

Prospect: JOB APPLICANTS Privacy Policy

Reference: GDPR REC 4.1
Issue No: 1
Issue Date: 25th May 2018



Prospect is committed to protecting your privacy and complying with our obligations under the GDPR and Data Protection Act 2018.

Scope

1. This policy applies to Prospect's Job Applicants. If you are in this category then you are a "data subject" for the purposes of this policy.
2. Prospect has a separate privacy policy in respect of employees. A copy of this is provided with your job confirmation letter and also available on Prospect's Intranet.
3. The Data Protection and Compliance Officer is responsible for reviewing this policy and updating Prospects Senior Management team on Prospect's data protection responsibilities and any risks in relation to processing data.
4. This policy explains how Prospect will hold and process your information. It explains your rights as a data subject.

"Data Controller"

5. Prospect is a "data controller" for the purposes of your personal data. This means that we determine the purpose and means of the processing of your personal data. It is possible that in some circumstances other professional advisers may be considered to be data controllers. This might include the Union's auditor or legal advisers.

Our Job Applicant Privacy Policy

6. When you apply for a job with Prospect, you trust us with your information. This privacy policy is to help you understand what data we collect, why we collect it and what we do with it. Please take the time to read it carefully.
7. You can also contact us at HR@prospect.org.uk any time to ask for more information about how your data is used.

8. From time to time we may update this policy, or change the providers and partners that we work with. We encourage you to check this document regularly if you would like to know about any updates.

What is "Personal Data"?

9. **Personal data** means information which relates to a living person who can be **identified** from that data (a "**data subject**") on its own, or when taken together with other information which is likely to come into our possession. It includes any expression of opinion about the person and an indication of the intentions of us or others, in respect of that person. It does not include anonymised data.
10. This policy applies to all personal data whether it is stored electronically, on paper or on other materials.
11. This personal data might be provided to us by you, or someone else (such as a former employer, or your doctor, or it could be created by us. It could be provided or created during the recruitment process or during the course of the contract of employment (or services) or after its termination. It could be created by your manager or other colleagues.

Special categories of personal data.

12. "Special categories of personal data" are types of personal data consisting of information as to:
 - your racial or ethnic origin;
 - your political opinions;
 - your religious or philosophical beliefs;
 - your trade union membership;
 - your genetic or biometric data;
 - your health;
 - your sex life and sexual orientation; and
 - any criminal convictions and offences.

13. We may hold and use any of these special categories of your personal data in accordance with the law.

14. We will only process special categories of your personal data in certain situations in accordance with the law. For example, we can do so if we have your explicit consent. If we asked for your consent to process a special category of personal data then we would explain the reasons for our request. You do not need to consent and can withdraw consent later if you choose by contacting the Data Protection and Compliance Officer.

15. We do not need your consent to process special categories of your personal data when we are processing it for the following purposes, which we may do:

- where it is necessary for carrying out rights and obligations under employment law;
- where it is necessary to protect your vital interests or those of another person where you/they are physically or legally incapable of giving consent;
- where you have made the data public;
- where processing is necessary for the establishment, exercise or defence of legal claims; and
- where processing is necessary for the purposes of occupational medicine or for the assessment of your working capacity.

16. We might process special categories of your personal data for the purposes in paragraph 21 below. In particular, we will use information in relation to:

- your race, ethnic origin, religion, sexual orientation or gender to monitor equal opportunities; and
- your health and medical conditions to comply with our legal obligations under employment law including to make reasonable adjustments and to look after your health and safety.

“Processing” your Personal Data

17. “Processing” means any operation which is performed on personal data such as:

- collection, recording, storage;
- adaption;
- retrieval;
- correction; and
- disclosure.

How will we process your personal data?

18. Prospect will process your personal data (including special categories of personal data) in accordance with our obligations under the 2018 Act.

19. We will use your personal data for:

- complying with any legal obligation; or
- if it is necessary for our legitimate interests (or for the legitimate interests of someone else). However, we can only do this if your interests and rights do not override ours (or theirs). You have the right to challenge our legitimate interests and request that we stop this processing. See details of your rights below.

20. We can process your personal data for these purposes without your knowledge or consent. We will not use your personal data for an unrelated purpose without telling you about it and the legal basis that we intend to rely on for processing it.

When we might process your personal data

21. We have to process your personal data in various situations during your recruitment. For example:

- to decide whether to employ (or engage) you;

- to decide how much to pay you, and the other terms of your contract with us;
- to check you have the legal right to work for us;
- to determine whether we need to make reasonable adjustments to the recruitment process and/or role because of your disability;
- to monitor diversity and equal opportunities;

22. All of the information you provide during the process will only be used for the purpose of progressing your application, or to fulfil legal or regulatory requirements if necessary.

23. We will not share any of the information you provide during the recruitment process with any third parties for marketing purposes or store any of your information outside of the European Economic Area. The information you provide will be held securely by us and/or our data processors whether the information is in electronic or physical format.

24. We do not collect more information than we need to fulfil our stated purposes and will not retain it for longer than is necessary.

Application stage

25. You will be asked to complete an application form. As part of this process we ask you for your personal details including name and contact details. We will also ask you about your previous experience, education, referees and for answers to questions relevant to the role you have applied for. Our recruitment team will have access to all of this information.

26. You will also be asked to provide equal opportunities information. This is not mandatory information – if you do not provide it, it will not affect your application. This information will not be made available to any employee outside of our recruitment team, including hiring managers, in a way which can identify you. Any

information you do provide will be used only to produce and monitor equal opportunities statistics.

Shortlisting

27. Our hiring managers' shortlist applicants for interview. They will not be provided with your equal opportunities information if you have provided it.

Assessment

28. We might ask you to participate in assessment days i.e. complete tests and/or attend an interview – or a combination of these. Information will be generated by you and by us. For example, you might complete a written test or we might take interview notes. This information is held by Prospect.

29. If you are unsuccessful following assessment for the position you have applied for your details will be retained for a period of 6 months, after which they will be deleted/destroyed.

30. Equal opportunities information is retained for 6 months following the closure of the campaign if you are unsuccessful for the role.

How long is the information retained for?

31. If you are unsuccessful at any stage of the process, the information you have provided until that point will be retained for 6 months from the closure of the campaign. After which it will be deleted/destroyed.

How we Collect and Store the Data

32. We collect personal data in a variety of ways. For example, data is collected through application forms or CVs; obtained from your passport or other identity documents such as your driving licence; from forms completed by you at the start of or during employment (such as benefit nomination forms); from correspondence with you; or through interviews, meetings or other assessments.

33. Data is stored in a range of different places, including on your personnel file, in Prospect's Finance and HR management systems and in other IT systems (including Prospect's email system).

Who has access to your personal data?

34. Your information will be shared internally, including with members of the HR and recruitment team, and relevant staff in the business area in which you are applying to work.

35. Prospect will not transfer your data to countries outside the European Economic Area.

Your rights

36. As a data subject, you have a number of rights. You can:

- access and obtain a copy of your data on request;
- require Prospect to change incorrect or incomplete data;
- require Prospect to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing;
- object to the processing of your data where Prospect is relying on its legitimate interests as the legal ground for processing; and
- ask Prospect to stop processing data for a period if data is inaccurate or there is a dispute about whether or not your interests override Prospect's legitimate grounds for processing data.

37. To make a Data Subject request to Prospect for any personal information we may hold you need to put the request in writing addressing it to Data Protection Officer, New Prospect House, Leake Street, SE1 7NN or by emailing compliance@prospect.org.uk.

38. If you believe that Prospect has not complied with your data protection rights, you can complain to the Information Commissioner.

Complaints or queries

39. Prospect tries to meet the highest standards when collecting and using personal information, for this reason, we take any complaints we receive about this very seriously. We encourage people to bring it to our attention if they think that our collection or use of information is unfair, misleading or inappropriate. We would also welcome any suggestions for improving our procedures.

40. You have the right to lodge a complaint to the Information Commissioners' Office if you believe that we have not complied with the requirements of the GDPR or DPA 18 with regard to your personal data.

Identity and contact details of controller and Data Protection and Compliance Officer

41. Prospect is the controller of data for the purposes of the DPA 18 and GDPR.

42. If you have any concerns as to how your data is processed you can contact the Head of Human Resources who will direct your concerns to Data Protection and Compliance Officer:

- Email: HR@Prospect.org.uk
- Address: Human Resources, New Prospect House, Leake Street, SE1 7NN

43. This privacy policy was drafted with brevity and clarity in mind. It does not provide exhaustive detail of all aspects of Prospect's collection and use of personal information. However, we are happy to provide any additional information or explanation needed. Any requests for this should be sent to the address above.