



CROWN OFFICE & PROCURATOR FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

PRIVACY NOTICE

Use of your Personal Data in connection with the Crown Office and Procurator Fiscal Service (COPFS) Recruitment Process

Job Applicants

As part of our recruitment process, COPFS will collect and process personal data relating to job applicants. We are committed to being transparent about how we collect and use that data and to meeting our data protection obligations.

If you have any queries about the process or how we handle your information please contact us at recruitment@copfs.gov.uk.

Postal queries can be directed to:

COPFS HR Recruitment
25 Chambers Street
Edinburgh
EH1 1LA

Alternatively you may telephone the COPFS Enquiry Point on 0300 020 3000 and ask to speak with someone in the HR Recruitment Team.

1. What information do COPFS collect in relation to job applicants?

COPFS is the data controller for the information you provide during the recruitment process, unless otherwise stated.

COPFS collects a range of information about you. This includes:

- name, address and contact details
- entitlement to work in the UK and with the Civil Service
- character and criminal history
- current and previous employment and affiliations
- your qualifications, skills and experience
- confirmation of any disability for which we need to make reasonable adjustments during the recruitment process
- equal opportunities monitoring information, including information about your date of birth, marital status, gender, nationality, ethnic group, belief/religion, dependents, sexual orientation and health.

2. What is the source of your personal information?

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

We will also collect personal data about you from third parties, such as references supplied by former employers/academic institutions and information from criminal records checks. We will seek information from third parties only once a job offer to you has been made and will inform you that we are doing so.

Data will be stored in a range of different places, including on your application records, in HR management systems and on other IT systems, including email.

3. What will we do with the information you provide to us?

All of the information you provide during the application and recruitment process, will only be used for the purpose of progressing your application, or to fulfil legal or regulatory requirements if necessary.

We will not share any of the information you provide during the recruitment process with any third parties for marketing purposes or store any of your information outside of the European Economic Area. The information you provide will be held securely by us and/or our data processors whether the information is in electronic or physical format.

We will use the contact details you provide to us to contact you to progress your application. We will use the other information you provide to assess your suitability for the role you have applied for.

4. What are the legal grounds for our processing of your personal information?

As a public sector organisation, we have a legal basis for processing personal data during the recruitment process and for keeping records of the process. Processing data from job applicants allows us to manage the recruitment process, assess and confirm a candidate's suitability for employment and decide to whom to offer a job.

We do not collect more information than we need to fulfil our stated purposes and will not retain it for longer than is necessary.

The information we ask for is used to assess your suitability for employment. You don't have to provide what we ask for but it might affect your application if you don't.

Where we rely on 'public task' as a reason for processing data, we have considered whether or not those interests are overridden by the rights and freedoms of job applicants and employees or workers and have concluded that they are not.

In some cases, we need to process data to ensure that we are complying with our legal obligations. For example, we are required to check a successful applicant's eligibility to work in the UK before employment starts.

We process health information if we need to make reasonable adjustments to the recruitment process for candidates who have a disability. This is to carry out our obligations and exercise specific rights in relation to employment.

Where we process other special categories of data, such as information about ethnic group, sexual orientation, health or religion or belief, this is for equal opportunities monitoring purposes.

For all roles, we are obliged to seek information about criminal convictions and offences. Where we seek this information, we do so because it is necessary for us to carry out our obligations and exercise specific rights in relation to employment.

We will not use your data for any purpose other than the recruitment exercise for which you have applied, unless you have given consent otherwise, or the data has been anonymised so that you cannot be identified from its use.

We may also need to process data from job applicants to respond to and defend against legal claims or complaints.

5. When do we share your personal information with other organisations and who has access to your data?

Your information will be shared internally for the purposes of the recruitment exercise. This includes members of the HR and recruitment team, 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.

We will not share your data with third parties, unless your application for employment is successful and we make you an offer of employment. COPFS will then share your data with former employers and academic institutions to verify your history and Disclosure Scotland to obtain necessary criminal records checks.

6. Is your personal information transferred outside the UK or the EEA?

We will not transfer your data outside the European Economic Area.

7. What about Automated Decision Making

Recruitment processes are not based solely on automated decision-making. All decisions involve human intervention.

8. Application stage

Information you submit as part of your application (i.e. CV, application forms, etc.) will be processed and held by COPFS.

We ask you for your personal details including name and contact details. We will also ask you about your current and previous employers, experience, education, referees and for answers to questions relevant to the role you have applied for.

You will also be asked to provide information relating to your right to work in the UK and Civil Service, a criminal records declaration to declare any unspent convictions, your character, professional body complaints, pre-existing relationships, secondary employment, conflicts of interest and political activity.

Our recruitment team will have access to all of this information.

You will also be asked to provide equal opportunities information. This is not mandatory information – if you don't provide it, it will not affect your application. This information will not be made available to any staff outside of our recruitment team, including recruiting managers, in a way which can identify you. Any information you do provide will be used only to produce and monitor equal opportunities statistics.

8.2 Speculative Applications

In the event that you did not apply for a specific vacancy, but submitted your CV or details on a speculative basis, we will hold your CV/details for a maximum of 6 months.

We may during this time contact you regarding positions we think might be a good fit for your skillset. The legal basis for this processing is our legitimate interests in finding an appropriate candidate for particular roles and vacancies within the COPFS.

We will then ask you if you would like to be put forward for such opportunities. If you consent to us doing so, we may request additional information as you will then enter the application stage (8).

Where you have given us your information for the purposes detailed above, we will store the information in our central recruitment system (“talent pool”). The legal basis for this is our legitimate interests in maintaining a viable talent pool.

9. Shortlisting

Our recruiting managers' may shortlist applications for interview. They will not be provided with your name or contact details or with your equal opportunities information if you have provided it.

10. Assessments

We might ask you to participate in assessment days, complete tests or occupational personality profile questionnaires, and/or to attend an interview – or a combination of these. This information is held by COPFS.

If you are unsuccessful following assessment for the position you have applied for, we may wish to name you as a reserve candidate and ask if you would like your details to be retained in our talent pool. If you say yes, we would proactively contact you should any further suitable vacancies arise that can be offered.

If you are unsuccessful following assessment for the position you have applied for, your details will not be retained for future contact regarding future vacancies unless you have expressly given consent to us.

If you are invited to interview, you may be asked to provide:

- Proof of your identity
- Proof of your qualifications
- Proof of your address

You will be asked to bring original documents, of which we will take copies.

This information will be used to undertake our pre-employment checks should you be successful.

If you are not successful in being offered a post, this information will be destroyed immediately.

11. Conditional offer

If we make a conditional offer of employment we will use the information you provided within your application form so that we can carry out pre-employment checks. You must successfully complete pre-employment checks to progress to a final offer.

Our standard pre-recruitment checks include proof of your identity, nationality and immigration status, employment/academic history and criminal history.

COPFS has exemptions from the Rehabilitation of Offenders Act and some categories of unspent convictions may affect your conditional offer.

We will also ask you to complete a questionnaire about your health. This is to establish your fitness to work. This is done through a data processor (please see 'data processors' below).

Some roles require a higher level of security clearance – this will be clear to you on our advert. If this is the case, then you will be asked to submit information via the COPFS Security Manager who will submit an application to the National Security Vetting Service (NSV).

NSV will undertake the clearance checks and pass all information obtained to COPFS. Depending on the information provided, we might need to review your suitability for the role or how you perform your duties.

You will also be asked to complete a pension's questionnaire to determine what pension arrangements you should be enrolled to.

When full checks are satisfactorily completed, a formal offer of employment will be made.

If you have any queries or concerns about this, please get in touch.

12. Formal unconditional offer

If we make a final offer, we will also ask you for the following information:

- Bank details – to process salary payments
- Emergency contact details – so we know who to contact in case you have an emergency at work

Information you provide throughout the application and pre-recruitment stages will be used to inform your personnel records within COPFS and with our data processors, where appropriate (please see 'data processors' below).

Use of data processors

Data processors are third parties who provide elements of our recruitment and HR services for us. We have contracts in place with our data processors. This means that they cannot do anything with your personal information unless we have instructed them to do it or it is required for a legal purpose. They will not share your personal information with any organisation apart from us. They will hold it securely and retain it for the period we instruct.

Disclosure Scotland

Where you accept a provisional offer from us, you will be asked to complete an Enhanced Disclosure application form. This information will be countersigned by COPFS and sent to Disclosure Scotland for the purposes of a criminal history check.

Here is a link to their [Privacy Notice](#).

Optima Health

Optima Health provides our Occupational Health service. If we make you a conditional offer, relevant details about you will be provided to Optima Health, who will ask that you complete a questionnaire which will help to determine if you are fit to undertake the work that you have been offered, or advise us if any adjustments are needed to the work environment or systems so that you may work effectively.

Optima Health will contact you directly with a link to the questionnaire which will take you to Optima Health's website. The information you provide will be held by Optima Health who will confirm you whether you are fit to work, this may or may not include recommendations for support or adjustments. You are able to request to see this information before it is available to us. If you decline for us to see it, then this could affect your job offer. If an occupational health assessment is required, this is likely to be carried out by Optima Health.

Here is a link to their [Privacy Notice](#).

SnowdropKCS

If you accept a final offer from us, some of your personnel records will be held on SnowdropKCS which is an internally used HR records system.

Here is a link to their [Privacy Notice](#).

CGI

If you are employed by COPFS, relevant details about you will be provided to CGI who provide payroll services to COPFS. This will include your name, bank details, address, date of birth, National Insurance Number and salary information.

Here is a link to their [Privacy Notice](#).

MyCSP

Likewise, your details will be provided to MyCSP who are the administrators of the Civil Service Pension Scheme, of which COPFS is a member organisation. You will be auto-enrolled into the pension scheme and details provided to MyCSP will be your name, date of birth, National Insurance number and salary. Your bank details will not be passed to MyCSP at this time.

Here is a link to their [Privacy Notice](#).

Mitrefinch

COPFS operate flexible working and some of your details will be held on Mitrefinch which is an internally used time and attendance system. Information held will include your name, leave entitlements, work location and working pattern.

Here is a link to their [Privacy Notice](#).

13. How does COPFS protect data?

COPFS 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.

14. How long is the information retained for?

If you are successful, the information you provide during the application process will be retained by us as part of your employee file for the duration of your employment plus 6 years following the end of your employment. This includes your criminal records declaration, fitness to work, records of any security checks and references.

If you are unsuccessful at any stage of the process, the information you have provided until that point will be retained for two years from the closure of the campaign.

Information generated throughout the assessment process, for example interview notes, will be destroyed upon conclusion of the exercise.

Equal opportunities information is retained for two years following the closure of the campaign whether you are successful or not.

At the end of these time periods, your data will be deleted or destroyed. Equal opportunities information may be retained for further periods, however this information will be anonymised.

15. How we make decisions about recruitment?

Final recruitment decisions are made by recruiting managers and members of our recruitment team.

You are able to ask about decisions made about your application by speaking to your contact within our recruitment team or by emailing recruitment@copfs.gov.uk.

16. Secondments

We may also offer opportunities for people to come and work with us on a secondment basis.

Applications are sent directly to COPFS. Once we have considered your application, if we are interested in speaking to you further, we'll contact you using the details you provided.

If you are seconded to COPFS, we will ask to complete our pre-employment checks which is described in this Notice above.

We ask for this information so that we fulfil our obligations to avoid conflicts of interest and to protect the information we hold.

It will be retained for the duration of your secondment plus 6 years following the end of your secondment.

17. What are your rights under data protection laws?

As a data subject, you have rights as an individual which you can exercise in relation to the information we hold about you.

You can read more about these rights here – <https://ico.org.uk/for-the-public/is-my-information-being-handled-correctly/>

If you would like to exercise any of these rights in respect of job applications, please contact Recruitment@copfs.gov.uk

If you agree, we will try to deal with your request informally, for example by providing you with the specific information you need over the telephone.

If you want to make a complaint about the way we have processed your personal information, you can contact the Information Commissioner's Office as the statutory body which oversees data protection law – www.ico.org.uk/concerns.

18. What if you do not provide personal data?

You are under no statutory or contractual obligation to provide data to COPFS during the recruitment process. However, if you do not provide the information, we may not be able to process your application properly, or at all.

People who email us

We use Transport Layer Security (TLS) to encrypt and protect email traffic in line with government. If your email service does not support TLS, you should be aware that any emails we send or receive may not be protected in transit.

We will also monitor any emails sent to us, including file attachments, for viruses or malicious software. Please be aware that you have a responsibility to ensure that any email you send is within the bounds of the law.

Changes to this Privacy Notice

We may change this privacy notice from time to time by updating this page in order to reflect changes in the law and/or our privacy practices. We encourage you to check this privacy notice whenever you revisit our website – <http://www.copfs.gov.uk/privacy-notice>

Contact Us

If you have any questions about this privacy notice or wish to exercise your rights, you can write to us at COPFS HR Recruitment, 25 Chambers Street, Edinburgh, EH1 1LA or by email: Recruitment@copfs.gov.uk

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