

## GDPR PRIVACY NOTICE FOR UK CANDIDATES

### 1. What is the purpose of this document?

- 1.1 Julie Stewart t/a Stewart Law Solicitors is a “data controller”. This means that we are responsible for deciding how we hold and use personal information about you. This privacy notice is relevant to you if you are considering applying to work with us (whether as an officer, employee, worker, volunteer, work experience person, apprentice, contractor, agency worker or consultant). This notice will make you aware of how and why your personal data will be used and how long it will usually be retained for. It also provides you with certain information that must be provided under the General Data Protection Regulation (EU) 2016/679 (“**GDPR**”).

### 2. Data protection principles

- 2.1 We will comply with data protection law and principles. This means that your data will be:
- (a) Used lawfully, fairly and in a transparent way.
  - (b) Collected only for valid purposes, which we have clearly explained to you, and not used in any way that is incompatible with those purposes.
  - (c) Relevant to the purposes we have told you about and limited only to those purposes.
  - (d) Accurate and kept up to date.
  - (e) Kept only as long as necessary for the purposes we have told you about.
  - (f) 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 the following categories of personal information about you:
- (a) The information you have provided to us within any application correspondence and documentation, which may include your name, title, address, telephone numbers, e-mail address, date of birth, gender, employment history, qualifications, related module scores, your interests and right to work information.
  - (b) The information you have provided to us in your curriculum vitae and covering letter, which may include some or all of the above.
  - (c) Any information you provide to us during an interview or in wider correspondence, which may also include some or all of the above.
  - (d) Assessment answers and results, including presentations, test answers, test scores and personality test results.

3.2 We may also collect, store and process the following “special categories” of more sensitive personal information:

- (a) Information about your race, nationality or ethnicity, religious beliefs, sexual orientation and political opinions.
- (b) Information about your health, including any medical condition, health and sickness records.
- (c) Information about criminal convictions and offences.

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

4.1 We may collect personal information about candidates from the following sources:

- (a) You, the candidate.
- (b) Your recruitment agency, from which we may collect data including name, title, address, telephone number(s), e-mail address, date of birth, gender, employment history, qualifications and related module scores.
- (c) Your named referees, from whom we will collect references. Whilst we can never be certain what data will be included within a reference, we expect it may include your name, title, gender, employment history, nationality, right to work, qualifications and address location.
- (d) Any entity, such as a vetting agency or background check provider, which can attest to the veracity of information provided at any point during our recruitment process.
- (e) The Disclosure and Barring Service in respect of criminal convictions.
- (f) HMRC in relation to HMRC employment status checks and details of your interest in and connection with the intermediary through which your services may be supplied.
- (g) Immigration bodies, with whom we need to liaise in order to ensure right to work legislation is adhered to, including in respect of the provision/obtaining of appropriate visas.
- (h) Our credit reference agency, from which we may collect data including name, title, address, telephone number(s), e-mail address, date of birth, gender, employment history, qualifications and related module scores collect and credit history information on you.
- (i) Publicly accessible sources such as Facebook, Twitter, Instagram, LinkedIn and any other social media or online profiles. Dependent upon what you make discoverable upon your own profile, we may process data relating to name, title, address, telephone numbers, e-mail address, date of birth, gender, relationship/marital status, sexual orientation, friends/family identities,

employment history and qualifications.

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

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

- (a) Assess your skills, qualifications, and suitability for the role/work.
- (b) Carry out background, reference and right to work checks, where applicable.
- (c) Communicate with you about the recruitment process.
- (d) Keep records related to our hiring processes.
- (e) Comply with legal and/or regulatory requirements.

5.2 It is in our legitimate interests to decide whether to appoint you to a role/undertake work, since it would be beneficial to our business to appoint someone to that role/carry out that work.

5.3 We also need to process your personal information to decide whether to enter into a contract with you.

5.4 Having received your application form and assessment results, as well as any CV or covering letter, we will then process that information to decide whether you meet the basic requirements to be shortlisted for the role/work. 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 will use the information you provide to us at the interview to decide whether to offer you the role/work, including any assessments undertaken at it. If we decide to offer you the role/work, we will then take up references, carry out background checks and carry out any further checks we deem necessary in the circumstances before confirming your appointment.

5.5 If those checks and references are satisfactory, and you accept our offer of employment/work then any information collected under this notice will be used for your induction and during your employment/service. It is in our legitimate interest to process this information in this way, as:

- (a) The information is required for us to take you on for the role/work.
- (b) It saves the time and expense of deleting and regathering data.

5.6 Please note that this does not constitute a change of purpose, but rather an explicit purpose at the point of collection (and provision by you). To the extent that this may be considered to be a change of purpose, that new purpose is entirely compatible with any original purpose for which the data was collected, and you are notified of it here.

5.7 For further information on the treatment of data during and after employment/service, please see our GDPR Privacy Notice for UK Employees, Workers and Contractors Etc., which is available on our website.

### If you fail to provide personal information

5.8 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 contact details or references for this role/work, and you fail to provide us with relevant details, we will not be able to take your application further. Note that the provision of personal data is not a requirement for our decision to offer you employment/work, but rather the ability for us to collect, store and process the data is a necessity for us to take your application forward.

## **6. How we use particularly sensitive personal information**

6.1 We will use your particularly sensitive personal information in the following ways:

- (a) We will use information about your disability status and any wider medical information to consider whether we need to provide appropriate adjustments during the recruitment process and in connection with any role/work offered.
- (b) We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting and to carry out right to work checks.

## **7. Information about criminal convictions**

7.1 We envisage that we may process information about criminal convictions.

7.2 We will collect information about your criminal convictions history if we would like to offer you the role/work (conditional on checks and any other conditions, such as references, being satisfactory). We may be entitled (and potentially 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/work. In particular:

- (a) Where we are legally required by a regulatory body to carry out criminal record checks for the role/work for which you have applied.
- (b) Where the role/work for which you have applied is one which is listed on the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (*SI 1975/1023*) and/or is also specified in the Police Act 1997 (Criminal Records) Regulations (*SI 2002/233*) and so may be eligible for a standard or enhanced check from the Disclosure and Barring Service.
- (c) Where the role/work for which you have applied requires a high degree of trust and integrity and so we would like to ask you to seek a basic disclosure of your criminal records history.

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

## **8. Automated decision-making**

8.1 Automated decision-making takes place when an electronic system uses personal information to make a decision, without human intervention, which produces legal effects for you or similarly significant effects for you. We are allowed to use automated decision-making in the following circumstances:

- (a) Where we have notified you of the decision and given you 21 days to request a reconsideration.
- (b) Where it is necessary to perform the contract with you and appropriate measures are in place to safeguard your rights.
- (c) With your explicit written consent and where appropriate measures are in place to safeguard your rights.
- (d) Where it is authorised by relevant/applicable EU or national law to which we are subject, which has suitable measures to safeguard your rights, freedoms and legitimate interests.

8.2 If we make an automated decision on the basis of any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard your rights.

8.3 You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so.

## **9. Data sharing**

9.1 We will only share your personal information with the following third parties for the purposes of processing your application, complying with our legal obligations, and/or for the purpose of a legitimate interest pursued by us or a third party (including, for example, defending against legal action):

- (a) Your referees or entities, which can attest to the veracity of information provided at any point during our recruitment process.
- (b) Our security and background check companies.
- (c) The Disclosure and Barring Service.
- (d) Our credit reference agency.
- (e) Any other legal entity within any future group structure.
- (f) Any legal entity, which we are involved in a potential sale, acquisition, merger, TUPE transfer or other deal of relevance with.
- (g) Regulators, e.g. the ICO.

(h) Enforcement bodies, e.g. the Police.

9.2 All our third party service providers, are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

## 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, on request, from our 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. Data retention

11.1 If your application is successful, your information will be retained in line with our GDPR Employment Records, Retention and Erasure Guidelines, which can be accessed via our website.

11.2 Otherwise, we will retain your personal information for a period of six months after we have communicated to you our decision not to appoint you to a given role/piece of work. We retain your personal information for that period so that we can show, in the event of a legal claim, that we have not discriminated against candidates on prohibited grounds and that we have conducted the recruitment exercise in a fair and transparent way. After this period, we will securely destroy your personal information in accordance with our guidelines and any applicable laws and regulations.

11.3 If we wish to retain your personal information on file, on the basis (for example) that a further opportunity may arise in future, for which we may wish to consider you, we will write to you separately, seeking your explicit consent to retain your personal information for a fixed period on that basis. If we do not receive a response from you, we must assume that you do not consent. We will destroy your personal data (in accordance with our guidelines) on the later of the expiry of that two week response window and the six month retention window.

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

12.1 Under certain circumstances, by law you have the right to:

(a) **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.

- (b) **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.
- (c) **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).
- (d) **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.
- (e) **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.
- (f) **Request the transfer** of your personal information to another party.

12.2 If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact our Data Protection Officer in writing.

### 13. **Right to withdraw consent**

13.1 When you applied for this role, you consented to us processing your personal information for the purposes of the recruitment exercise. You have the right to withdraw your consent for processing for that purpose at any time. To withdraw your consent, please contact our Data Protection Officer in writing. Once we have received notification that you have withdrawn your consent, we will, subject to any other legal basis on which to process data, no longer process your application and we will dispose of your personal data securely in line with our guidelines.

13.2 Please note that:

- (a) The withdrawal of consent does not affect the legality of collection, storage or processing of your data, whose lawfulness was based on consent, prior to your withdrawal of consent.
- (b) Due to the legitimate purpose of protecting ourselves against legal action, as well as our legal obligations, the period of retention will almost certainly not vary from that described in Section 11 on Data retention.

- (c) The provision of consent to collect, store or process personal data is not a requirement for our decision to offer you employment/work, but rather the ability for us to collect, store and process the data is a necessity for us to take your application forward.

**14. Data Protection Officer**

14.1 We have appointed a Data Protection Officer (DPO) to oversee compliance with this privacy notice. If you have any questions about this privacy notice, or how we handle your personal information, please contact our Data Protection Officer. You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), which is the UK supervisory authority for data protection issues.

14.2 Our Data Protection Officer's contact details are as follows:

The Data Protection Officer  
Stewart Law Solicitors  
The Stables  
The Garden House  
Crouchmans Farm Road  
Ulting  
Maldon  
Essex  
CM9 6QS