

## GDPR PRIVACY NOTICE FOR JOB APPLICANTS

### 1. Introduction

- 1.1 YMCA Fylde Coast is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you.
- 1.2 You are being sent a copy of this privacy notice because you are applying for work with us (whether as an employee, worker or contractor). It makes you aware of how and why your personal data will be used, namely for the purposes of the recruitment exercise, and how long it will usually be retained for. It provides you with certain information that must be provided under the General Data Protection Regulation ((EU) 2016/679) and all applicable regulations, domestic legislation, successor legislation relating to the protection of individuals with regards to the processing of personal data to which the Company and any Group Company is subject to (GDPR).

### 2. Data protection principles

- 2.1 We will comply with data protection law and principles, which means that your data will be:
  - 2.1.1 Used lawfully, fairly and in a transparent way.
  - 2.1.2 Collected only for valid purpose that we have clearly explained to you and not used in any way that is incompatible with these purposes.
  - 2.1.3 Relevant to the purposes we have told you about and limited only to those purposes.
  - 2.1.4 Accurate and kept up to date.
  - 2.1.5 Kept only as long as necessary for the purposes we have told you about.
  - 2.1.6 Kept securely.

### 3. The kind of information we hold about you

- 3.1 In connection with your application for work with us, we will collect, store, and use ("process") the following categories of personal information about you:
  - 3.1.1 The information you have provided to us in your curriculum vitae and covering letter.
  - 3.1.2 The information you have provided on our application form and equal opportunities form, including name, title, address, telephone number,

personal email address, National Insurance Number, age range, gender, employment history, qualifications, skills, experience, employment history, marital status and number of dependants.

- 3.1.3 Any information you have provided about your current level of remuneration or employment benefits.
  - 3.1.4 Any information you have provided relevant to requesting that we make reasonable adjustments during the recruitment process, including whether or not you have a disability.
  - 3.1.5 Any information about your entitlement to work in the UK
  - 3.1.6 Any information you provide to us during an interview.
- 3.2 We may also collect, store and use the following "special categories" of more sensitive personal information:
- 3.2.1 Information about your race or ethnicity and religious beliefs.
  - 3.2.2 Information about criminal convictions and offences.

#### **4. How your personal information is collected**

- 4.1 We collect personal information about job applicants from a variety of sources. This information may be supplied by you in application forms or CVs, contained in your passport or identity documents, or collected through interviews and other forms of assessment [including online assessment].

We will also collect personal data about you from third parties:

- 4.1.1 Disclosure and Barring Service in respect of criminal convictions.
- 4.1.2 Your named referees, from whom we collect the following categories of data: dates of employment, job role, reason for leaving, competency in a range of areas and number of absence days.

#### **5. Why we process your personal data**

- 5.1 We need to process data to take steps at your request prior to entering into a contract with you. We also need to process your data to enter into any contract with you.
- 5.2 In some cases, we need to process data to ensure that we are complying with legal obligations. For example, it is required to check a successful applicant's eligibility to work in the UK before employment starts.

- 5.3 We have a legitimate interest in processing personal data during the recruitment process and for keeping records of the process. Processing data from job applicants allows the organisation to manage the recruitment process, assess and confirm a candidate's suitability for employment and decide to whom to offer a job. We may also need to process data from job applicants to respond to and defend against legal claims.
- 5.4 Where we rely on legitimate interests as a reason for processing data, we have considered whether or not those interests are overridden by the rights and freedoms of employees or workers and has concluded that they are not.
- 5.5 We process health information if we need to make reasonable adjustments to the recruitment process for candidates who have a disability. This is to carry out our obligations and exercise specific rights in relation to employment.
- 5.6 [Where we process other special categories of data, such as information about ethnic origin or religion or belief, this is for equal opportunities monitoring purposes.
- 5.7 For some roles, we are obliged to seek information about criminal convictions and offences. Where we seek this information, we do so because it is necessary to carry out our obligations and exercise specific rights in relation to employment.
- 5.8 We will not use your data for any purpose other than the recruitment exercise for which you have applied.

## **6. Who has access to your personal information**

- 6.1 Your information will be shared internally for the purposes of the recruitment exercise. This includes members of the HR and recruitment team, interviewers involved in the recruitment process, managers in the business area with a vacancy.
- 6.2 The organisation will not share your data with third parties, unless your application for employment is successful and it makes you an offer of employment. The organisation will then share your data with former employers to obtain references for you and the Disclosure and Barring Service to obtain necessary criminal records checks.
- 6.3 The organisation will not transfer your data outside the European Economic Area.

## **7. If you fail to provide personal information**

- 7.1 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 references for this role and you fail to provide us with relevant details, we will not be able to take your application further.

## **8. Information about criminal convictions – Regulated Activities and / or Roles**

- 8.1 We envisage that we will process information about criminal convictions.
- 8.2 We will collect information about your criminal convictions history if we would like to offer you work and / or roles involving Regulated Activities (conditional on checks and any other conditions, such as references, being satisfactory). We are required to carry out a criminal records check in order to satisfy ourselves that there is nothing in your criminal convictions history which makes you unsuitable for the role. In particular:
  - 8.2.1 We are legally required by the Disclosure and Barring Service to carry out criminal record checks for those carrying out Regulated Activities and / or Roles.
  - 8.2.2 Roles involving working with children or vulnerable adults are listed on the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (*SI 1975/1023*) and are also specified in the Police Act 1997 (Criminal Records) Regulations (*SI 2002/233*), so are eligible for an enhanced check from the Disclosure and Barring Service.
  - 8.2.3 For roles requiring a high degree of trust and integrity (e.g. working with high values of Company money) we would like to ask you to seek a basic disclosure of your criminal records history.
- 8.3 We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data.

## **9. Automated decision-making**

- 9.1 You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making.

## **10. Data security**

- 10.1 We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need-to-know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality. Details of these measures may be obtained from the Data Protection Officer.

- 10.2 We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

## **11. How long we will retain and process your personal information**

- 11.1 If your application for employment is unsuccessful, we will hold your data on file for two months after the closing date of the relevant recruitment process. At the end of that period or once you withdraw your consent, your data is deleted or destroyed.
- 11.2 If your application for employment is successful, personal data gathered during the recruitment process will be transferred to your personnel file and retained during your employment. The periods for which your data will be held will be provided to you in a new privacy notice at the time of your appointment.

## **12. Rights of access, correction, erasure, and restriction**

- 12.1 Under certain circumstances, by law you have the right to:
- 12.1.1 Request access to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
  - 12.1.2 Request correction of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
  - 12.1.3 Request erasure of your personal information. This enables you to ask us to delete or remove personal information 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 information where you have exercised your right to object to processing (see below).
  - 12.1.4 Object to processing of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
  - 12.1.5 Request the restriction of processing of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
  - 12.1.6 Request the transfer of your personal information to another party.

12.2 If you want to exercise any of these rights please contact the Data Protection Officer in writing.

**13. Withdrawing your consent for us to process your personal information**

13.1 In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the Data Protection Officer. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law, and as notified to you in this privacy notice.

**14. Queries or complaints about how we process your personal information**

14.1 If you have any questions about this privacy notice or how we handle your personal information, please contact the Data Protection Officer in writing.

14.2 You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK regulatory authority for data protection issues.

I, \_\_\_\_\_ (candidate name), acknowledge that on \_\_\_\_\_ (date), I received a copy of YMCA White Rose Candidate Privacy Notice and that I have read and understood it.

Signature

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Name

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