



COMHAIRLE CONTAE AN CHLÁIR
CLARE COUNTY COUNCIL

CANDIDATE PRIVACY NOTICE

REVISION HISTORY

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HR-RE-01	01	Candidate Privacy Notice	17/06/21	HR
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HR-RE-01	03	Candidate Privacy Notice	17/11/22	HR
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1. CANDIDATE PRIVACY NOTICE

We respect your privacy and are committed to protecting your personal data. Clare County Council is a personal data controller. This means that we are responsible for deciding how we hold and use personal data about you. This notice is aimed at informing you of how and why your personal data will be used, namely for the purposes of the recruitment exercise, and how long it will be retained for. It provides you with certain information that must be provided under the General Data Protection Regulation ((EU) 2016/679) (GDPR) and the Data Protection Act 2018.

A current copy of the Council's general privacy statement can be found on the Clare County Council website which can be accessed on the following Website Address: www.clarecoco.ie

2. OVERVIEW

Key definitions:

- **Personal data** – Any information relating to an identified or identifiable natural person ("data subject"). An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or two or more specific factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that natural person.
- **Processing** – Anything done on or with the personal data or sets of personal data. This includes collection, recording, organisation, structuring, storage, adaption or alteration and deletion.
- **Data Controller** – Whoever determines the purposes and means of the processing of personal data. This is usually (but not always) whoever collects the personal data in the first place.
- **Data Processor** – Whoever processes personal data on behalf of the controller.
- **Personal data breach** – Any breach of security leading to the accidental or unlawful destruction, loss, alteration. Unauthorised disclosure of, or access to, personal data transmitted, stored, or otherwise processed.

3. DATA PROTECTION PRINCIPLES

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

- a. Used lawfully, fairly and in a transparent way.
- b. Collected only for specified purposes and not used in any way that is incompatible with those purposes.
- c. Adequate, relevant, and limited to what is necessary in relation to the purposes.
- d. Accurate and kept up to date.
- e. Kept only as long as necessary.
- f. Kept securely.

4. THE KIND OF DATA WE HOLD ABOUT YOU

In connection with your application, we will collect, use, and store the following categories of personal data about you:

- The data you have provided on our job application form, including name, title, home address & Eircode, telephone number, personal email address, employment history, qualifications, professional memberships, educational achievements, and any data you provide us during interviews.

Any personal data provided to us about you by your referees [if applicable].

5. HOW IS YOUR PERSONAL DATA COLLECTED?

We collect personal data about candidates from the following sources:

- You, the candidate.
- Your named referees, from whom we collect the following categories of data: full name, periods of previous employment, performance during previous employment.
- From publicly accessible sources, such as LinkedIn, etc.

6. HOW WE WILL USE DATA ABOUT YOU

We will use the personal data we collect about you to:

- to decide whether to enter into a contract with you.
 - Assess your skills, qualifications, and suitability for the role.
 - Carry out background and reference checks, where applicable.
 - Communicate with you about the recruitment process.
 - Keep records related to our hiring processes.
 - Comply with legal or regulatory requirements.

Having received your completed Application Form/CV/qualifications and the results from any assessments you took, we will then process that data to decide whether you meet the basic requirements to be shortlisted for the role. If you do, we will decide whether your application is suitable to invite you for an interview. We may decide to call you for an interview to decide whether to offer you the role. If we decide to offer you the role, we may then take up references and/or any other check before confirming your appointment.

7. IF YOU FAIL TO PROVIDE PERSONAL DATA

If you fail to provide personal data when requested, which is necessary for us to consider your application (such as evidence of qualifications or work history), we may not be able to process your application further. For example, if we require references for this role and you fail to provide us with relevant details, we will not be able to take your application further.

8. AUTOMATED DECISION-MAKING

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making.

9. WHAT IS THE LAWFUL BASIS FOR PROCESSING PERSONAL DATA?

Clare County Council's lawful basis for the processing of your personal data under article 6 (1) and article 9(2) of the GDPR:

Article 6 1 (b) 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;*

Article 6 1 (c) Processing is necessary for compliance with legal obligation to which the data controller is subject, namely Public Service Management (Recruitment and Appointment) Act 2004.

- Article 6 (1)(c) Processing is necessary for compliance with a legal obligation to which the controller is subject: in this case: Public Service Management (Recruitment and Appointment Act 2004)
- Article 6(1)e) Processing is necessary for the performance of a task in the public interest or in the exercise of the official authority vested in the Controller – in this case, namely functions of the local authority under the Local Government Act, 2001, as outlined previously under section 2.

Where any health data processing is concerned, article 9 of the GDPR is relied on, particularly article 9(2)(b) namely: *“processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;” and also 9(2)(h): “processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;”*

10. DATA SHARING

We will only share your personal data with the following third parties for the purposes of processing your application:

- Recruitment company to conduct aptitude test,
- Eligibility shortlisting board or External Interview Board,

All our third-party service providers and other areas within Clare County Council are required to take appropriate security measures to protect your personal data in line with our policies. This includes the platform ‘OLEEO’ by which your online application is being administered.

own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

11. DATA SECURITY

Clare County Council takes your privacy seriously. We are committed to protecting your personal information.

The data you provide is maintained securely in password protected computer files with role-based access and hard copies are stored in a locked cabinet with access limited to authorised personnel, including the People and Culture staff.

Clare County Council has appointed a data protection officer (DPO) who can be contacted on DPA@clarecoco.ie

12. DATA RETENTION AND DESTRUCTION

We will retain your personal data for the following retention periods; (i) Ineligible applicants - 18 months and then securely destroyed; (ii) Eligible applicants but not qualified and/or not placed on panel - 18 months and then securely destroyed; (iii) eligible; qualified but not offered post or refused post - 18 months after panel expires then securely destroyed. In the event of a legal claim, the data will be retained for the duration of the claim and a further 18 months thereafter and then securely destroyed. If you are offered employment, your data will be retained for the period of your employment.

We retain your personal data for that period so that we can show, in the event of a legal claim, that we have not discriminated against candidates on prohibited grounds and that we have conducted the recruitment exercise in a fair and transparent way. After this period, we will securely destroy your personal data in accordance with our data retention and destruction policy.

13. DATA RIGHTS

Your rights in connection with personal data

Data rights are conferred on data subjects via the law, e.g.

- **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.
- **Request correction** of the personal data that we hold about you. This enables you to ask to have any incomplete or inaccurate data corrected.
- **Request erasure** of your personal data. This enables you to ask us to delete or remove personal data 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 data where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal data where the data controller is relying on the legal basis of legitimate interest.
- **Request the restriction of processing** of your personal data. This enables you to ask us to suspend the processing of personal data about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal data to another party.

If you want to exercise your data rights, you can do so by applying in writing to the Council’s data protection officer DPA@clarecoco.ie.

14. DATA PROTECTION COMMISSION

If you have any cause for complaint about our use of your personal data, you have the right to lodge a complaint with the Data Protection Commission.

Telephone:

+353 578 684 800

+353 761 104 800

Address:

Data Protection Commission, 6 Pembroke Row, Dublin 2, D02 X963.

Policy Changes

Clare County Council reserves the right to amend this notice from time to time.