

## **Data Protection Fact Sheet**

There are a number of issues relating to Data Protection, specific to pre-employment screening, which you should be aware of. These issues relate to the key principles of Data Protection in the UK: openness, the limitations of the use of the information located, and the rights of the applicants:

- Pre-employment screening needs to be justifiable in relation to the position applied for;
- Candidates should be warned as early as possible that their applications will be vetted: ideally at the point of advertisement, or at least with the Application Form;
- All applicants should be asked to sign the declaration that allows the screening to take place;
- Applicants should be advised as to what types of information will be verified;
- Screening should take place late in the application process: only the people selected for a position should be submitted to comprehensive pre-employment vetting;
- Any discrepancies between the Application and the Vetting report should be shown to the applicant: they should have a right to reply and to justify the anomalies. There is a need to balance the information received from a client against the source of the information;
- Under the Data Protection Act candidates have a right to apply to view their vetting report;
- According to the Information Commissioner "Destroy information obtained by a vetting exercise as soon as possible, or in any case within six months". You should, however, retain a record of the result of the vetting or verification. We destroy all records relating to the vetting within six months;
- The transfer of information from a report to a territory outside the EEA needs unambiguous consent from the applicant. This includes to parent companies in the USA.

Further information on the Data Protection Act as relating to pre-Employment screening can be located in The Employment Practices Code, which can be found on the website of the Information Commissioner at <http://www.informationcommissioner.gov.uk>.