**GDPR Data Protection Privacy Notice (Recruitment)**

*IMPORTANT NOTICE*

*This policy does not constitute legal advice. The policy should be tailored to reflect the Employer’s specific requirements following a data audit in accordance with the legislation, guidance and Codes of Practice issued by the Information Commissioner. This policy is designed to be used in conjunction with a Data Retention Policy and a Data Security Policy, which will be standard across your organisation and not specific to HR.*

# [Insert name of organisation]

# Data protection privacy notice (recruitment)

This notice explains what personal data (information) we will hold about you, how we collect it, and how we will use and may share information about you during the application process. We are required to notify you of this information, under data protection legislation. Please ensure that you read this notice (sometimes referred to as a ‘privacy notice’) and any other similar notice we may provide to you from time to time when we collect or process personal information about you.

# Who collects the information

[Insert name of employer] **[**trading as [insert trading name, if different]**]** (‘Company’) is a ‘data controller’ and gathers and uses certain information about you.**[** This information is also used by our affiliated entities and group companies, namely [insert details or a link, or otherwise show where details of group companies can be obtained] (our ‘group companies’) and so, in this notice, references to ‘we’ or ‘us’ mean the Company and our group companies.**]**

# Data protection principles

We will comply with the data protection principles when gathering and using personal information, as set out in our [data protection (employment) policy].

# **[**About the information we collect and hold (Option 1)

## What information

We may collect the following information up to and including the shortlisting stage of the recruitment process:

* Your name and contact details (ie address, home and mobile phone numbers, email address);
* Details of your qualifications, experience, employment history (including job titles**[**, salary**]** and working hours) and interests;
* Your racial or ethnic origin, sex and sexual orientation, religious or similar beliefs;
* **[**Information regarding your criminal record;**]**
* Details of your referees.

We may collect the following information after the shortlisting stage, and before making a final decision to recruit:

* Information about your previous academic and/or employment history, including details of any conduct, grievance or performance issues, appraisals, time and attendance, from references obtained about you from previous employers and/or education providers ☐;
* Information regarding your academic **[**and professional **]**qualifications ☐;
* **[**Information regarding your criminal record, in criminal records certificates (CRCs) and enhanced criminal records certificates (ECRCs) ☐;**]**
* Your nationality and immigration status and information from related documents, such as your passport or other identification and immigration information ☐;
* A copy of your driving licence ☐.

**[**You are required (by law or in order to enter into your contract of employment) to provide the categories of information marked ‘☐’ above to us to enable us to verify your right to work and suitability for the position.**]**

## How we collect the information

We may collect this information from you, your referees (details of whom you will have provided), your education provider**[**, the relevant professional body**][**, the Disclosure and Barring Service (DBS)**]** and the Home Office.

## Why we collect the information and how we use it

We will typically collect and use this information for the following purposes (other purposes that may also apply are explained in our [set out details, eg data protection policy]):

* to take steps to enter into a contract;
* for compliance with a legal obligation (eg our obligation to check that you are eligible to work in the United Kingdom);
* for the performance of a task carried out in the public interest; and
* for the purposes of our legitimate interests, but only if these are not overridden by your interests, rights or freedoms.

We seek to ensure that our information collection and processing is always proportionate. We will notify you of any changes to information we collect or to the purposes for which we collect and process it.

## How we may share the information

We may also need to share some of the above categories of personal information with other parties, such as HR consultants and professional advisers. Usually, information will be anonymised but this may not always be possible. The recipient of the information will be bound by confidentiality obligations. We may also be required to share some personal information **[**with our regulators or **]**as required to comply with the law.

## Sensitive personal information**[** and criminal records information**]**

Further details on how we handle sensitive personal information **[**and information relating to criminal convictions and offences **]**are set out in our [set out details of policy on processing special categories of data, and, where relevant policy on criminal records information, as required under Data Protection Bill], available [set out details of how the employee can access the policy/policies, eg from the HR department].

OR

# About the information we collect and hold (Option 2)

The table set out in Part A of the Schedule below summarises the information we collect and hold up to and including the shortlisting stage of the recruitment process, how and why we do so, how we use it and with whom it may be shared.

The table in Part B of the Schedule below summarises the additional information we collect before making a final decision to recruit, ie before making an offer of employment unconditional, how and why we do so, how we use it and with whom it may be shared.

We seek to ensure that our information collection and processing is always proportionate. We will notify you of any changes to information we collect or to the purposes for which we collect and process it.**]**

# Where information may be held

Information may be held at our offices and those of our group companies, and third party agencies, service providers, representatives and agents as described above.

# How long we keep your information

We keep the personal information that we obtain about you during the recruitment process for no longer than is necessary for the purposes for which it is processed. How long we keep your information will depend on whether your application is successful and you become employed by us, the nature of the information concerned and the purposes for which it is processed.

We will keep recruitment information (including interview notes) for no longer than is reasonable, taking into account the limitation periods for potential claims such as race or sex discrimination (as extended to take account of early conciliation), after which they will be destroyed. If there is a clear business reason for keeping recruitment records for longer than the recruitment period, we may do so but will first consider whether the records can be pseudonymised, and the longer period for which they will be kept.

If your application is successful, we will keep only the recruitment information that is necessary in relation to your employment. For further information, see [our data protection privacy notice (employment)].

**[**Further details on our approach to information retention and destruction are available in our [set out details of information retention or data protection policy that gives these details].**]**

# **Your rights to correct and access your information and to ask for it to be erased**

Please contact **[**our Data Protection Officer (DPO) OR [insert name]**]**, who can be contacted [set out details of how DPO/named person can be contacted, eg email and telephone number] if (in accordance with applicable law) you would like to correct or request access to information that we hold relating to you or if you have any questions about this notice. You also have the right to ask **[**our Data Protection Officer OR [insert name]**]** for some but not all of the information we hold and process to be erased (the ‘right to be forgotten’) in certain circumstances. **[**Our Data Protection Officer OR [insert name]**]** will provide you with further information about the right to be forgotten, if you ask for it.

# Keeping your personal information secure

We have appropriate security measures in place to prevent personal information from being accidentally lost, or used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine business need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality.

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

# How to complain

We hope that **[**our Data Protection Officer OR [insert name]**]** can resolve any query or concern you raise about our use of your information. If not, contact the Information Commissioner at [https://ico.org.uk/concerns/](http://ico.org.uk/concerns/) or telephone: 0303 123 1113 for further information about your rights and how to make a formal complaint.

1. **[**About the information we collect and hold
   1. Up to and including the shortlisting stage

|  |  |  |  |
| --- | --- | --- | --- |
| **The information we collect** | **How we collect the information** | **Why we collect the information** | **How we use and may share the information** |
| **Your name and contact details (ie address, home and mobile phone numbers, email address)** | From you | Legitimate interest: to carry out a fair recruitment process  Legitimate interest: to progress your application, arrange interviews and inform you of the outcome at all stages | To enable HR personnel**[** or the manager of the relevant department**]** to contact you to progress your application, arrange interviews and inform you of the outcome  To inform the relevant manager or department of your application |
| **Details of your qualifications, experience, employment history (including job titles[**, salary**] and working hours) and interests** | From you, in the completed application form and interview notes (if relevant) | Legitimate interest: to carry out a fair recruitment process  Legitimate interest: to make an informed decision to shortlist for interview and (if relevant) to recruit | To make an informed recruitment decision  The person making the shortlisting decision will receive pseudonymised or anonymised details only; if you are invited for interview, the interviewer will receive non-anonymised details |
| **[Your name, contact details and details of your qualifications, experience, employment history and interests]** | **[**From you, in the completed application form and interview notes (if relevant)**]** | **[**Legitimate interest: to carry out a fair recruitment process**]**  **[**Legitimate interest: if you are unsuccessful in your application, your details may be passed on to an associated company to see if they have any suitable vacancies**]** | **[**To see whether an associated company has any suitable vacancies**]** |
| **Your racial or ethnic origin, sex and sexual orientation, religious or similar beliefs** | From you, in a completed anonymised equal opportunities monitoring form | To comply with our legal obligations and for reasons of substantial public interest**[** (equality of opportunity or treatment)**]** | To comply with our equal opportunities monitoring obligations and to follow our equality and other policies  For further information, see **\*** below |
| **Information regarding your criminal record** | From you, in your completed application form | To comply with our legal obligations  For reasons of substantial public interest**[** (preventing or detecting unlawful acts,**[** suspicion of terrorist financing or money laundering in the regulated sector**]** and protecting the public against dishonesty)**]** | To make an informed recruitment decision  To carry out statutory checks  Information shared with DBS and other regulatory authorities as required  For further information, see **\*** below |
| **Details of your referees** | From your completed application form | Legitimate interest: to carry out a fair recruitment process  **[**In the regulated sector, to comply with our legal obligations to obtain regulatory references**]** | To carry out a fair recruitment process  To comply with legal/regulatory obligations  Information shared with relevant managers, HR personnel and the referee |

* 1. Before making a final decision to recruit

|  |  |  |  |
| --- | --- | --- | --- |
| **The information we collect** | **How we collect the information** | **Why we collect the information** | **How we use and may share the information** |
| **Information about your previous academic and/or employment history, including details of any conduct, grievance or performance issues, appraisals, time and attendance, from references obtained about you from previous employers and/or education providers ☐** | From your referees (details of whom you will have provided) | Legitimate interest: to make an informed decision to recruit  To comply with our legal obligations  Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice | To obtain the relevant reference about you  To comply with legal/regulatory obligations  Information shared with relevant managers and HR personnel |
| **Information regarding your academic [**and professional **]qualifications ☐** | From you, from your education provider**[**, from the relevant professional body**]** | Legitimate interest: to verify the qualifications information provided by you | To make an informed recruitment decision |
| **[Information regarding your criminal record, in criminal records certificates (CRCs) and enhanced criminal records certificates (ECRCs) ☐]** | **[**From you and from the Disclosure and Barring Service (DBS)**]** | **[**To perform the employment contract**]**  **[**To comply with our legal obligations**]**  **[**Legitimate interest: to verify the criminal records information provided by you**]**  **[**For reasons of substantial public interest**[** (preventing or detecting unlawful acts,**[** suspicion of terrorist financing or money laundering in the regulated sector**]** and protecting the public against dishonesty)**]]** | **[**To make an informed recruitment decision**]**  **[**To carry out statutory checks**]**  **[**Information shared with DBS and other regulatory authorities as required**]**  **[**For further information, see **\*** below**]** |
| **Your nationality and immigration status and information from related documents, such as your passport or other identification and immigration information ☐** | From you and, where necessary, the Home Office | To enter into/perform the employment contract  To comply with our legal obligations  Legitimate interest: to maintain employment records | To carry out right to work checks  Information may be shared with the Home Office |
| **[A copy of your driving licence ☐]** | **[**From you**]** | **[**To enter into/perform the employment contract**]**  **[**To comply with our legal obligations**]**  **[**To comply with the terms of our insurance**]** | **[**To make an informed recruitment decision**]**  **[**To ensure that you have a clean driving licence**]**  **[**Information may be shared with our insurer**]** |

You are required (by law or in order to enter into your contract of employment) to provide the categories of information marked ‘☐’ above to us to enable us to verify your right to work and suitability for the position.

**\*** Further details on how we handle sensitive personal information **[**and information relating to criminal convictions and offences **]**are set out in our [set out details of policy on processing special categories of data, and, where relevant policy on criminal records information, as required under Data Protection Bill], available [set out details of how the employee can access the policy/policies, eg from the HR department].**]**