Consultation:

**Employment practices and data protection: recruitment and selection**

Start date: 12 December 2023

End date: 5pm on 5 March 2024

The Information Commissioner’s Office (ICO) is producing an online resource with topic-specific guidance on employment practices and data protection. We are releasing our drafts of the different topic areas in stages and adding to the resource over time. A draft of the guidance on recruitment and selection is now out for public consultation.

The draft aims to provide practical guidance about how to comply with data protection law when carrying out recruitment exercises and to promote good practice.

The public consultation on the draft guidance will remain open until **5pm on 5 March 2024**. We may not consider responses that are received after this deadline. The ICO welcomes feedback on the specific questions set out below.

You can email your response to: [employmentguidance@ico.org.uk](mailto:employmentguidance@ico.org.uk)

Or you can print and post to:

Employment Practices Guidance Team

Information Commissioner’s Office

Wycliffe House

Water Lane

Wilmslow

Cheshire SK9 5AF

If you would like further information on the consultation, please email the team at [employmentguidance@ico.org.uk](mailto:employmentguidance@ico.org.uk).

**Privacy Statement**

For this consultation we may publish the responses received from organisations or a summary of the responses. We will not publish responses from individuals acting in a private capacity. If we do publish any responses, we will remove email addresses and telephone numbers from these responses but apart from this we will publish them in full.

Please be mindful not to share any information in your response which you would not be happy for us to make publicly available.

Should we receive a freedom of information request for your response, we will always seek to consult with you for your views on the disclosure of this information before any decision is made.

For more information about what we do with personal information please see our [privacy notice](https://ico.org.uk/global/privacy-notice/responding-to-our-consultation-requests-and-surveys/).

Your views on our draft guidance

Q1 How far do you agree or disagree that the draft guidance is clear and easy to understand?

1 – Strongly agree

2 – Agree

3 – Disagree

4 – Strongly disagree

5 – Unsure/don’t know

Please give reasons for your choice:

Q2 How far do you agree or disagree that the draft guidance adequately covers the end to end recruitment and selection process and the data protection implications linked to this?

1 – Strongly agree

2 – Agree

3 – Disagree

4 – Strongly disagree

5 – Unsure/don’t know

Please explain your choice. If you disagree, strongly disagree, or are unsure, please outline what additional areas you would like to see covered:

Q3 How far do you agree or disagree that the draft guidance contains the right level of detail?

1 – Strongly agree

2 – Agree

3 – Disagree

4 – Strongly disagree

5 – Unsure/don’t know

Please explain your choice. What, if any, changes or improvements would you like to see?

Q4 How easy or difficult is it to find information in the draft guidance?

1 – Very easy

2 – Easy

3 – Difficult

4 – Very difficult

5 – Unsure/don’t know

Please explain your choice. What, if any, changes or improvements would you like to see?

Q5 Please provide details of any cases, examples, scenarios or online resources involving recruitment and selection that would be useful for us to include in the guidance.

Q6 Please provide any other suggestions for the draft recruitment and selection guidance:

Use of social media, AI and other technologies

Q7 Do you use social media for recruitment and selection purposes?

1 – Yes

2 – No

3 – Unsure / don’t know

If yes, please provide further details on the types of social media and how you use them for recruitment and selection:

Q8 Do you use AI or other technologies to process personal information for recruitment and selection purposes?

1 – Yes

2 – No

3 – Unsure / don’t know

If yes, please provide further details. In particular, please explain whether you rely on any of the Article 22(2) exceptions in UK GDPR to allow you to carry out the processing.

Impact Scoping

The following questions relate to the impact assessment summary document we have produced to support the draft guidance.

Q9 How far do you agree that the impact assessment summary adequately covers the main affected groups?

☐ Strongly agree

☐ Agree

☐ Disagree

☐ Strongly disagree

☐ Unsure/don’t know

If you disagree, strongly disagree or are unsure/don’t know, please provide examples of any affected groups you think we have missed or require further consideration:

Q10 How far do you agree that the impact assessment summary adequately outlines the main impacts?

☐ Strongly agree

☐ Agree

☐ Disagree

☐ Strongly disagree

☐ Unsure/don’t know

If you disagree, strongly disagree or are unsure/don’t know, please provide details of any impacts we have missed or that require further consideration:

Q11 Are you responding to this consultation on behalf of an organisation?

1 – Yes

2 – No

If no, please skip to Q17.

Impacts on your organisation

As part of our impact assessment work, we would like to understand more about how you think this guidance impacts you and your organisation.

Q12 Who in your organisation needs to read the guidance? (Please provide job titles or roles and how many people in those roles would be expected to read it, not people’s names)

Q13 To what extent (if at all) do data protection issues affect strategic or business decisions within your organisation?

☐ Data protection is a major feature in most of our decision making

☐ Data protection is a major feature but only in specific circumstances

☐ Data protection is a relatively minor feature in decision making

☐ Data protection does not feature in decision making

☐ Unsure/don’t know

Q14: Do you think the draft recruitment and selection guidance would result in additional costs or benefits to your organisation? (These could be financial or non-financial and might include staff time)

Please select the most relevant option below:

cost(s) or burden(s)

benefit(s)

both

neither

Unsure/don’t know

if you answered neither or unsure/don’t know, please skip to Q17

Q15 Could you please describe the types of additional costs or benefits you might incur?

Q16 Can you provide a rough estimate of the costs or benefits you are likely to incur and briefly how you have calculated these?

Additional impact considerations

Q17 If there is any other evidence or information on the potential impact of the guidance or our impact assessment summary that you would like us to consider, please provide it in the box below. This could include a description, links to other sources, or contact details where we can reach you to discuss further.

About you

Q18 How did you find out about this consultation?

ICO website

ICO Twitter account

ICO Facebook account

ICO LinkedIn account

ICO staff member

ICO newsletter

colleague from your organisation

person outside of your organisation

other

If other please specify:

Q19 Who are you responding as?

(please tick all that apply)

an organisation or person employing workers

a recruitment agency

a representative of a professional, industry or trade association

an organisation representing the interests of employees, workers, self-employed (eg charity, employment advocacy organisation)

an employment rights professional body or advice service

a trade union

an academic

a supplier of employment technology solutions (eg monitoring software or HR systems)

an individual acting in a private capacity (eg someone providing their views as a member of the public)

an ICO employee

other

If other please specify:

If you are acting only as an individual acting in a private capacity, please skip to Q22.

Q20 Please provide the name of your organisation:

Q21 What is the size of your organisation?

Micro-organisation (less than 10 members of staff)

Small or medium organisation (10-249 members of staff)

Large organisation (250 members of staff or above)

Not applicable or not sure

Q22 Finally, we may want to contact you about our employment practices guidance and some of the points you have raised. If you are happy for us to do this, please provide an email address:

Thank you for taking the time to complete this survey.

Please email your response to: [employmentguidance@ico.org.uk](mailto:employmentguidance@ico.org.uk)

Or you can print and post to:

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