

## Privacy Notice For Staff (Recruitment & Selection and Human Resources)

Ayrshire College (the College) is providing you with this information to comply with data protection law to ensure that you are fully informed and that we are transparent in how we collect and use your personal data.

Your privacy and trust are very important to us and this Privacy Notice provides essential information about how the College handles your personal data (information) and the rights you have in relation to how we use your data. The College is committed to complying with all applicable Data Protection legislation.

## Who are we?

Ayrshire College is the 'Data Controller' and is responsible for looking after the personal data that you provide.

Registered office – Ayr Campus  
Dam Park, Ayr  
KA8 0EU

For any queries or concerns about how your personal data is being processed you can contact the Data Protection Officer (DPO) at [dataprotection@ayrshire.ac.uk](mailto:dataprotection@ayrshire.ac.uk)

**This privacy notice relates to the following process: STAFF AND OTHER INDIVIDUALS WHO PERFORM A ROLE WITH THE COLLEGE IN A PAID AND/OR UNPAID CAPACITY, AS WELL AS FOR THE PURPOSES OF RECRUITMENT & SELECTION**

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Dam Park  
Ayr, KA8 0EU  
T 01292 265184  
E [enquiries@ayrshire.ac.uk](mailto:enquiries@ayrshire.ac.uk)

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## Purpose for processing – why do we collect information about you?

The College collects and uses information about you for the purposes of recruitment and selection and for the purposes of your employment contract, both during and after, your working relationship with us, in accordance with data protection law.

**The situations where we will process your personal information are listed below:**

- Making a decision about your recruitment or appointment.
- Determining the terms on which you work for us.
- Checking that you are legally entitled to work in the UK.
- Paying you and, if you are an employee, deducting tax and National Insurance contributions.
- Providing staff benefits to you.
- Liaising with your pension provider.
- Administering the contract we have entered into with you.
- Business management and planning, including accounting and auditing.
- Conducting Personal and Professional Development Reviews.
- Gathering evidence for possible grievance or disciplinary hearings.
- Making decisions about your continued employment or engagement.
- Making arrangements for the termination of our working relationship.
- Education, training and development requirements.
- Dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work.
- Ascertaining your fitness to work.
- Managing sickness absence.
- Complying with health and safety obligations.
- To prevent fraud.
- To monitor your use of our information and communication systems to ensure compliance with our IT policies.
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
- To conduct data analytics studies to review and better understand employee retention and attrition rates.
- Equal opportunities monitoring.

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## Situations where we will use your sensitive personal information are as follows:

- We will use information relating to leaves of absence, which may include sickness absence or family related leaves, to comply with employment and other laws.
- We will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits.
- We will use trade union membership information to pay trade union premiums and to comply with employment law obligations.
- We will only collect information about criminal convictions if it is appropriate given the nature of the role and where the law allows us to do so. Where appropriate, we will collect information about relevant criminal convictions as part of the recruitment process or we may be notified of such information directly by you in the course of you working for us or by Disclosure Scotland.
- We also ask for some 'special category' (sensitive) personal data to carry out statistical analysis to ensure we're advancing equality of opportunity and treatment for all staff groups. This enables the College to meet its duties under the Equality Act 2010.

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

## Our lawful basis (reason) for processing your information are:

- Use is necessary for the performance of a contract with you or to take steps, at your request, before entering into such a contract.
- Use is necessary for us to comply with a legal obligation.
- Use is necessary for the performing a task in the public interest or under official authority vested in us.

**The data being used includes special category (sensitive) data. Our legal reason for using this sensitive data are:**

- Where you have given explicit consent to the processing.
- Use is necessary for carrying out obligations under employment law.
- Processing is necessary for reasons of substantial public interest and is authorised by domestic law proportionate to the aim pursued. Such as Equal Opportunities monitoring under the Equalities Act 2010.
- Use is necessary for the purposes of preventative or occupational medicine. For example, where it is needed to assess/monitor an individual's working capacity on health grounds, subject to appropriate confidentiality safeguards.

In limited circumstances:

- Use is necessary for the establishment, exercise or defence of legal claims or where courts are acting in their judicial capacity.
- Use is necessary to protect a person's the vital interests.
- Use relates to personal data you have manifestly made public.

## What information do we collect about you?

The College collects, stores and uses the following types of personal information:

- Personal details such as name, title, address, telephone numbers, personal email addresses, date of birth, national insurance number, gender, marital status and information on dependants.
- Next of kin details for emergency purposes.
- Financial information, for example bank account details, payroll records, tax status information, salary.
- Recruitment information including copies of right to work documentation, references and other information included in a cover letter as part of the application process.
- Employee details including start date, location of employment or workplace annual leave, pension and benefits information, job titles, work history, working hours, training records and professional membership, performance information, Personal Development Review paperwork, training requested/undertaken.
- Compensation history/Voluntary Severance/Employment claims.
- Disciplinary and grievance information.
- Performance information.

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- Electronic device information including Internet Protocol (IP) address, information about an individual's use of our information and communications systems, location data of any College owned mobile devices, names of documents printed on College MFD's
- Recordings (audio and/or video) of teaching and learning sessions delivered by staff either physically or remotely for teaching and learning purposes.
- Recordings (audio and/or video) of training and awareness sessions delivered for staff either physically or remotely for learning and development purposes.
- Photographs for staff ID badges and staff email accounts.
- Copy of driving licence for use of College vehicles.
- DVLA check for employees requesting access to College vehicles, where the employee initiates the process by contacting the DVLA directly.

We also ask for the following 'special category' (sensitive) personal data:

- Information for equality monitoring includes: race, ethnicity, religious beliefs, sexual orientation and political opinions.
- Trade union membership.
- Information about health, including any medical condition, health and sickness records.
- Information about criminal convictions and offences.

## How do we collect it?

We collect personal information about employees through the application and recruitment process, either directly from candidates or sometimes from an employment agency.

We may sometimes collect additional information from third parties including former employers, occupational health services and Disclosure Scotland.

We will collect and process additional personal information as necessary for the performance of the employment contract or for the purposes in the course of job-related activities throughout the period of you working for us to ensure accuracy of your data.

Data will be stored in a range of places across the organisation, including application forms, in HR management systems (iTrent), Office 365 (Microsoft teams) and other College IT systems, including Outlook for email correspondence.

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## What happens if individuals do not provide personal information to the College?

All staff including employees, Board of Management members, workers and contractors are under contractual obligation to provide their personal information to the College. If individuals fail to provide certain information when requested, the College may not be able to perform the contract entered into (such as payment of salary or providing a benefit). If individuals fail to provide certain information when requested during the recruitment and selection process, then the College may not be able to consider the individual for employment or proceed with their application for employment. Furthermore, the College may be prevented from complying with its legal obligations (such as to ensure the health and safety of staff and learners).

It is also important that the personal information the College holds is accurate and current. Please keep the College informed of changes to your personal information during your working relationship with us. Employees can update their personal information using the employee self-service portal of iTrent.

## What happens if individuals do not provide special category personal information to the College?

You are not contractually bound to provide sensitive information used for monitoring purposes. Where you have shared equalities information with us, (age, caring responsibilities, disability status, gender identity, marital or civil partnership status, pregnancy or maternity/paternity status, nationality and ethnic origin, religious, philosophical or moral beliefs, sex, or sexual orientation) this is optional.

Providing this information ensures meaningful equality monitoring and reporting in support of our legal duties and in the public interest. When gathering this sensitive personal information we include a 'prefer not to say' option. However, using this information allows us to make positive improvements, so we encourage you to provide this confidential information if you feel able to do so.

## Who do we share your information with?

The College will share an individual's personal information with third parties where required by law, where it is necessary to administer the working relationship or where the College has another legitimate and lawful reason to do so.

To fulfil the College's contract with you, and as part of its legal requirements in relation to pension, tax, fraud and audit purpose, there are certain organisations the College may have to share your personal data with including:

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## Statutory organisations

1. HM Revenue & Customs
2. Scottish Funding Council
3. The Scottish Public Pensions Agency
4. Scottish Pensions Agency
5. Government Actuary Department
6. Local Government Pension Scheme
7. National Insurance database
8. Secretary of State for Work and Pensions

## Third party contractors/suppliers

9. Integral Occupational Health
10. Salus Occupational Health, Safety and Return to Work Services
11. Colleges Scotland
12. Software provider – MHR (iTrent) The College does not share data with MHR. MHR have access to resolve technical issues when the College permits this which is strictly monitored.
13. Debt Collectors contracted on behalf of Ayrshire College Finance dept
14. Police Scotland and other law enforcement or regulatory bodies
15. Doodle Poll
16. Moodle
17. Office 365 (Microsoft teams)

In addition to the organisations listed above, the College may also share your personal data with third-party service providers including contractors and designated agents, for the purposes of recruitment and fulfilling the employment contract.

All the College's third-party service providers are required to take appropriate security measures to protect personal information in line with the College's contractual terms and conditions. The College does not allow third-party service providers to use personal data for their own purposes. The College only permit third-party service providers to process an individual's personal data for specified purposes and in accordance with the College's instructions.

Your data will not be shared for marketing purposes.

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## Details of data transfers to any third countries or international organisations

Your information will not routinely be shared outside of the European Economic Area.

However, we transfer data to Survey Monkey and Mailchimp who process data both in Europe and in the United States. The data transferred comprises staff email addresses for the purposes of undertaking staff surveys. This data is transferred directly by the College to Survey Monkey and Mailchimp.

**Relevant protection in place for this international transfer:** The data is transferred to Survey Monkey and Mailchimp in the USA under the European Commission's adequacy decision regarding the protection provided by the EU U.S. Privacy Shield.

## How do we look after your information and how long do we keep it for?

We will take all reasonable steps to prevent the loss, misuse or alteration of information you give us. Your personal information will be stored securely and will only be accessed by authorised staff, agents, contractors and other organisations who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality and must comply with data protection law.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Details of retention periods for different aspects of your personal information are available in the HR Department's Retention schedule.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you for purposes of statistical analysis and monitoring, in which case we may use such information without further notice to you.

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Once you are no longer an employee, worker or contractor of the College we will retain and securely destroy your personal information in accordance with our data retention schedule and applicable laws and regulations.

## Automated decision making processes, including profiling.

We do not use any automated individual decision-making about you. However we will notify you if this position changes.

## Your rights

Under Data Protection Legislation you have certain rights in relation to how the College manages and uses your personal information:

- The right to be informed (this is the Privacy Notice)
- The right to access your personal data
- The right to rectification if the personal data we hold about you is incorrect
- The right to restrict processing of your personal data

## In addition the following rights apply only in certain circumstances:

- The right to withdraw consent at any time (if consent is our lawful basis for processing your data)
- The right to object to our processing of your personal data
- The right to request erasure (deletion) of your personal data
- The right to data portability
- The right not to be subject to automated decision making including profiling.

For more information about your rights please see [www.ico.org.uk](http://www.ico.org.uk).

## Contact us

If you have any issues about this notice or the way the College has handled your personal information, please contact our Data Protection Officer in the first instance:

Data Protection Officer, email [dataprotection@ayrshire.ac.uk](mailto:dataprotection@ayrshire.ac.uk)  
Telephone: 0300 303 0303 or write to:

Data Protection Officer  
Ayrshire College, Kilmarnock Campus  
Hill Street  
Kilmarnock  
KA1 3HY

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## Complaints to UK Information Commissioner's Office (ICO)

If you are dissatisfied with the response from the College you have the right to lodge a complaint with the Information Commissioner's Office about our handling of your data:

email: [casework@ico.org.uk](mailto:casework@ico.org.uk); Telephone: 0303 123 1113 or write to:

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

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