
- making arrangements for the termination of your appointment
- informing you of future opportunities
- dealing with legal disputes involving you, or others
- complying with health and safety obligations
- to prevent fraud

- equal opportunities monitoring
- dealing with Freedom of Information Act/Environmental Information Regulations requests, including public disclosure of personal data if the data protection law allows this
- paying your fee, deducting tax and national insurance
- general administration of your terms of appointment

Some of the purposes will overlap and there can be several grounds which justify our use of your personal information.

If you fail to provide personal information

If you fail to provide certain information when requested, we will not be able to fully perform the contract we have entered into with you (such as paying you or providing a benefit), or we could be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers).

Using personal information for a different purpose

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason other than the original purpose. If we need to use your personal information for an unrelated or new purpose, we will notify you and we will explain the legal basis which allows us to do so.

We will, if necessary process, your personal information without your knowledge or consent, where this is required or permitted by law.

6. How we use particularly sensitive personal information

"Special categories" (see list under section 3) of personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information.

We will, if necessary, process special categories of personal information where:

- we need to carry out our legal obligations or exercise our legal rights and in line with our data protection policy
- it is in line with our data protection policy, it is substantially in the public interest to do so and necessary for:
 - performing our functions as a Government Department or a function of the Crown
 - equal opportunities monitoring
 - preventing or detecting unlawful acts

- o where it is needed to assess your capacity on health grounds, subject to appropriate confidentiality safeguards

In order to meet our public sector equality duty under section 149 of the Equality Act 2010 and section 75 of the Northern Ireland Act 1998 we are required to collect particularly sensitive information.

Your personal data will always be treated in confidence and, when anonymised with data from other applicants, will help compile the Annual Statistical Bulletin of the Commissioner for Public Appointments.

In some circumstances, we will process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting. This will be anonymised.

Need for your consent

We do not need your consent if we use special categories of your personal information in accordance with our written policy to carry out our legal obligations, or for one of the other reasons outlined in the previous section: '6. How we use particularly sensitive personal information'.

In limited circumstances, if the need arises, we will approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. It is not a condition of your contract with us that you agree to any request for consent from us.

7. Information about criminal convictions

We will only use information relating to criminal convictions or alleged criminal behaviour where the law allows us to do so. This can arise when it is necessary for us to comply with the law or for another reason where there is a substantial public interest in us doing so.

Less commonly, we will, if necessary, use information relating to criminal convictions or alleged criminal behaviour where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

We will only collect information about criminal convictions or allegations of criminal behaviour where it is appropriate given the nature of the role and where we are legally able to do so. Where appropriate, we will collect information about criminal

convictions/allegations as part of the recruitment process or if we are notified of such information directly by you in the course of your application or appointment.

We will use information about criminal convictions/allegations and offences in the following ways:

- to make decisions regarding suitability for the role, or in relation to possible grievance or disciplinary matters and associated hearings
- National Security Vetting, if relevant
- with reference to the code of conduct and any contractual terms and conditions which form your agreement with Defra

We are allowed to use your personal information in this way where it is in line with our data protection policy and where one of the following reasons arises:

- we need to carry out our legal obligations or exercise our employment-related legal rights
- it is substantially in the public interest to do so and necessary for performing our functions as a government department or a function of the Crown

8. Data sharing

We will in some circumstances have to share your data with third parties, including third-party service providers and other Civil Service bodies such as the Civil Service Commission, the Advisory Committee on Business Appointments and the Office of the Commissioner for Public Appointments.

We require third parties to respect the security of your data and to treat it in accordance with the law.

Sharing personal information with third parties

We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you; where it is in the public interest to do so or where it is necessary for the performance of our functions as a Government Department or a function of the Crown. This will, in some circumstances, involve sharing special categories of personal data and, where relevant, data about criminal convictions/allegations.

"Third parties" includes third-party service providers (including contractors and designated agents) and other entities within the Civil Service. The following activities are carried out by third-party service providers: payroll, IT services, security vetting.

The following third-party service providers process personal information about you for the following purposes:

Third Party	Purpose
HM Revenue and Customs	Tax and pay
DBS, UKVA and UKSB	Visa applications and security vetting
Shared service providers	Administration of your HR, payment of fees
The National Archives and any other holder of official records	If records are deemed to have historical interest
External auditors	Variety of audit checks to assure compliance with process/policy
Offsite document storage providers	Storage of your HR, fee payment records

All our third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

We may also share your data should we be contacted by your new/prospective employer for an employment reference, or by a third party requesting a financial reference – for example to support tenant or mortgage applications.

Sharing information with other organisations within the Civil Service

We will share your personal information with other Civil Service organisations (eg. other government departments and government agencies) for general management and functioning of the public appointments.

Pseudonymised personal data - replacing most identifying fields within a data record by one or more artificial identifiers – is also shared with the Office for National Statistics, Cabinet Office and Office of the Commissioner for Public Appointments, mainly for statistical purposes.

ONS, along with other auditing bodies such as National Audit Office can also see and review personal data in an audit. As part of the National Fraud Initiative your data may be shared with the Audit Commission.

Sharing information with other third parties

If required, we will need to share your personal information with a regulator or to otherwise comply with the law.

9. Data security

Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and third parties who have a business need to know. They will only process your personal information on our instructions.

10. Data retention

We will retain the data of candidates recruited to our boards for 2 years after your term ends for audit purposes. For everyone else, we will retain your data, for audit purposes, for 2 years after the announcement of the post being filled.

11. Your right of access, correction, erasure, and restriction

Important for you to inform us of changes

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

Your rights in connection with personal information

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

- **Request access** to your personal information (commonly known as a "data subject access request");
- **Request correction** of the personal information that we hold about you;
- **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).

- **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;
- **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; or
- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact PublicAppts@defra.gov.uk in writing, for which no fee is usually required.

What we need from you

We sometimes 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 another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

12. Right to withdraw consent

In the limited circumstances where you have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact PublicAppts@defra.gov.uk. 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.

13. Data protection officer

We have appointed a data protection officer (DPO) to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO via data.protection@defra.gov.uk.

14. Changes to this privacy notice

We reserve the right to update this privacy notice at any time.

15. How to contact us

If you have any questions about this privacy notice or for general enquiries, for example to tell us your details are inaccurate or incomplete, to ask to see the data we hold about you, or to withdraw your consent or request your personal data be deleted, please contact the Public Appointments Team (PublicAppts@defra.gov.uk):

Public Appointments Team
4th Floor, SE Quarter
Seacole Block
2 Marsham Street
London
SW1P 4DF

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues. Should you wish to exercise that right full details are available at: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>.

By post:

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

By email: casework@ico.org.uk