

## Job Applicant Privacy Notice

This Job Applicant Privacy Notice sets out what personal data we, People First (PF), hold about you and how we collect and use it during and after the recruitment process. It applies to anyone who is applying to work for us, whether as an employee, sessional worker, expert by experience, volunteer, member, board member or trustee (together referred to as 'Job Applicant' or 'you').

Please note that we will not necessarily hold, use or share *all* of the types of personal data described in this Privacy Notice in relation to you. The specific types of data about you that we will hold, use and share will depend on the role for which you are applying, the nature of the recruitment process, how far you progress in the recruitment process and your individual circumstances.

We are required by data protection law to give you the information in this Privacy Notice. It is important that you read the Privacy Notice carefully, together with any other similar or additional information that we might give you from time to time about how we collect and use your personal data.

This Privacy Notice does not give you any contractual rights. We may update this Privacy Notice at any time.

### **Who is the controller?**

People First, Milbourn Street, Carlisle, Cumbria, CA2 5XB is the "controller" for the purposes of data protection law. This means that we are responsible for deciding how we hold and use personal data about you.

### **What is personal data?**

**Personal data** means any information relating to a living individual who can be identified (directly or indirectly) in particular by reference to an identifier (e.g. name, NI number, employee number, email address, physical features). It can be factual (e.g. contact details or date of birth), an opinion about an individual's actions or behaviour, or information that may otherwise impact that individual in a personal or business capacity.

Data Protection law divides personal data into two categories: ordinary personal data and special category data. Any personal data that reveals racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health conditions, sexual life or sexual orientation, or biometric or genetic data that is used to identify an individual is known as **special category** data. (The rest is **ordinary personal data**).

## What type of ordinary personal data do we hold about you and why?

At the initial stages of recruitment, we collect, hold and use the following types of ordinary personal data about you:

- Information contained in your application form/CV/covering letter, including your name, title, contact details, employment history, experience, skills, qualifications/training (including educational, vocational, driving licences where appropriate etc.
- Publicly available information about you, such as your business, social media presence;
- Selection information, including correspondence, interview notes, internal notes, the results of any written or online selection tests.

In addition we ask you to provide personal data about your referees.

If you are shortlisted for a position, or you receive a conditional offer of employment, we may collect, hold and use the following additional types of ordinary personal data about you:

- Pre-employment check information, including references and verification of qualifications;
- Right to work checks and related documents.

We hold and use this personal data so that we can:

- process your application and correspond with you about it;
- assess whether you have the required skills, experience, qualifications and training for a role within People First;
- make informed recruitment decisions;
- verify information provided by you;
- check and demonstrate that you have the legal right to work in the UK;
- keep appropriate records of our recruitment process and decisions;

## What are our legal grounds for using your ordinary personal data?

Data protection law specifies the legal grounds on which we can hold and use personal data.

We rely on one or more of the following legal grounds when we process your ordinary personal data:

- We need it to take steps at your request in order to enter into a contract with you (**entry into a contract**), because by applying for a job with us you are effectively asking us to enter into a contract with you, whether this is an employment contract, a contract for services or another type of contract;
- We need it to comply with a legal obligation (**legal obligation**), e.g. the obligation not to discriminate during our recruitment process, and the obligation not to employ someone who does not have the legal right to work in the UK;

- It is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests (**legitimate interest**). For example, it is in our legitimate interests to review and consider your personal data (as listed above) so that we can select the most appropriate candidate for the job.

### **What type of special category personal data do we hold about you, why, and on what legal grounds?**

We will only collect, hold and use limited types of special category data about you during the recruitment process, as described below.

Since special category data is usually more sensitive than ordinary personal data, we need to have an additional legal ground (as well as the legal grounds set out in the section on ordinary personal data, above) to collect, hold and use it. The additional legal grounds that we rely on to collect, hold and use your special category data are explained below for each type of special category data.

At the initial stages of recruitment, we collect, hold and use the following special category data about you:

#### **Equal opportunities monitoring**

Equal opportunities monitoring data which could include information about your race or ethnicity, religious beliefs, sexual orientation or health. We use this information to monitor equality of opportunity and diversity in our recruitment process. Our additional legal ground for using this information is that the data subject has given his explicit consent to the processing of the personal data for one or more specified purposes.

#### **Adjustments for disability/medical conditions**

Information relevant to any request by you for adjustments to the recruitment process as a result of an underlying medical condition or disability. We use this information to enable us to carry out a fair, non-discriminatory recruitment process by considering/making reasonable adjustments to our process as appropriate. Our additional legal ground for using this information is that we need it to comply with a legal obligation/exercise a legal right in relation to employment – namely, the obligations not to discriminate and to make reasonable adjustments to accommodate a disability .

If you are shortlisted for a position, or you receive a conditional offer of employment, we may collect, hold and use the following additional types of special category personal data about you:

#### **Pre-employment health questionnaires/medicals**

We collect information about your health in our application form, as well as any information about underlying medical conditions and adjustments that you have brought to our attention. We use this information to assess whether you are fit to do the job with adjustments, to consider/arrange suitable adjustments and to comply with health and safety requirements. Our additional legal grounds for using this information are that: we need it to comply with a legal obligation/exercise a legal right in relation to employment – namely, the obligation to make reasonable adjustments to accommodate a disability and it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.

## **DBS checks**

We may request DBS / Barred List checks. We use this information to assess your suitability for the role and verify information provided by you. Information relating to criminal convictions is not classed as special category personal data but is still very sensitive. Its use is governed by Part 3 of the Data Protection Act 2018 – Law enforcement processing, and as with the UK GDPR there are conditions that legitimise the processing. The lawful basis that we use is that the processing is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on the controller or the data subject in connection with employment, social security or social protection, and the data subject has given consent to the processing.

Where you have given us your consent to use personal information you can withdraw your consent at any time by writing to us at the address given below. You can also object to us processing your personal data where we use the legal basis of ‘legitimate interest’.

## **How do we collect your personal data?**

You provide us with most of the personal data about you that we hold and use, for example in your written application, by completing any assessments and during any interviews.

Some of the personal data we hold and use about you is generated from internal sources during the recruitment process. For example, the person interviewing you may score your suitability for the role and we record the reasons for decisions made about whether or not your application is successful.

Some of the personal data about you that we hold and use may come from external sources. For example, where a recruitment agency provides us with a shortlist of candidates; if we offer you a role, we will carry out pre-employment checks, such as taking up references from past employers or education providers; we may ask an occupational health professional to report to us on your fitness to do the job; we may seek a criminal record check from the DBS. In some circumstances, we may ask the Home Office for information about your immigration status to verify your right to work in the UK. For some roles, we may also obtain information about you from publicly available sources, such as your LinkedIn profile or other media sources.

## **Who do we give your personal data to?**

We will not sell, distribute, share or lease your personal data with/to third parties unless we are required to do so by law or we are using these companies’ services.

When we share your personal data with third parties who perform services for us, we require them to take appropriate steps to protect your personal information, and only to use the personal information for the purpose of performing those specific services.

We currently use:

<b>PROVIDER</b>	<b>SERVICE</b>
White Bear	Website provision & maintenance
Outlook/ 365 / TEAMS /David Allen IT	Email and IT provision
Indeed, News Quest*	Recruitment agency (e.g. indeed)
Microsoft*	IT
Home Office*	Verification of right to work

\* Please be aware that these organisations are data controllers in their own right, and by using any of them People First and you are subject to its privacy notice.

We do not necessarily give everyone's personal data to the same organisations, so if your application progresses to the point where it is necessary to pass on your personal data we will give you more details.

### **Applications online**

Unfortunately, the transmission of information via the internet is not completely secure. Although we will do our best to protect your personal data, we cannot guarantee the security of your data transmitted to our site; any transmission is at your own risk. Once we have received your information, we will use strict procedures and security features to try to prevent unauthorised access.

Transferring personal data outside the UK:

If we do transfer information outside the UK in the future, we will make sure that it is protected in the same way as if it was being used in the UK. To do this we will use one or more of these safeguards:

- Provisions are in place which permit the transfer of personal data from the UK to the EEA and to any countries which, as at 31 December 2020, were covered by a European Commission 'adequacy decision'. From this date the Information Commissioners' Office will make its own assessments of adequacy for other countries.
- For additional transfers we will implement appropriate safeguards to protect your personal information, transferring it in accordance with an applicable transfer mechanism, including use of the ICO's standard contractual clauses.
- You can find out more about these safeguards on the ICO website.

### **Consequences of not providing personal data**

We only ask you to provide personal data that we need to enable us to make a decision about whether or not to offer you a role. If you do not provide particular information to us, then we will have to make a decision on whether or not to offer you a role without that information, which in some cases could result in us deciding not to recruit you. For example, if we ask you to provide a certificate verifying a qualification and you do not, we will have to decide whether to recruit you without that information. If you do not provide us with names of referees, we will not usually be able to offer you the role. In addition, some of the personal data you provide to us is required by law. For example, if you do not provide us with the documentation we need to check your right to work in the UK, then we cannot by law employ you.

If you choose not to provide us with personal data requested, we will tell you about the implications of any such decision at the relevant time.

### **How long will we keep your personal data?**

We will keep your personal data throughout the recruitment process.

If your application is successful, when you start work for us you will be issued with an Employee Privacy Notice which will include information about what personal data we keep from the

recruitment process and how long we keep your personal data whilst you are working for us and after you have left.

If your application is unsuccessful, we will keep personal data for up to 6 months from the date we notify you of our decision. There may, however, be circumstances in which it is appropriate for us to keep particular items of your personal data for longer. We will base these decisions on relevant circumstances at the time, and inform you of any such decision in accordance with your rights under data protection legislation.

## References

When you give us details of referees, we require you to inform them what personal data of theirs you are giving to us. You must also give them our contact details and let them know that they should contact us if they have any queries about how we will use their personal data.

## Your rights

You have a number of legal rights relating to your personal data, which are outlined here:

- **The right to make a subject access request.** This enables you to receive certain information about how we use your data, as well as to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- **The right to request that we correct incomplete or inaccurate** personal data that we hold about you.
- **The right to request that we delete or remove** personal data that we hold about you where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have exercised your right to object to processing (see below).
- **The right to object to our processing** your personal data where we are relying on our legitimate interest (or those of a third party), where we cannot show a compelling reason to continue the processing
- **The right to request that we restrict our processing** of your personal data. This enables you to ask us to suspend the processing of personal data about you, for example if you want us to establish its accuracy or the reason for processing it.
- **The right to withdraw your consent to us using your personal data.** As described above, we do not normally rely on your consent as the legal ground for using your personal data. However, if we *are* relying on your consent as the legal ground for using any of your personal data and you withdraw your consent, you also have the right to request that we delete or remove that data, if we do not have another good reason to continue using it.
- **The right to request that we transfer** your personal data to another party, in respect of data that you have provided where our legal ground for using the data is that it is necessary for the performance of a contract or that you have consented to us using it (this is known as the right to “data portability”).

If you would like to exercise any of the above rights, please contact Edith McColgan, Finance and Operations Director, People First, Milbourne Street, Carlisle, CA2 5XB. Note that these rights are not absolute and in some circumstances we may be entitled to refuse some or all of your request.

If you have any questions or concerns about how your personal data is being used by us, you can contact Edith McColgan, Finance and Operations Director, People First, Milbourne Street, Carlisle, CA2 5XB.

Note too that you have the right to make a complaint at any time:

- to the organisation, by writing to the Finance and Operations Director , People First, Milbourne Street, Carlisle, CA2 5XB. Or emailing [HR@wearepeoplefirst.co.uk](mailto:HR@wearepeoplefirst.co.uk)
- to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues. Details of how to contact the ICO can be found on their website: [www.ico.org.uk](http://www.ico.org.uk)

**Updated by DPO – April 2021**

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