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## Appointments Privacy Notice

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### Collection and Use of Personal Information

Your privacy is important to the Judicial Appointments Board for Scotland. We have developed this appointments privacy notice so that you know how we collect, use, share and store your personal information.

### Introduction

This appointments privacy notice tells you about the personal information that Judicial Appointments Board for Scotland (JABS) collects about you when you apply to become a member of the Judiciary in Scotland, why we collect it and what we do with it. It also sets out your rights in relation to your personal information collected and held by us. This notice will be reviewed and updated annually, and also when any changes are required. We may amend this notice at any time.

JABS is a Data Controller, which means that we are responsible for deciding how we hold and use your personal information. A copy of the JABS entry in the register of Data Controllers is available from the Information Commissioner's website <https://ico.org.uk/>.

### Exemption from data protection laws

[The Data Protection Act 2018](#) contains a number of exemptions from the requirements of the General Data Protection Regulation where personal data is processed for the purposes of assessing a person's suitability for judicial office. These include in relation to the requirements of the GDPR to provide information such as that contained in this privacy notice. JABS is nevertheless committed to being as open and transparent as possible and to complying with the spirit of GDPR wherever possible.

### Contacts

If you wish to get in touch with us, you can

- telephone 0131 528 5106
- email [mailbox@jabs.gsi.gov.uk](mailto:mailbox@jabs.gsi.gov.uk), or
- write to Judicial Appointments Board for Scotland, Thistle House, 91 Haymarket Terrace, Edinburgh, EH12 5HE.

If your enquiry relates to the personal information we hold about you, please contact our Data Protection Officer, John Wallace on 0131 528 5106, by email at [john.wallace@jabs.gsi.gov.uk](mailto:john.wallace@jabs.gsi.gov.uk) or write to him at the address above.

## **Your personal information**

In this recruitment privacy notice, “your personal information” means your personal data, i.e. information about you from which you can be identified.

Your “personal information” does not include data where the identity has been removed (anonymous data).

It is important that your personal information is accurate and up to date. Please inform us if your personal information changes during the appointments process or afterwards.

## **Special categories of personal information**

“[Special categories of personal information](#)” means information about your racial or ethnic origin; political opinions; religious or philosophical beliefs; trade union membership; health; sex life or sexual orientation; criminal convictions; offences or alleged offences; genetic data; or biometric data for the purpose of uniquely identifying you.

We must have additional legal grounds for processing special categories of personal information.

We ask for some special category personal information (“diversity information”) from you when you apply for judicial office. This information falls within the scope of “[special categories of personal information](#)”. You do not need to provide this information if you don’t want to. It won’t hinder your application if you decide not to share this additional information. Your additional information is only ever available to members of the Board secretariat. At no point will any additional diversity information be available to members of the Board or any persons carrying out their functions including when assessing application forms. Before the information you provide is used for its intended analytical purposes it is anonymised and aggregated.

We ask for this diversity information to allow us to monitor the progress of our efforts in ensuring that we have regard to the need to encourage diversity in the range of individuals available for selection to be recommended for appointment to judicial office. The diversity information we ask for includes Gender, Sexual Orientation, Religion, Parental Background, and Disability.

We do this so that we can fulfil our statutory duty under [Section 14 \(1\) of the Judiciary and Courts \(Scotland\) Act 2008](#) which provides that the Board must have regard to the need to encourage diversity in the range of individuals available for selection to be recommended for appointment to judicial office.

## **Processing your personal information**

If you apply for judicial office, we will collect personal information about you from your application form. This information includes your name, address and email address. We use this information to contact you during the recruitment process and to consider your application for judicial office. Should you choose not to provide us with the information requested, we may not be able to consider your application.

You do not have to register to use the JABS website, but you will need to register if you wish to apply online for judicial office and/or to be kept informed of future appointment rounds.

The application process itself involves the storage of comprehensive personal data. This data is stored securely on the JABS database. When you create an account online, you will use your email address and a password to log in.

We may process your personal information during and after the recruitment process. This may include collecting your personal information, recording it, storing it, using it, amending it, destroying it and, in some circumstances, disclosing it.

In general, we process your personal information for the following reasons:

- To contact you regarding the appointments process;
- To make a decision about recommending you for appointment, including assessing your skills; taking up references; carrying out background checks, including an Enhanced Disclosure check; your qualifications and suitability for judicial appointment;
- To consider reasonable adjustments to the recruitment process for disabled applicants;
- To carry out equal opportunities monitoring and research;
- To retain records relating to the recruitment process;
- To establish, exercise or defend legal claims;
- To comply with the law;
- To protect your vital interests or those of another person (in exceptional circumstances, such as a medical emergency).

In general, the legal grounds on which we process your personal information are:

- To make recommendations to the Scottish Ministers for judicial appointment;
- To discharge our statutory functions;
- To comply with a legal obligation.

For special categories of personal information, the legal grounds on which we process information are:

- To discharge our statutory functions as set out in the Judiciary and Courts (Scotland) Act 2008;
- To review equality of opportunity or treatment.

### **Information about criminal convictions**

To enable us to make recruitment decisions and assess suitability for appointment, we will process information about criminal convictions and offences (including alleged offences).

We will request the following information at the application stage:

- Confirmation as to whether you have any unspent criminal convictions regarding dishonesty as this is relevant to assessing fitness for judicial office.
- Confirmation as to whether you have any unspent driving convictions as this is relevant to assessing fitness for judicial office.

Any offer of appointment will be subject to a satisfactory Enhanced Disclosure check.

### **Sharing your personal information with third parties**

We may share your personal information with the following third parties if this is required by law; if this is necessary for the performance of a task which we are

carrying out in the public interest or in the exercise of our statutory powers; or where it is necessary to protect your vital interests or those of another person.

- When you apply for judicial office online, the information collected when you register is retained by our online application hosts, the company “People Solutions”, in order for them to manage your account. This company does not retain, share, store or use personally identifiable information for any secondary purposes and will not share your information with any other organisations.
- Under [Section 17 of the Judiciary and Courts \(Scotland\) Act 2008](#), if you are invited to interview the Board will consult, where appropriate with the Lord President, the Scottish Legal Complaints Commission, the Faculty of Advocates, the Law Society of Scotland and the Crown Agent. We do this to ensure that any candidate recommended by the Board is of good character.
- If your application is successful and we make a recommendation for your appointment to judicial office, we will also share your data with the Scottish Ministers as outlined in [Schedule 1 of the Judiciary and Courts \(Scotland\) Act 2008](#).

### **Automated decision-making**

We do not envisage taking any decisions about you based solely on automated processing (i.e. without human involvement), which have a legal or similarly significant effect on you.

### **Transferring your personal information outside the EU**

We do not intend to transfer your personal information to any country outside of the EU, or to any international organisation.

### **The period for which the data will be stored**

[The Board will not keep any personal data for longer than is necessary.](#)

If you are successful at interview, JABS will retain your name, the position that you successfully applied for and the date that you were recommended for judicial office. This information will be kept indefinitely to allow the Board to identify candidates appointed to judicial office. All other information pertaining to you and your application will be securely destroyed 18 months after the appointments process ends. This is to allow us to operate a reserve list, which we will maintain for 18 months following the end of each appointments process.

If you are unsuccessful at sift or at interview, we will securely retain your data for six months after the recruitment process (including any appeal or complaint) is concluded. This is to allow the Board to offer you feedback on the outcome of your application for judicial office.

If you have registered your interest in future appointment rounds via our website, we are permitted to retain your data only if you give consent to your data being retained by us. You can give your consent for this purpose at any time after the conclusion of the recruitment process by contacting our Data Protection Officer.

### **Access to your information and correction – your rights**

You have the right to request access to and the ability to correct or erase personal data that the Board holds about you, or restrict or object to the processing of your personal information, as well as the right to data portability. These rights are, however, subject to exemptions provided by the Data Protection Act 2018 for personal data processed for the purposes of assessing a person's suitability for judicial office. You also have the right to complain to the [Information Commissioner's Office](#) if you think there has been an infringement of the General Data Protection Regulation.

We want to make sure that your personal information is accurate and up to date. You may ask us to correct or remove information you think is inaccurate. You may also request that your online account be deleted. Your rights in this regard are subject to exemptions provided by the Data Protection Act 2018 for personal data processed for the purposes of assessing a person's suitability for judicial office. The Board will respond promptly to any request you make in accordance with applicable law.

Please contact our Data Protection Officer if you require more information on these rights, or wish to exercise any of them.