

GENERAL DATA PROTECTION REGULATION (GDPR)

JOB APPLICANT PRIVACY NOTICE

Introduction

As part of its recruitment process, the Company collects and processes personal information, or personal data relating to job applicants. This personal information may be held by the Company on paper or in electronic format.

The Company is committed to being transparent about how it handles personal information, to protecting the privacy and security of personal information and to meeting its data protection obligations under the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. This document sets out:

- Why personal information is collected.
- What information is collected.
- How it is processed within the recruitment process.

This privacy notice applies to all job applicants, whether they apply directly to the Company or indirectly through an employment agency.

The Human Resources Manager has the responsibility to oversee compliance with this privacy notice. In the case of any questions about this privacy notice or about how we handle your personal information, please contact Karen Behan by telephone on 01670 813338 or by email at karen.behan@chisholm.uk.com

Data protection principles

Under the GDPR, there are basic data protection principles that the Company must comply with. These provide that the personal information that is held about individuals must be:

- Processed lawfully, fairly and in a transparent manner.
- Collected only for legitimate purposes that have been clearly explained and not further processed in a way that is incompatible with those purposes.
- Adequate, relevant and limited to what is necessary in relation to those purposes.
- Accurate and, where necessary kept up to date.
- Kept in a form which permits an individual's identification for no longer than is necessary for those purposes.
- Processed in a way that ensures appropriate security of data.
- Personal data must not be transferred to a country or territory outside the European Economic Area unless adequate protections are in place.

The Company is responsible for, and must be able to demonstrate compliance with, these principles.

What types of personal information is collected about applicants?

Personal information is any information about an individual from which that person can be directly or indirectly identified. It doesn't include anonymised data, i.e. where all identifying particulars have been removed. There are also 'special categories' of personal information, which requires a higher level of protection because it is of a more sensitive nature.

The Company collects, uses and processes a range of personal information about applicants during the recruitment process. This includes:

- Contact details, including name, address, telephone number and personal email address.
- Personal information included in a CV, application form, cover letter or interview notes.
- References.
- Information about an individual's right to work in the UK and copies of documentation.
- Qualifications and copies of certificates.
- Details of an individual's skills, qualifications, experience and work history with previous employers.
- Information about current salary level, including benefits and pension entitlements.

The Company may also collect, use and process the following special categories of personal information during the recruitment process:

- Whether an individual has a disability for which the Company needs to make reasonable adjustments during the recruitment process.
- Information about racial or ethnic origin, religious beliefs and sexual orientation.
- Information about criminal convictions and offences.

How is personal information used?

The Company collects personal information during the recruitment process either directly from the applicant or sometimes from a third party such as an employment agency. Personal information is also collected from other external third parties, such as references from current and former employers.

Applicants are under no statutory or contractual obligation to provide personal information to the company during the recruitment process.

Personal information may be stored in different places, including on the individuals application record, in the Company's HR system and other IT systems such as the email system.

Why and how do we use personal information?

The Company only use personal information when the law allows it to. This is known as the legal basis for processing. An individual's data will be used in one or more of the following circumstances:

- Where the Company need to do so to take steps at an applicant's request prior to entering into a contract with them, or to enter into a contract with them.
- Where it is needed to comply with a legal obligation.

In some cases personal information may also be used where it is necessary to pursue the Company's legitimate interests (or those of a third party). Legitimate interests include pursuing the Company's business by employing workers; managing the recruitment process; conducting due diligence on prospective staff; and performing effective internal administration.

The purposes for which personal information is processed or will be processed are to:

- Manage the recruitment process and assess an individual's suitability for employment.
- Decide to whom to offer a job.
- Comply with statutory obligations, e.g. checking an individual's right to work in the UK.
- Comply with the duty to make reasonable adjustments for disabled job applicants and with other disability discrimination obligations.
- Ensure compliance with an individual's statutory rights.

- Ensure effective HR, personnel management and business administration.
- Enable the Company to establish, exercise or defend possible legal claims.

Please note that an applicant's personal information may be processed without their consent, in compliance with these rules, where this is required by law.

What if an applicant fails to provide personal information?

If an applicant fails to provide certain personal information when requested, the Company may not be able to process the job application properly or at all, the Company may not be able to enter into a contract with the applicant, or the Company may be prevented from complying with its legal obligations. The individual may also be unable to exercise their statutory rights.

Why and how is an individual's sensitive information used?

The Company will only collect and use sensitive personal information, which includes special categories of personal information when the law allows it to.

Some 'special categories' of personal information i.e. information about an individual's health, and information about criminal convictions and offences, is processed so that the Company can perform or exercise our obligations or rights under employment law and in line with its data protection policy.

The Company may also process information about an applicant's health and information about any criminal convictions where an individual's explicit written consent has been given. In this case, the applicant will firstly be provided with full details of the personal information requested and the reason it is needed, so that the individual can properly consider whether to consent or not. It is entirely an individual's choice whether to consent and their consent can be withdrawn at any time.

The purposes for which the Company are processing or will process health information and information about any criminal convictions and offence are to:

- Assess suitability for employment or engagement.
- Comply with the duty to make reasonable adjustments for disabled job applicants and with other disability discrimination obligations.
- Ascertain fitness to work.
- Ensure effective HR, personnel management and business administration.

Where the Company processes other special categories of personal information, i.e. information about racial or ethnic origin, religious beliefs or sexual orientation, this is done only for the purpose of equal opportunities monitoring in recruitment and in line with its data protection policy. Personal information that the Company uses for these purposes is either anonymised or is collected with an individual's written consent, which can be withdrawn at any time.

Change of purpose

The Company will only use personal information for the purposes for which it was collected, i.e. for the recruitment exercise for which the individual has applied.

However, if the individual's job application is unsuccessful, the Company may wish to keep an applicant's personal information on file, in the case there are further suitable employment opportunities that may arise in the future. Consent will be requested before personal information is kept on file for this purpose. Consent can be withdrawn at any time.

Who has access to an individual's personal information?

Personal information may be shared internally within the Company for the purposes of the recruitment exercise, including the Directors, members of the HR team, the recruiting manager, Payroll and IT staff if access to the individual's personal information is necessary for the performance of their roles.

The Company may also share personal information with a third party during the recruitment process for the purposes of obtaining references from former employers.

How does the Company protect personal information?

The Company has put in place measures to protect the security of an individual's personal information. It has internal policies, procedures and controls in place to try and prevent personal information from being accidentally lost, destroyed, altered, disclosed, used or accessed in an unauthorised way. In addition, access to personal information is limited to those employees and other third parties who have a business need to know in order to perform their duties and responsibilities.

Where an individual's personal information is shared with a third party, the Company requires them to take appropriate technical and organisational security measures to protect this information and to treat it subject to a duty of confidentiality and in accordance with data protection law. The Company only allows third parties to process personal information for specified purposes. They are not allowed to use personal information for their own purposes.

Procedures are in place to deal with a suspected data security breach and the Company will notify the Information Commissioner's Office (or any other applicable supervisory authority or regulator) and the individual concerned of a suspected breach where it is legally required to do so.

For how long does the Company keep personal information?

The Company will only retain an individual's personal information for as long as is necessary to fulfil the purposes for which it was collected and processed.

If the application for employment is unsuccessful, the Company will generally hold personal information for twelve months after the end of the relevant recruitment exercise. If consent to the Company to keep personal information on file is given by the applicant in case of future suitable employment opportunities, the personal information will be held for a further six months after the end of the relevant recruitment exercise, or until consent is withdrawn, if earlier.

If an application for employment is successful, personal information gathered during the recruitment process will be retained for the duration of an individual's employment and in accordance with the privacy notice for employees.

Personal information which is no longer to be retained will be destroyed or permanently erased from our IT systems and we will require third parties to destroy or erase such personal information where applicable.

Access to Personal Information

Individuals, about whom data is held, referred to as 'data subjects' have a number of statutory rights. Subject to certain conditions and in certain circumstances they have the right to:

- Request access to personal information – this is usually known as making a data subject access request and it enables an individual to receive a copy of the personal information that is held about them and to check that it is being lawfully processed.

- Request rectification of personal information – this enables an individual to have any inaccurate or incomplete personal information that is held about them corrected.
- Request the erasure of personal information – this enables an individual to ask for personal information to be deleted or erased where there is no compelling reason for its continued processing, e.g. it is no longer necessary in relation to the purpose for which it was originally collected.

When requesting access to personal information, please note that the Company may request specific information from individuals to enable it to confirm their identity and right to access the personal information. This is a security measure to ensure that personal information is not disclosed to any person who does not have the right to receive it.

If an individual believes that the Company has not complied with their data protection rights, they have the right to make a complaint to the Information Commissioner's Office (ICO). The ICO is the UK supervisory authority for data protection issues.

Changes to this privacy notice

The Company may from time to time make changes to this Privacy notice to reflect changes in its legal or regulatory obligations or in the manner in which personal information is dealt with. Any revised version of this Privacy notice will be communicated when significant updates or amendments are made.

Contact

In case of questions about this Privacy notice or concerns about how personal information is managed, please contact our Human Resources Manager by telephone, in writing or by email. The Company will endeavour to answer questions and advise of any steps taken to address any issues raised.