

# Privacy Notice



Prepared for Audit Scotland, the Auditor General and Accounts Commission

25 May 2018

Audit Scotland is a statutory body set up in April 2000 under the Public Finance and Accountability (Scotland) Act 2000. We help the Auditor General for Scotland and the Accounts Commission check that organisations spending public money use it properly, efficiently and effectively.

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# Privacy notice

## Introduction

1. Audit Scotland provides such assistance and support as the Auditor General for Scotland and the Accounts Commission for Scotland may require in the exercise of their respective statutory functions. Although all three bodies are Data Controllers, Audit Scotland in providing assistance and support will process most if not all of the personal information collected for our statutory work. In the remainder of this notice we will only refer to Audit Scotland but it should be taken as including the Auditor General and Accounts Commission.
2. This privacy notice tells you what to expect when Audit Scotland collects personal information either directly from you or through our statutory work. It explains why we collect it, what we do with it, who we share it with, how we protect it and what your rights are in relation to it.
3. It applies to information we collect about:
  - our statutory audit work
  - job applicants and our current and former employees
  - complaints, correspondence, whistleblowing and other communications such as data subject access requests or freedom of information enquiries
  - visitors to our website
  - the use of cookies by Audit Scotland
  - social media features and widgets on our website
  - our subscription service
  - access to personal information
4. If you have any queries or concerns about our use of your personal information or this notice, please contact us at [dataprotection@audit-scotland.gov.uk](mailto:dataprotection@audit-scotland.gov.uk) or telephone 0131 625 1500 and ask for the Corporate Governance Manager.

## Data protection law

5. Data protection law says that we are allowed to use personal information only if we have a lawful reason to do so. Depending on the nature of the processing, our lawful reasons for processing personal information are:
  - it's necessary for the performance of a task carried out in the public interest or in the exercise of our official authority (ie to conduct our audit work and associated activities related to our function), or
  - to fulfil a contract we have with you (ie employment contract), or
  - to carryout obligations and exercising specific rights in the field of employment and social security and social protection law, or
  - it's necessary for compliance with a legal obligation, or

- it's in our legitimate interest to do so, or
- you have given your consent.

## Our statutory work

6. Audit Scotland undertakes audits, examinations and National Fraud Initiative (NFI) work under our statutory powers derived from the Public Finance and Accountability (Scotland) Act 2000 and the Local Government (Scotland) Act 1973 and any subsequent amendments to these Acts. Under our statutory powers we may collect information from Scottish public bodies that contain some personal information. In addition, we may collect personal information directly from individuals through surveys and interviews.
7. Personal information may be used in audit tests (such as when testing payroll or housing benefit systems) and to help form judgments and report on financial, Best Value and value for money audits and to promote economy, efficiency and effectiveness in the use of public money. We will only use this information for the purpose it was collected. We will hold it securely and when it is no longer needed it will be disposed of in accordance with our retention schedule.
8. The lawful reason for processing personal information in relation to our statutory work is that it is necessary for the performance of a task carried out in the public interest or in the exercise of our official authority.
9. Please note that a separate privacy notice is available for our NFI work and is available within the [NFI section of our website](#).

## Personal information we may collect for our statutory work

10. In exercising our statutory powers we may require the following types and categories of personal information from the public bodies we audit.
11. General categories of personal information such as:
  - Personal details
  - Contact details
  - Financial details
  - Employment details
  - Educational details
  - Details of correspondence, claims, complaints, incidents and grievances
  - Responses to surveys and interviews
12. Special categories of personal information such as:
  - Racial or ethnic origin details
  - Political opinions
  - Religious or philosophical beliefs details

- Trade union membership
- Genetic or biometric details
- Health, sex life or sexual orientation details

### Who personal information is processed about

13. In conducting statutory audits, we may process personal information about:
- public bodies employees
  - members of the public that receive services from and interact with the public bodies
  - public bodies customers and clients, advisors, suppliers, professional experts, whistle-blowers, banks, etc
  - MPs, MSPs, Councillors and Officials
  - regulators, ombudsmen and commissioners
  - members of the public including whistle-blowers that write directly to us.

### Who we may share personal information with

14. When undertaking our statutory work, we sometimes need to share the personal information we process with others. Where this is necessary, we will comply with all aspects of data protection legislation. Where necessary we may share information with:
- auditors, inspectorates and other public bodies
  - professional advisors and consultants
  - regulators, ombudsmen and commissioners
  - healthcare professional, social and welfare organisations
  - police
  - prosecuting authorities and courts
  - external auditors and professional auditing bodies.

### Sending personal information outside the European Economic Area (EEA)

15. We do not send personal information collected during our statutory work outside the EEA.

### How long we keep personal information

16. Personal information collected during the audit is deleted at the end of the audit whenever possible. Sometimes it is necessary to keep personal information longer such as to:
- demonstrate that audit tests can be repeated
  - evidence audit conclusions and judgements
  - demonstrate the quality of our work to professional bodies.
17. If personal information cannot be deleted at the end of the audit, it will be kept securely for six years from the conclusion of the audit then deleted.

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## Automated decisions

18. Audit Scotland does not make automated decisions on the personal information collected from you or from public bodies under our statutory powers.

## Your rights under our statutory work

19. In carrying out our statutory work, data protection legislation allows, restricts or exempts your rights where your rights would be likely to prejudice the proper discharge of our function. However, where personal information is collected as part of our statutory work we will process it lawfully, fairly and in a transparent manner.
20. You have the right to complain to the UK Information Commissioner and a restricted right to object to our processing of your data.
21. Your rights to access your data, rectification of your data, stop processing, deletion and data portability are exempt from our statutory work.

## Job applicants, current and former Audit Scotland employees

22. Audit Scotland is the data controller for the information you provide during the recruitment and selection process unless otherwise stated. The processing of your personal information is necessary for compliance with any legal obligations we have and for taking steps prior to entering into a contract of employment. If you have any queries about the recruitment and selection process or how we handle your information, please contact a member of the Human Resources (HR) team on 0131 625 1646.

## What information do we ask for and what will we do with it?

23. We will not collect more information than we need to undertake the recruitment and selection process and will not retain it for longer than is necessary (see the 'How long is the information retained for' section below). The information will be 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.
24. All of the information you provide during the recruitment process will only be used for the purpose of progressing your application, or to fulfil legal or regulatory requirements if necessary.
25. 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 EEA. The information you provide will be held securely by us and/or our data processors, whether the information is in electronic or physical format.
26. 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.

## Application stage and assessment

27. Our online recruitment application system is managed on our behalf by a data processor (please see 'Use of data processors' section below) called People Solutions. If you use our online system, you will provide the requested information to them. Once you register and submit an online application form they will hold the information you submit but Audit Scotland will have access to it.

### Information we will ask you for

28. We ask you for your personal details including name and contact details. We will also ask you about your previous employment, experience, education, professional memberships, referees and for answers to questions relevant to the role you have applied for. Our HR team and shortlisting/selection managers will have access to all of this information.
29. We also ask if you are entitled to work in the United Kingdom (UK) and to complete a diversity monitoring section, which asks for information about your age, disability, ethnic origin, gender and race, religion or belief, and sexual orientation. Diversity monitoring is not mandatory information and therefore a 'prefer not to say' option is included in the diversity response section. This information will not be made available to any staff outside of our HR team, including Audit Scotland managers, in a way which can identify you. Any information you do provide will be used only to produce and monitor equal opportunities statistics. Information on a disability may be disclosed to the shortlisting and interview panel in so far that reasonable adjustments may be made to ensure candidates with a disability can compete with all other candidates.

### Shortlisting

30. Audit Scotland managers' shortlist applications for interview. They will not be provided with your equal opportunities information if you have provided it.

### Assessments

31. 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. Information will be generated by you and by us. For example, you might complete a written test or we might take interview notes. This information is held by Audit Scotland.
32. If you are unsuccessful following assessment/selection for the position you have applied for, we may ask if you would like your details to be retained in our talent pool for a period of six months. If you say yes, we would proactively contact you should any further suitable vacancies arise.

### How we make decisions about recruitment?

33. Final recruitment decisions are made by Audit Scotland managers and members of our HR recruitment team. All of the information gathered during the application process is taken into account.

34. You are able to ask about decisions made about your application by speaking to our HR team by emailing [HR@audit-scotland.gov.uk](mailto:HR@audit-scotland.gov.uk)

### Capita

35. Capita sometimes assist us with our recruitment and selection assessment. Capita is provided with your name and email address only in order to administer the online assessment.
36. Here is a link to their Privacy Notice: <https://www.capitaresourcing.co.uk/privacy-and-cookies>

### Conditional offer

37. If we make a conditional offer of employment, we will ask you for information so that we can carry out pre-employment checks. You must successfully complete pre-employment checks to progress to a final offer. We are required to confirm the identity of our staff, their right to work in the UK and seek assurance as to their trustworthiness, integrity and reliability.
38. You will therefore be required to:
- provide proof of your identity – you will be asked to attend our office with original documents, we will take copies
  - provide proof of your qualifications – you will be asked to attend our office with original documents, we will take copies
  - complete a questionnaire about your health to establish your fitness to work. This is done through a data processor (please see below).
39. We will contact your referees, using the details you provide in your application, directly to obtain references.
40. If we make a final offer, we will also ask you for the following:
- bank details – to process salary payments.
  - emergency contact details – so we know who to contact in case you have an emergency at work.
  - membership of a Pension scheme – so we can send you a questionnaire to determine whether you are eligible to re-join your previous scheme.

### Wellness International

41. Wellness International provides our Occupational Health service. If we make you a conditional offer, we 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.
42. We will send you a link to the questionnaire which will take you to Wellness International's website. The information you provide will be held by Wellness International who will provide us with a fit to work certificate or a report with recommendations. You can request to see the report before it is sent 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 Wellness International.

## After you start

43. Some roles require a higher level of security clearance – this will be clear on the advert. If this is the case, then you will be asked to submit information online via Disclosure Scotland. You will be required to give details of the following:
  - your address details for the past five years.
  - your National Insurance number.
44. You will also need to supply a copy of one piece of personal ID which includes your date of birth, such as your:
  - passport
  - driving licence
  - birth certificate.
45. You will also need to supply a copy of one of the following, which includes your current address:
  - utility bill (gas, electric or landline telephone).
  - rental agreement/mortgage (must be typed not handwritten).
  - current bank statement.
  - doctor's letter.
46. Disclosure Scotland will supply you with a unique reference number. You should give your original basic disclosure form to HR who will hold this information securely for you.

## Use of data processors

47. Data processors are third parties who provide elements of our recruitment service for us. We have contracts in place with our data processors. This means they cannot do anything with your personal information unless we have instructed them to do it. 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.

## How long is the information retained for?

48. 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 seven years following the end of your employment. This includes your criminal records declaration, fitness to work, records of any security checks and references.
49. If you are unsuccessful at any stage of the process, the information you have provided until that point will be retained for 18 months from the closure of the campaign.

50. Information generated throughout the assessment process, for example interview notes, is retained by us for 18 months following the closure of the campaign.
51. Equal opportunities information is retained for 18 months following the closure of the campaign whether you are successful or not.
52. People Solutions will provide us with management information about our recruitment campaigns. This is anonymised information which tells us about the effectiveness of campaigns, for example, from which source did we get the most candidates, equal opportunities information for monitoring purposes. This anonymised information will be retained for 18 months from the end of the campaign.

## Secondments

53. We also offer opportunities for people to come and work with us on a secondment basis. We accept applications from individuals or from organisations who think they could benefit from their staff working with us.
54. Applications are sent directly to the appropriate Business Group Lead in Audit Scotland who will discuss it with HR. Once we have considered your application, if we are interested in speaking to you further, we'll contact you using the details you provided.
55. We might ask you to provide more information about your skills and experience or invite you to an interview.
56. If we do not have any suitable work at the time, we'll let you know but we might ask you if you would like us to retain your application so that we can proactively contact you about possible opportunities in the future. If you say yes, we will keep your application for six months, if you say no then your details will be securely destroyed/deleted.
57. If you are seconded to Audit Scotland, we will hold the information you have supplied and may also ask that you provide further information which gives us detail of your personal information for contact details and where applicable information relating to payments of salary/expenses.
58. You will be expected to adhere to a confidentiality agreement and code of conduct which will be agreed with your organisation.

## Your rights

59. Under data protection legislation, you have rights as an individual which you can exercise in relation to the information we hold about you. Where personal information is collected as part of our recruitment we will process it lawfully, fairly and in a transparent manner.
60. You have the right of access, rectification, stop processing, to object to processing and to complain to the UK Information Commissioner.
61. You have restricted rights to data erasure and portability.
62. To make a request to Audit Scotland for any personal information we may hold, please follow the process here: <http://www.audit-scotland.gov.uk/contact-us/access-to-personal-information>

63. Contact us if you wish to discuss your rights.

## Personal information handling arrangements - complaints or queries

64. Audit Scotland tries to meet the highest standards when collecting and using personal information. For this reason, we take any complaints we receive about this very seriously. We encourage people to bring it to our attention if they think that our collection or use of personal information is unfair, misleading or inappropriate. We would also welcome any suggestions for improving our procedures.
65. This privacy notice was drafted with clarity in mind. It does not provide exhaustive detail of all aspects of Audit Scotland's collection and use of personal information. However, we are happy to provide any additional information or explanation needed. If you want to make a complaint about the way we have processed your personal information, you can contact our data protection officer at [dataprotection@audit-scotland.gov.uk](mailto:dataprotection@audit-scotland.gov.uk)
66. If you are not satisfied with our response to your complaint/query about how we handle your personal data, or if you believe we are not processing it in accordance with the law you can complain to the Information Commissioner's Office (ICO) here <https://ico.org.uk/concerns/handling/>

## People who make a complaint or correspond with us

67. People write to us for a number of reasons such as to raise a concern about a body we audit, to request information or to make a complaint about us.
68. When we receive a complaint about Audit Scotland, correspondence or concerns about a public body we audit, whistleblowing disclosures, data subject access or complex freedom of information requests, we hold the information, including personal information, in a file.
69. We will only use the personal information for the reason it was collected. However, we may have to disclose your details to others such as when investigating a complaint, informing the local auditor of your concern or with another regulatory body. If you do not want your personal information disclosed we will try to respect this, but this may not always be possible.
70. The lawful reasons for processing personal information in relation to complaints, whistleblowing disclosures, Freedom of Information request and correspondence are:
- it's necessary for compliance with a legal obligation, or
  - it's necessary for the performance of a task carried out in the public interest or in the exercise of our official authority.

## Who we may share personal information with

71. When investigating or responding to a complaint, correspondence or concerns about a public body we audit, whistleblowing disclosures, data subject access or complex freedom of information requests we sometimes need to share the personal information we process with

others. Where this is necessary we will comply with all aspects of data protection legislation. We may share information with:

- auditors, inspectorates and other public bodies
- professional advisors and consultants
- regulators, ombudsmen and commissioners
- healthcare professional, social and welfare organisations
- police
- prosecuting authorities and courts
- external auditors and professional auditing bodies.

## **Sending personal information outside the European Economic Area (EEA)**

72. We do not send personal information collected when dealing with complaints, correspondence or concerns about a public body we audit, whistleblowing disclosures, data subject access or complex freedom of information requests outside the EEA.

## **How long we keep personal information**

73. Personal information collected when dealing with complaints, correspondence or concerns about a public body we audit, whistleblowing disclosures, data subject access or complex freedom of information requests is deleted in line with our retention policy. Personal information is kept for:
- Complaints about Audit Scotland – 3 years or 6 years if investigated by the Scottish Public Services Ombudsman.
  - Correspondence about the bodies we audit – 3 years or 6 years if referred to an external body (ie SPSO).
  - Whistleblowing disclosures – 3 years or 6 years if referred to an external body (ie SPSO).
  - Freedom of Information requests – 3 years or 6 years if appealed to the Scottish Information Commissioner.
  - Data subject access requests – 3 years or 6 years if complained to the UK Information Commissioner.

## **Your rights**

74. Under data protection legislation, you have rights as an individual which you can exercise in relation to the information we hold about you. Where personal information is collected as part of our complaints, whistleblowing, FOI and correspondence activities we will process it lawfully, fairly and in a transparent manner.
75. You have the right of access to your data and to complain to the UK Information Commissioner.

- 76. You have restricted rights to rectification, deletion, data portability, for us to stop processing your data and to object to our processing.

## Visitors to our website

- 77. We collect standard internet log information and details of visitor behaviour patterns when someone visits our website. We do this to find out things such as the number of visitors to the various parts of our site, to monitor the download of our reports and publications, and to help improve the service we provide.
- 78. This data collection process is carried out electronically in the background and therefore visitors to our website may not be aware that it is taking place. We believe that this process is not intrusive to the visitors' privacy as we do not make any attempt to find out the identities of visitors to our website. The standard internet log information collected will only be used for the described purposes and will not be passed on to any other organisation.

## Use of cookies by Audit Scotland

- 79. We use cookies to collect standard internet information from visitors to our website. Cookies are small text files that are placed on your computer when you visit most websites. They are widely used to help websites function, work more efficiently and make the visit to the site more enjoyable, as well as providing information to the site's owner. Our recruitment website also uses cookies to allow visitors to securely apply for vacancies.
- 80. Audit Scotland's website uses Google Analytics, which is a web analysis tool to collect the standard visitor log information we need to help us improve your visit experience. Google Analytics uses first-party cookies for this purpose and an overview of Google Analytics and privacy at Google provides more information.

Cookies used on Audit Scotland website		
Cookies	Name	Purpose
Google Analytics	_utma _utmt _utmb _utmc _utmz _utmv _ga _gat	These cookies are used to collect information about how visitors use our site. We use the information to compile reports and to help us improve the site. The cookies collect information in an anonymous form, including the number of visitors to the site, where visitors have come to the site from and the pages they visited.
Cookie Compliance Notice	complianceCookie	This cookie is used to hide the cookie compliance banner at the top of the site once you have closed it.

Cookies used on Audit Scotland website		
Accessible Forms	accessibleForms	Some forms on this website use javascript for layout purposes. This javascript may make the forms difficult to use for users browsing with screen readers. The cookie stores the users preference to use accessible forms without any javascript rendering.
System	has_js	This is set by the website's content management system to check if visitors' browsers have javascript enabled in order to provide certain functionality on the website.
Recruitment	.ASPXAUTH .ASP.NET_Sessionid	Our website links to an external website at <a href="http://apply.audit-scotland.gov.uk">apply.audit-scotland.gov.uk</a> , which advertises our current vacancies and allows users to apply for jobs. .ASPXAUTH is used to authenticate users when they log in to this site. .ASP.NET_Sessionid is essential for the site's software (ASP.NET) to work properly, and to identify individual users on the site.
Browsealoud	rwebooks-various	BrowseAloud is a tool that reads text. It uses cookies to enable this functionality and these are necessary for the website to work properly.
Youtube	(various)	We embed videos from YouTube. These may set cookies on your computer but YouTube will not store personally identifiable cookie information for playbacks of embedded videos.
Vimeo	(various)	We embed videos from Vimeo. These may set cookies on your computer but Vimeo will not store personally identifiable cookie information for playbacks of embedded videos.

81. To find out more about cookies, including how to see what cookies have been set and how to manage and delete them, visit [www.aboutcookies.org](http://www.aboutcookies.org) or [www.allaboutcookies.org](http://www.allaboutcookies.org). Deleting or blocking our cookies may result in our website not working properly.
82. You can opt out of being tracked by Google Analytics.

## Audit Scotland's website search engine

83. The search engine on our website is designed to be as powerful and easy to use as other popular search engines. It does not collect information from visitors to our website.

## Other websites

84. Our website may contain links to other websites which are outside our control and are not covered by this notice. If you access other sites using the links provided, the operators of these sites may collect information from you which will be used by them in accordance with their privacy notice, which may differ from ours.

## Social media features and widgets

85. Our website includes social media features, such as the Facebook, Twitter, LinkedIn, etc. These features may collect your IP address, which page you are visiting on our site, and may set a cookie to enable the feature to function properly. Social media features and widgets are either hosted by a third party or hosted directly on our website. Your interactions with these features are governed by the privacy policy of the company providing them.



## Subscription service

86. Audit Scotland provides a subscription service for people to receive email notifications whenever new reports are published; this service is provided on our behalf by GovDelivery. GovDelivery is a Communications Cloud which connects people with accessible, relevant, and important Audit Scotland information.

## Lawful basis for processing

87. It is in Audit Scotland's legitimate interests to inform public bodies and stakeholders of the publication of our reports. Stakeholders who do not wish to receive further notifications can unsubscribe at any time.
88. People can subscribe to our service by registering their interest on our website; the lawful basis for this type of processing of personal data is consent. Only information subscribed to will be sent. Subscribers can withdraw their consent and delete their subscriptions at any time.

## What information does Audit Scotland/GovDelivery collect? How is it used?

89. Your subscriber profile contains the details required to send you the information you request. It consists of your email address and an optional password, the topics you are subscribed to and any further information requested by Audit Scotland whose updates you are subscribed to.
90. Communications Cloud uses this information to provide the services you request. Audit Scotland and GovDelivery never shares personally identifiable information with third parties for promotional purposes.

## How do I unsubscribe from email updates?

91. There are two ways to unsubscribe. The most effective way to do this is to access your subscriber profile and make changes to your subscriptions from that location.
92. From here, you can check and uncheck topics to subscribe to or unsubscribe from updates you are receiving. On this page, you will also see a link to delete your account. Clicking this link will delete your information from Audit Scotland and unsubscribe you from all topics related to it.

You also have an Unsubscribe link in the footer of the emails Audit Scotland sends to you. Please note that clicking on this link from the footer of an email will not just unsubscribe you from that singular topic of updates, but it will also unsubscribe you from all updates from Audit Scotland.

## Your rights

93. Under data protection legislation, you have rights as an individual which you can exercise in relation to the information we hold about you. Where personal information is collected as part of our subscription service we will process it lawfully, fairly and in a transparent manner.
94. You have the right of access, rectification, deletion, to stop processing, or object to processing and to complain to the UK Information Commissioner.

## Data subject access request

95. You have a right to access the personal data that we hold about you by making a 'subject access request' under data protection legislation.

## Changes to this privacy notice

96. We keep our privacy notice under regular review. This privacy policy was last updated on 25 May 2018.