

Data Protection Acts – the do's and don'ts

For all those involved in recruitment campaigns

FOR YOUR OWN PROTECTION, PLEASE READ THIS CAREFULLY

Under the Data Protection Acts, **all applicants** (whether they get the job or not) are now entitled to request access to the documentation relating to their application. This includes emails, shortlisting materials and any form of interview notes.

If they are unhappy with what they receive, individuals making such a request can:

- complain to the Data Protection Registrar;
- take the School to court in order to have changed anything in the documentation they dispute;
- use the documentation in Employment Tribunal proceedings they initiate for sex, race or disability discrimination.

Clearly, all of these eventualities are things that most of us would wish to avoid, and therefore it is all the more important to get your recruitment process right from the beginning. Following the advice contained in the Recruitment Toolkit and Recruitment Skills Training Course will enable you to do this, but as a very minimum you should now make sure that you:

Always

- make shortlisting and interview decisions solely on the evidence available to you from the application form and interview;
- ensure that this evidence is assessed solely on the basis of a sound person specification (HR can provide guidance);
- make applicants aware that these are the only criteria you are going to use;
- take notes during interviews and in any other conversations you have with applicants ensuring that everything you write can be proved if necessary;
- return your interview notes and all other documentation to HR immediately after the recruitment process has ended;
- make it clear to applicants (when your department is administering the recruitment process) to whom their details will be passed on.

Never

- mention anything in your email correspondence that you wouldn't want a potential applicant to see – eg 'we have a favoured candidate', 'none of these are any good', 'do we have to read through all these CVs?', etc;
- ask questions during interviews that are irrelevant to the application eg family commitments, age, etc;
- write anything in your notes that you can't prove or is potentially offensive or discriminatory – eg 'she'd never fit in here', 'looks a mess', 'hasn't got a clue about...', etc;
- take up references without the consent of the applicant – ie only ever approach individuals named by the applicant, never approach contacts informally;
- verify qualifications without the consent of the applicant – their permission is implicit in their application, but don't approach organisations unless contact details have been provided by the applicant.

If you have any questions at all about what the implications are of the Data Protection Acts for your recruitment process, please contact the Recruitment Team in Human Resources.