



AN TÚDARÁS PÓILÍNEACHTA  
POLICING AUTHORITY

**Competitions for appointments to the ranks of Assistant Commissioner, Chief Superintendent and Superintendent in the Garda Síochána**

**Candidate Privacy Notice**

**May 2018**

## **1. Introduction and Background**

The Policing Authority (“the Authority”, “we”, “our” or “us”) is responsible for making appointments to the ranks of Assistant Commissioner, Chief Superintendent and Superintendent in the Garda Síochána. It makes these appointments in accordance with the Garda Síochána Act 2005, (“the Act”) and the Garda Síochána Act 2005 (Appointments to the ranks of Assistant Garda Commissioner, Chief Superintendent and Superintendent) Regulations 2016 (“the Regulations”). Information about the recruitment and appointment process is provided in the Authority’s Statement of Practice and the Candidate Information Booklet.

This Privacy Notice (“Notice”) is being provided to candidates for these positions. The Authority needs to process certain personal data in order to administer the selection competition and assess suitability for roles, in accordance with the statutory requirements set out in the Act and the Regulations. The purpose of this Notice is to give you information about the sorts of personal data we may collect and use, the circumstances in which we may use it, who we will share it with and how long we will retain it for (i.e. the way in which we “process” your data).

The Authority is committed to keeping the information it processes in the course of a selection competition secure and confidential and to complying with the requirements of data protection law. In section 5 of this Notice we have set out some of the safeguards in place to ensure that your personal data is kept confidential and processed in accordance with the Statement of Practice for the conduct of the selection competition, our internal processes and data protection law.

Nothing in this Notice should be understood as entitling you to progress through the selection competition or to be appointed.

## **2. Information about the statutory requirements set out in the Act and the Regulations that are relevant to the processing of candidate’s personal data.**

The Regulations provide that the selection of candidates for appointment shall be based on merit and the readiness and suitability for appointment of the candidates. Those Regulations make provision for the establishment of a selection process and a Selection Board. Following the conclusion of the selection process, the Authority establishes a panel of candidates for appointment from the Order of Merit determined by the Selection Board.

Regulation 12 provides that selected candidates shall not be appointed to a specified rank unless (amongst other things):

- the candidate undertakes any clearance process that may be required by the Authority;
- the Authority is satisfied as to the outcome of any such clearance process; and
- the Authority has made all such enquiries as it considers necessary to verify the information provided in the candidate’s applications.

The Regulations provide that “clearance process” includes any process including vetting to establish the health and character of the candidate.

## **3. What categories of personal data does the Authority collect about me and why does the Authority use it?**

The Authority may process the following categories of personal data (“Candidate Data”):

- **Identification data**, such as your name and employer ID number, a photograph, copies of relevant ID (e.g. passport, drivers licence or Garda/PSNI ID or other photo id.) which may contain date of birth, place of birth, nationality or other personal data;
- **Contact details**, such as your address, telephone number and email address;
- **Information provided in your application form, in a recorded video assessment or other test and at interview**, such as current and past ranks and positions held, employing organisation, employment experience, educational qualifications, examples of key competencies, work location, division, start and end date of positions and information provided during your video assessment which will contain your image;
- **Information gathered during the clearance process or otherwise in accordance with Regulation 12** from you, from the Garda Síochána (“GS”), the Police Service of Northern Ireland (“PSNI”), the Garda Síochána Ombudsman Commission (“GSOC”), the Office of the Police Ombudsman of Northern Ireland (“OPONI”) or the Northern Ireland Policing Board (“NIPB”), such as information about any criminal convictions, disciplinary sanctions and outstanding investigations that are relevant to your character, references and declarations as to any grounds relating to health, character or otherwise that you are not suitable for appointment.
- **Other data** relevant to the selection or clearance process.

In addition to processing the above, the Authority may process the following special categories of sensitive personal data (“**Sensitive Candidate Data**”)

- **health data**, such as any relevant information about sick leave record that we will request from your employer in the course of conducting a clearance process; and
- **criminal records data** requested in the course of the clearance process.

All of this data is not collected from every candidate. The level of data that we request and process about you will in general depend on the stage of competition that you advance to (e.g. application, video assessment, shortlisting, interview, placed on a panel and/or considered for appointment).

#### 4. Why does the Authority use this data?

We collect and use some or all of this Candidate Data and Sensitive Candidate Data for a variety of reasons linked to your candidacy. To help clarify these we have set out below a list of reasons why we collect and use this data (the “**Processing Purposes**”):

- **Undertaking the selection process** including determining eligibility, reviewing your application form and assessment video and shortlisting for interview, conducting interviews and establishing a panel;
- **Conducting the clearance process and verifying information in accordance with that process and with the Regulations**, including reviewing any previous convictions, disciplinary sanctions or outstanding investigations, references, declarations of suitability provided by current or former employers and verifying information provided by a candidate or other parties to the clearance process (e.g. the Garda Síochána or GSOC);

- **Complying with the Regulations and the Garda Síochána Act 2005**, including providing information to Government as necessary for it to appoint a member of the PSNI; and
- **Monitoring and ensuring compliance with other applicable policies and procedures, legal requirements and laws**, including the conduct of internal or external audits and reviews, seeking external legal advice, complying with a court order or communication with relevant state agencies in the event that this is appropriate for the investigation of any matter including a possible breach of the relevant discipline regulations.

You should note that not all data collected is used for all of the processes described above and, in general, data will only be collected for the stages of the process for which it is required. The Authority places restrictions on what data is made available to the various parties to the selection and appointment processes (e.g. staff of the Appointments Unit, the Selection Board, parties to the clearance process and Authority members). For example clearance information is not processed as part of the selection process and is not provided to the Selection Board;

## **5. Legal Basis for the processing of Candidate Data by the Authority**

Both the Candidate Data and Sensitive Candidate Data are required by the Authority to carry out a variety of activities that are linked to the selection competition and its appointment functions and to enable the Authority's compliance with obligations in accordance with the Regulations and the Authority's operations as a statutory body.

We are required to explain the legal bases for our collection, processing and use of your Candidate Data and Sensitive Candidate Data to you. These are listed below:

For Candidate Data, our legal bases are:

- compliance with legal obligation to which the Authority is subject; and
- performance of a task carried out in the public interest or in the exercise of official authority vested in the Authority.

For Sensitive Candidate Data our legal bases, as permitted by data protection law are:

- to carry out the obligations and to exercise the specific rights of the Authority or you in the field of employment and social security and social protection law;
- for substantial public interest; and
- for assessment of your potential working capacity.

## **6. Safeguarding your personal data**

In light of the confidential nature of much of the personal data gathered in the course of the selection and appointment processes a number of internal safeguards have been put in place to protect your personal data, including:

- All data relating to application and recruitment processes is stored on a separate confidential and secure system folder with restricted access;
- Access to information regarding clearance is further restricted and is provided to Authority Members only when a candidate is under consideration for appointment; and

- The collection and retention of all candidate data is for the purpose of assessing suitability for appointment to a specified senior rank in the Garda Síochána. The data is not used for any other purpose.

## 7. Data Sharing

The Authority may transfer personal data to and from third parties, for the Processing Purposes as follows:

- **Communication with third parties.** As necessary in connection with its statutory role, certain personal data may be transferred to us from the GS, PSNI, GSOC, OPONI or the NIPB as relevant, following a request to a nominated person to:
  - a) provide information on any convictions or disciplinary actions on a candidate's record or any outstanding investigations;
  - b) verify information provided by a candidate or by another party to the clearance process (e.g. the Garda Síochána or GSOC) in accordance with the Authority's clearance process and the Regulations; or
  - c) Provide a declaration on behalf of the Garda Commissioner as to any grounds relating to health, character or otherwise that you may not be suitable for appointment
- **Regulators, authorities and other third parties.** As necessary for the Processing Purposes described above, personal data may be transferred to courts and other statutory authorities (e.g. law enforcement authorities) and independent external advisors (e.g. auditors and legal advisors).
- **Service providers.** As necessary for the Processing Purposes described above, personal data may be shared with one or more third parties, to process personal data under appropriate instructions ("Service Providers"). For example, the Service Providers may carry out instructions related to recruiting and selection, audit, administration, IT system support, training, compliance, and other activities relevant to the Processing Purposes, and will be subject to appropriate contractual obligations.

## 8. Retaining your personal data

The Authority does not keep personal data for longer than is necessary for the Processing Purposes. In general, all personal data gathered in the course of a selection competition and subsequent appointments will be retained for at most 12 months following the expiry of any panel established following the competition and then deleted in a secure manner. However, occasionally it may be necessary to keep your personal data for longer periods where we identify that this is necessary for a specific processing purpose e.g. we are required to do so by law.

## 9. Your rights in respect of your personal data

You have a number of rights in relation to your Candidate Data and Sensitive Candidate Data. These are typically subject to important exceptions, but, where they apply, they can be summarised in broad terms as follows:

- **Right of access.** You may have the right to confirm with us whether your personal data is processed, and if it is, to request access to that personal data including the categories of personal data processed, the purpose of the processing and the recipients or categories of

recipients, and other information about the processing. We do have to take into account the interests of others though, so this is not an absolute right, and in some cases permitted by law we may charge a fee.

- **Right to rectification.** You may have the right to rectify inaccurate or incomplete personal data concerning you.
- **Right to erasure.** You may have the right to ask us to erase certain personal data concerning you.
- **Right to restriction of processing.** In limited circumstances, you may have the right to request that we restrict processing of your personal data.
- **Right to data portability.** You may have the right to receive certain personal data concerning you, which you have provided to us, in a structured, commonly used and machine-readable format and you may have the right to have the data transmitted to another entity.

For further information on how to exercise these rights, please make contact with the Authority's Data Protection Officer (as set out in Section 10 below).

You also have a right to make a complaint to the Data Protection Commission. Further information in this regard is available on the following website: [www.dataprotection.ie](http://www.dataprotection.ie)

#### **10. Contact Details for the Authority's Data Protection Officer**

The Authority has nominated a Data Protection Officer, who can be contacted at the following email address: [dpo@policingauthority.ie](mailto:dpo@policingauthority.ie)

#### **11. Notice of Changes**

We may update this Notice from time to time, for example, if we implement new systems or processes that involve the use of personal data in a way not described in this Notice. If any such change impacts on you, you will be informed of these changes.