

## Data Protection and Privacy Notice (For Candidates)

### Introduction

This document sets out the basis upon which we process your personal information (data) in relation to candidates for positions as workers or employees with us - i.e. the personal information of employee and worker candidates for recruitment ("Candidates").

This Data Protection Policy is broken down into the following sections:

### Section 1 - Key Information

**Section 1** contains the *key information* you need to know relating to your data protection rights, how we, as a data controller, process your personal information, and how we comply with your individual data protection rights.

### Section 2 - Privacy Notice

**Section 2** also provides some further detail supporting Section 1.

#### 1. Data Protection Principles

We will comply with data protection law, which means that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

#### 2. Responsibility for Data Protection

Responsibility for Candidates' data protection lies with the OTB Eveling Practice Manager.

## Section 1 – Key Information

### Processing your Personal Information (Candidates for recruitment)

#### Introduction

Under UK data protection law and the European General Data Protection Regulation (GDPR), we are required to tell you how we collect and use (“process”) your personal information.

The attached **Privacy Notice** provides you with more detail regarding your personal information which we process and our reasons for doing so.

We are entitled to process your personal information if:

- a. We have a **justification** for doing so; or
- b. We have your **consent**.

We do not need your consent in circumstances where we already have a justification for the processing of your personal information. This document sets out the basis upon which we do have justification for processing your personal information.

#### 1. Consent and Implied Consent

If you have applied, made an enquiry, approached us, or expressed an interest in being considered for or appointed to a role with us, whether that is a specific role or otherwise, then that shall be treated as your consent to our processing your personal information for that purpose, such that we may need it. You may withdraw that consent at any time, by informing us of your wish to do so, but you should be aware that we may still have a legal justification for processing your personal information on one of the bases set out below.

We shall inform you if it is our intention to keep your name on file for future vacancies, at which point you have the opportunity to have your details removed from our records (if you would rather we do not hold your details on file).

In any other circumstances where we believe that we may need your consent to process your information in a certain way, we shall ask you for your consent using a **consent form**. If you do give consent, then you may withdraw your consent again later. Under GDPR, consents must be **unbundled**. This means that individual consent requests must be provided separately from documents such as recruitment packs.

#### We have the following justifications for processing your personal information

We may process your personal information as a Candidate where it is necessary:

- To enable us to comply with our legal obligations as an employer (or potential employer).
- To enable us to comply with our other legal obligations as an organisation (such as our legitimate contracts or any regulatory requirements).
- To protect your vital interests, or those of another individual (i.e. protection of life).

- Where we, or another person/organisation, have other *legitimate interests* for doing so (so long as your own fundamental rights do not override them).

## **2. We have the following justifications for processing your *sensitive personal information***

Your sensitive personal information includes information about the following things:

- Racial or ethnic origin
- Political opinions
- Religious and philosophical beliefs
- Trade union membership
- Health, sex life, or sexual orientation
- Genetic and biometric data

We may process your *sensitive personal information* where it is *necessary*:

- to carry out and comply with our legal obligations as an employer (specifically rights and obligations in the context of employment law or laws relating to Social Security and social protection);
- for establishing, exercising, or defending legal claims;
- to protect your vital interests, or those of another individual in circumstances where you are incapable of giving consent;
- for statistical purposes, subject to appropriate safeguards.

## **3. How we will use information about you**

We will use the personal information we collect about you to:

- Assess your skills, qualifications, and suitability for the role.
- Carry out background and reference checks, where applicable.
- Communicate with you about the recruitment process.
- Keep records related to our hiring processes.
- Comply with legal or regulatory requirements.

It is in our legitimate interests to decide whether to appoint you to the role since it would be beneficial to our business to appoint someone to that role.

Having received your application form or CV and covering letter, we will then process that information to decide whether you meet the basic requirements to be shortlisted for the role. If you do, we will decide whether your application is strong enough to invite you for an interview. If we decide to call you for an interview, we may ask you to take aptitude and or personality tests and we will use this information and information you provide to us at the interview to decide whether to offer you the role. If we decide to offer you the role, we will then take up references and carry out a criminal record, identify, adverse credit history and right to work checks before confirming your appointment.

## **4. Accuracy of Personal Information**

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes.

## **5. If you Fail to Provide Personal Information**

If you fail to provide information when requested, which is necessary for us to consider your application (such as evidence of qualifications or work history), we will not be able to process your application successfully. For example, if we require a credit check or references for this role and you fail to provide us with relevant details, we will not be able to take your application further.

## **6. Information about Criminal Convictions**

We may collect information about your criminal convictions history if we would like to offer you the role conditional on checks and any other conditions, such as references, being satisfactory). We are required to carry out a criminal record checks in order to satisfy ourselves that there is nothing in your criminal convictions history which makes you unsuitable for the role. In particular:

- We are legally required to carry out criminal record checks for those carrying out certain role.
- Certain roles require a high degree of trust and integrity since it involves dealing with confidential data.

We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data.

## **7. Your Rights in Relation to your Personal Information**

In addition to the information provided to you within, and in accordance with, this document, you also have the following rights in relation to your personal information:

### **Right of Access**

- You may request access to your personal information, which we hold or process, by making a “data subject access request”.
- Your request should be made in writing to the OTB Eveling Practice Manager.
- If you request access to a large amount of information, we may ask you to more clearly specify the information to which your request relates.
- We shall provide you with access to the requested information unless your request is manifestly unfounded or excessive, or if it adversely affects the rights of someone else.

### **Right to Correction**

- You may require us to correct any inaccurate personal information, or complete any incomplete personal information, that we hold about you.
- You should request any such correction in writing to the OTB Eveling Practice Manager.

## **Right to Erasure**

- Also known as the right to be forgotten - You have the right to request the erasure of personal information if:
  - a) it is no longer necessary for us to hold it for the purpose it is or was intended; or
  - b) if you withdraw previously given consent; and (in both cases) we do not have any other legal justification for holding that information.
- You should request any such erasure in writing to the OTB Eveling Practice Manager.

## **Right to Object**

- You have the right to object to our processing of your personal information based on legitimate interests; or the performance of a task in the public interest; or for the purposes of statistics.
- You also have the right to object to the processing of your personal information for direct marketing purposes, if relevant.
- Your objection must be made on grounds relating to your particular situation.
- Your objection must be made in writing to the OTB Eveling Practice Manager.
- If these conditions are met, we shall stop processing that personal information, unless we have compelling legitimate grounds for the processing, which justify its continued processing; or unless the processing is necessary for the establishment, exercise or defence of legal claims.

## **Right to make a complaint**

- If you believe that we have breached your data protection rights, you may complain to the OTB Eveling Practice Manager.
- If you are still unhappy with our personal information rights practices, you may complain or report a concern to the Information Commissioner's Office. Details can be found at: <https://ico.org.uk/concerns/>

## **Key Contacts**

If you have any questions about the processing of your personal information, you should contact the OTB Eveling Practice Manager.

## Section 2 – Privacy Notice

<b>Candidate for Recruitment</b>	
<b>1.</b>	We shall process the following personal information for the reasons outlined in Section 1.
<p>Information in relation to your contact details including name, title, address, telephone number, personal email address</p> <p>Any personal information you provide voluntarily during the recruitment process.</p> <p>Information regarding your date of birth, employment history, suitability for work, salary, qualifications, capability, training and development</p> <p>Information you provided during the interview process and relating to your performance in the recruitment and assessment process</p> <p>Information relating to your entitlement to work in the UK (or any other territory in which you are required to work)</p> <p>Information relevant to yours and others' health and safety, or wellbeing and ability to take part in the recruitment process</p> <p>Information about criminal convictions and offences</p> <p>Information for equal opportunities monitoring</p>	
<b>2.</b>	We are legally obliged to share some of your personal information with the following organisations in respect of their legitimate interests.
Regulators, or as required to comply with the law	
<b>3.</b>	We currently engage the following organisations to provide us with outsourced services with whom we shall share some of your personal information for the specified purpose.
The recruitment agency who introduced you to us.	
<b>4.</b>	Is your personal information processed for direct marketing purposes?
No	
<b>5.</b>	Details of any cross-border transfers of your personal information and reasons for doing so.
None	

<b>6.</b>	<b>Data Retention – How long will we use your data for</b>	
<p>If you are <b>successful</b> in securing a position with us, your personal information shall be processed in accordance with our “Staff Data Protection Policy”, a copy of which is available upon request.</p>		
<p>If you are <b>not successful</b> in securing a position with us, we shall retain certain personal information relating to you, mostly in order to explain or justify the decision we have made if necessary. We shall also retain summary information for our legitimate interest of assisting with future recruitment opportunities and or processes (including avoiding unnecessary cost).</p>		
<p>If you are <b>not successful</b> in securing a position with us, we shall <b>retain</b> the following personal information about you for the <b>reasons and durations stated below</b> (unless there is a clear business or legal reason for exceeding such durations in the circumstances):</p>		
	<b>Period</b>	<b>Description</b>
	During the recruitment process	All information, except anything that is known to be incorrect or which we have agreed to discard
	No longer than necessary in order to record the outcome of such checks	DBS checks
	<b>Six months</b> following any decision not to offer you a position	Summary record of DBS outcome and details of Immigration checks
	<b>Six months</b> following any decision not to offer you a position	<p>Full details and information provided via your CV or application</p> <p>Full information regarding your employment history, suitability for work, qualifications, capability, training and development</p> <p>Full records relating to your performance in the recruitment and assessment process</p>
	<b>Four years</b> from the date on which the report was made – in order to address any potential future claim which may be made	Records of any reportable accident, death or injury in connection with the recruitment process
	<b>Five years</b> following the conclusion of the recruitment process – in order to make reference to information in respect of future recruitment opportunities or processes	Summary information provided via your CV or application, employment history, suitability for work, qualifications, capability, training and development and performance in the recruitment and assessment process

7.	The following personal information is subject to automated processing, with the potential consequences stated
None	
8.	We have or may collect personal information about you from the following sources in relation to assessing your suitability for a position with us
<p>Information regarding your employment history experience and suitability for work – Previous Employers or other referees</p> <p>Behaviour and attitude - Social media</p> <p>uCheck - Identify Check Report, Adverse Credit History Report, Right to Work Report, Basic Disclosure Service Report (Disclosure and Barring Service)</p> <p>Pearson TalentLens – Recruitment assessment tests and questionnaires</p> <p>Regulatory requirements:</p> <ul style="list-style-type: none"><li>• DBS checks</li><li>• SRA checks</li></ul>	