



An ESG Company

Job Application Privacy Notice

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23.04.18	0.1	D Buchan	Initial Draft
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Job Applicant Privacy Notice

This Job Applicant Privacy Notice sets out what personal data we, Utiligroup, 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, worker, contractor, consultant, intern, volunteer, partner or director (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.

It is important that you read the Privacy Notice carefully. Should your application be successful, when you start work for us, we will provide you with another privacy notice that explains how we deal with your personal data whilst you are working for us.

This Privacy Notice applies from 25 May 2018, when the General Data Protection Regulation comes into force. It does not give you any contractual rights. We may update this Privacy Notice at any time.

Who is the controller?

Utiligroup 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. Special category data relates to 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.

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, photograph (if on your CV), employment history, experience, skills, qualifications/training (including educational, vocational, driving licences where appropriate), referees' names and contact details, etc.
- Selection information, including correspondence, interview notes, internal notes, the results of any written or online selection tests

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 checks 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 the company;
- 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 (If you were successful) 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, or 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.

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.

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

We collect information about your health in a pre-employment medical questionnaire, 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.

Criminal records information/DBS checks

We may request criminal records checks from the DBS. We use this information to assess your suitability for the role and verify information provided by you.

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, 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 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.

Who do we share your personal data with?

We engage recruitment agencies to provide us with the details of suitable candidates for our available vacancies, to communicate with those candidates, to handle administration in connection with the recruitment process. If we have received your initial application details from a recruitment agency, we will share with them any of your personal data that is necessary to enable them to fulfil their functions for us. Our legal grounds for doing so are that: it is necessary for entry into a contract; and it is in our legitimate interest to engage service providers to assist us with the recruitment process.

Medical/occupational health professionals

We may share information relevant to any request by you for adjustments to the recruitment process as a result of an underlying medical condition or disability with medical/occupational health professionals to enable us to identify what, if any, adjustments are needed in the recruitment process and, if you are successful, once you start work. This information may also be used by the medical/occupational health professionals to carry out assessments required by health and safety legislation. Our legal grounds for sharing this personal data are that: it is necessary for entry into a contract.

Legal/professional advisers

We share any of your personal data that is relevant, where appropriate, with our legal and other professional advisers, in order to obtain legal or other professional advice about matters related to you or in the course of

dealing with legal disputes with you or other Job Applicants. It is in our legitimate interests to seek advice to clarify our rights/obligations and appropriately defend ourselves from potential claims; it is necessary to comply with our legal obligations/exercise legal rights in the field of employment; and it is necessary to establish, exercise or defend legal claims.

Home Office

We may share your right to work documentation with the Home Office, where necessary, to enable us to verify your right to work in the UK. Our legal ground for sharing this personal data is to comply with our legal obligation not to employ someone who does not have the right to work in the UK.

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. 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 or a reference when asked, 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.

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 your 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, taking into account the following criteria:

- the amount, nature, and sensitivity of the personal data
- the risk of harm from unauthorised use or disclosure
- the purposes for which we process your personal data and how long we need the particular data to achieve these purposes
- how long the personal data is likely to remain accurate and up to date
- for how long the personal data might be relevant to possible future legal claims
- any applicable legal, accounting, reporting or regulatory requirements that specify how long certain records must be kept

In all cases, we will not keep your personal data for longer than we need it for our legitimate purposes.

References

If 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:

- 1. The right to be informed**
- 2. The right of access**
- 3. The right to rectification**
- 4. The right to erasure**
- 5. The right to restrict processing**
- 6. The right to data portability**
- 7. The right to object**
- 8. Rights in relation to automated decision making and profiling.**

For more information on the subject can be found on

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

If you have any questions please contact DPO@utiligroup.com in writing.