



## **PUBLIC APPOINTMENTS & DIRECT MINISTERIAL APPOINTMENTS: PRIVACY NOTICE**

Public appointments are generally Ministerial appointments to the board of a public body or advisory committee. These appointments follow the process and principles set out in the [Governance Code on Public Appointments](#) published by the Cabinet Office. Direct Ministerial appointments are Ministerial appointments to a non-statutory office. They are not Public Appointments and therefore the Governance Code does not apply. Direct Ministerial Appointments are advisory, short-term and are normally filled through an internal candidate selection and assessment process.

The Ministry of Housing, Communities & Local Government (“MHCLG”) advertises its Public Appointments on the [Cabinet Office’s Public Appointments website](#). Information relating to Direct Ministerial Appointments are also held securely on the Cabinet Office website and are not in the public domain.

The purpose of this notice is to set out how MHCLG uses personal data and special category data for the purpose of Public and Direct Ministerial Appointments, explains your rights and gives you the information you are entitled to under data protection legislation (the UK [General Data Protection Regulation](#) (UK GDPR) and [Data Protection Act 2018](#) (DPA 2018)).

### **1. Data controller identity**

The Ministry of Housing, Communities & Local Government (MHCLG) is the data controller. If, having read this Notice, you have any further queries on your data in respect of your application, contact [PublicAppointments@communities.gov.uk](mailto:PublicAppointments@communities.gov.uk). The Data Protection Officer can be contacted at [dataprotection@communities.gov.uk](mailto:dataprotection@communities.gov.uk).

MHCLG and the Cabinet Office are considered joint data controllers for any personal data processed for MHCLG’s Public and Direct Ministerial Appointments advertised/held on the public appointments website. How personal data collected via the Public Appointments website is used is set out here: <https://apply-for-public-appointment.service.gov.uk/privacy>

### **2. Data subject categories**

The personal data to be processed for this activity relate to individuals who are applying for a MHCLG public appointment or being considered for a Direct Ministerial Appointment.

### **3. Data categories**

Depending on the nature of the role you are being considered for, the following categories of personal data will be collected for the purposes of your application. If you have agreed to be contacted about future vacancies, we will also use your data to contact you about opportunities that may be of interest to you:

- Name, geographical location (address), telephone number and email address
- Date of birth
- Curriculum Vitae and covering letter (Public Appointments only)
- Employment history and qualifications (Public Appointments only)
- Employment references (if necessary) Public Appointments only)
- Information sourced via the Internet such as:
  - Biographies
  - Financial probity information (via the Disqualified Director Register, Bankruptcy and Insolvency Register, Removed Trustees Register, Financial Services Register)
  - Information relating to political donations (via the Electoral Commission Register)
  - Social media account checks to assess your commitment to the Seven Principles of Public Life.

- Details of any public appointments held both self-declared and sourced through [www.gov.uk](http://www.gov.uk) and public body websites. Other background information relevant to your application including shortlist and interview assessments made by the advisory assessment panel (Public Appointments only)
- Declaration of interests
- Proof of identity documentation

#### *Special category data*

We are responsible for monitoring the diversity of our public appointments by assessing any diversity data collected as part of applications. The special category data (as defined in Article 9(1) of the UK GDPR) may include your:

- Sex/gender
- Race or ethnicity
- Religion or belief
- Political beliefs
- Disability information
- Sexual orientation

We may also request the above data if you are being considered for a Direct Ministerial Appointment. We may additionally ask you to supply us with any relevant health information where this may be needed to make reasonable adjustments to facilitate your access to offices and participation at events.

#### **4. Purpose of processing**

Your personal data will be processed for the purpose of considering your application for a Public Appointment or reappointment in accordance with the [Governance Code on Public Appointments](#) published by the Cabinet Office, and to manage your appointment if you are successful. Your personal data covered in paragraph 3 will also be processed where you are being considered for a Direct Ministerial Appointment. Your personal data may also be processed when dealing with Freedom of Information Act requests, including public disclosure of personal data only data protection legislation provides for this.

Collecting special category data and geographical (address) data is necessary for the purposes of identifying or keeping under review the existence or absence of equality of opportunity or treatment between groups of people with a view to enabling such equality to be promoted or maintained. It is not carried out for the purposes of measures or decisions with respect to your application for a public appointment or candidacy for a Direct Ministerial Appointment.

#### **5. Lawful basis for processing personal and special category data**

Personal data processed for the purposes of a Public Appointment, reappointment or Direct Ministerial Appointment complies with Article 6(1)(e) of the UK GDPR in that it is necessary for the performance of a task carried out in the public interest. This public task is that of ensuring the suitability of those being considered for MHCLG Public Appointments and Direct Ministerial Appointments. Section 8 of the DPA 2018 specifies that this includes processing that is necessary for the exercise of a function of a government department. In this case, the MHCLG Public Appointments Team facilitates Public Appointments to its public bodies, and MHCLG policy officials facilitate Direct Ministerial Appointments.

Where we process special category data (as defined in Article 9(1) of the UK GDPR), it is for reasons of substantial public interest (under Article 9(2)(b) and (g) of the UK GDPR) and in accordance with the requirements set out in section 6(2)(b) of Part 2 of Schedule 1 to the Data Protection Act 2018.

#### **6. Recipients of your personal data and special category data**

Your application will be shared with MHCLG officials and other Government Departments involved in Public Appointments and Direct Ministerial Appointments, including where applicable:

- Ministers involved in the decision-making process
- The Cabinet Office

- The Prime Minister's Office
- Parliamentary Select Committees (for roles subject to pre-appointment scrutiny)

Your special category personal data will not be divulged to these parties other than as part of deidentified summaries of candidate diversity. However, where you are applying for a Public Appointment, the Advisory Assessment Panel will be informed if you are applying under the Disability Confident Scheme after they have assessed your application.

Deidentified diversity data for applicants and appointees to Public Appointments will also be shared with Cabinet Office, senior stakeholders, auditors, and, for regulated Public Appointments, with OCPA in order to meet our public sector equality duty as set out in section 149 of the [Equality Act 2010](#).

Your data may be shared with the Cabinet Office and other departments and appropriate entities for the purpose of improving appointment processes and encouraging a diverse range of candidates. How the Cabinet Office use your data is set out here: <https://apply-for-public-appointment.service.gov.uk/privacy>

If your public appointment is included in the [Public Appointments Order in Council 2023](#), we may also share your data with OCPA for the purpose of ensuring that our appointment practices are fair, open, made on merit and encourage a diverse range of candidates. This is a requirement of the [Governance Code on Public Appointments](#). How OCPA uses your personal data is set out here: <https://publicappointmentscommissioner.independent.gov.uk/privacy-andcookies-policy/>.

An announcement statement may also be made on the HM Government Public Appointments website, GOV.UK or other official website stating your name, role, term length and any conflict of interest or other supporting information.

Others with whom we may need to share your personal data will vary depending on the nature of the role being applied for, and may include:

- The recruiting body
- External recruited agencies, where they have been contracted to manage the public appointment recruitment competition for a specific role on MHCLG's behalf)
- The Ministry of Justice (for some Crown appointments)
- The Royal Household (for some Crown appointments)
- The organisation responsible for security checks

The legal basis for the sharing of this data with these additional organisations, where required, is the same as paragraph 5 above and is in line with the Governance Code for Public Appointments (where you are applying for a Public Appointment).

## **7. Retention period**

MHCLG is required to keep information related to candidates being considered for Public Appointments and Direct Ministerial Appointments in order for us to complete the appointment process, satisfy the purposes of audit and to facilitate onboarding should you be successfully appointed.

### *Unsuccessful applicants*

If you are not appointed, your data will be held for 2 years following the announcement of the successful appointment or the conclusion of the appointment exercise, if no announcement is made. This is to allow MHCLG to provide any requested feedback, satisfy any complaints or legal challenge, and provide evidence for audit purposes.

After that time, information relating to your candidacy including your CV, letter of application, declaration of conflicts, political activity and diversity form will be destroyed. This will include all contact details that we hold for you, unless you have indicated that you would like your name to be kept on file for future appointment opportunities. This excludes information included within candidate assessments conducted by the Advisory Assessment Panel, which we will retain for 5 years for legitimate business purposes.

### *Successful applicants*

If you are successfully appointed to a role we will retain your data for the duration of your appointment plus 1 year from when your appointment ends. Your data may be held for longer than this period if required by law or in connection with legal proceedings. Your name may also appear in Ministerial advice and other documents which are held as public records of the appointment process. After that time, information relating to your candidacy including your CV, letter of application, declaration of conflicts, political activity and diversity form will be destroyed.

This will include all contact details that we hold, unless you have indicated that you would like your name to be kept on file for future appointment opportunities. You may expect to receive further privacy notices as part of the onboarding process from the body that you are appointed to.

Where we share information with Ministers' offices for the purposes of making Public Appointments and Direct Ministerial Appointments your personal data will be destroyed once the appointment exercise is complete. This will include all contact details shared with them .

## **8. Your data protection rights**

The data we are collecting is your personal data, and you have rights that affect what happens to it. You have the right to:

- Know that we are using your personal data.
- See what data we have about you.
- Request that your personal data is erased if there is no longer a justification for the data to be processed.
- Ask to have your data corrected, and to ask how we check the information we hold is accurate.
- Request that any incomplete personal data is completed, including by means of a supplementary statement.
- In certain circumstances (for example, where accuracy is contested) to request that the processing of your personal data is restricted.
- Object to the processing of your personal data.
- Complain to the Information Commissioner's Office (ICO) (see below).

## **9. Storage, security and data management**

As your personal data is stored on MHCLG and Cabinet Office's IT infrastructure, and where an external recruitment agency is contracted to manage a Public Appointment competition on MHCLG's behalf, it may be transferred and stored securely outside the UK. Where that is the case, it will be subject to equivalent legal protection through an adequacy decision or reliance on Standard Contractual Clauses.

## **10. Complaints and more information**

When we ask you for information, we will keep to the law, including the UK GDPR and the DPA 2018 and new legislation coming into force.

If you are unhappy with the way the department has acted, you can [complain](#). If you are not happy with how we are using your personal data, you should first contact [dataprotection@communities.gov.uk](mailto:dataprotection@communities.gov.uk).

If you are unhappy about MHCLG's handling of your concerns, or would like independent advice about data protection, privacy and data sharing, you can contact:

The Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow, Cheshire,  
SK9 5AF

Telephone: 0303 123 1113 or 01625 545 745

[icocasework@ico.org.uk](mailto:icocasework@ico.org.uk)

<https://ico.org.uk/>