



Job Candidate Privacy Notice

1) Introduction

As part of any recruitment process, the Rossendale Trust collects and processes personal information, or personal data, relating to job applicants. This personal information may be held by the organisation on paper or in electronic format.

The organisation is committed to being transparent about how it handles your personal information, to protecting the privacy and security of your personal information and to meeting its data protection obligations under the General Data Protection Regulation (“GDPR”) and the Data Protection Act 2018. The purpose of this privacy notice is to make you aware of how and why we will collect and use your personal information during the recruitment process. We are required under the GDPR to notify you of the information contained in this privacy notice.

This privacy notice applies to all job candidates, workers and contractors whether they apply for a role directly or indirectly through an employment agency. It is non-contractual.

2) Data Protection Officer (DPO)

The Data Protection Officer’s role is to oversee compliance with this privacy notice. If you have any questions about this privacy notice or about how we handle your personal information, please contact the DPO. The role of DPO for the Rossendale Trust is being undertaken by Andrea Wright, Registered Manager (Head of Supported Living), who is based at Rossendale Hall, Hollin Lane, Sutton, Macclesfield, SK11 0HR and can be contacted on 01260 252500 Ext. 208 or Andrea.wright@rossendaletrust.org

3) Data protection principles

Under the GDPR, there are six data protection principles that the organisation must comply with. This says that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and, where necessary, kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

The organisation is responsible for, and must be able to demonstrate compliance with, these principles. This is called accountability.

4) Why do we collect your personal information?

In order to manage your application, we need to process certain personal information about you. The purposes for this are set out below. We only process your information as necessary for the purposes of progressing your application or as required by law or regulatory requirements, so not all of the purposes set out below will apply to you all of the time.

- Application: Application form, CV, name, address, employment history, academic and professional qualifications, age, diversity (i.e. gender, ethnicity, disability), nationality, previous disciplinary matters,
- Assessment: Application form, CV, interview, behavioural assessments, presentations and technical assessments (dependent on role applied for).
- Pre-employment screening (PES): references, Disclosure and Barring checks

5) The kind of information we hold about you.

Here are some examples of the type of information we may process. There's a full list in the schedule at the end of this notice.

- Personal details such as name, address, date and place of birth;
- Work history/job data; previous employers, positions, dates, etc.
- Compensation; basic salary, benefits, bonuses, etc.;
- Education and work history including professional qualifications and skills;
- Employer feedback / references to include regulated references where necessary;
- Nationality/visa/right to work in the UK documentation; (e.g. passport, driving licence, National Insurance number)
- Photographs and images from passport and driving licence
- Results of Pre employment screening checks (e.g. criminal records checks)
- Any other additional information not covered by the above that you have provided to us in your application form/CV and covering letter, together with any information you provide to us during an interview.

Some special categories of personal information, i.e. information about your health and information about criminal convictions and offences, is also processed. We do this in order to make reasonable adjustments to enable our candidates to apply for jobs with us, to attend interviews and to prepare for starting at the organisation (if successful) and to ensure that we comply with regulatory obligations placed on us with regard to our hiring.

Where we process other special categories of personal information i.e. information about your racial or ethnic origin, religious or philosophical beliefs and sexual orientation, this is done for the purpose of equal opportunities monitoring in recruitment and in line with our data protection policy. Personal information that the organisation uses for these purposes is either anonymised or is collected with your consent, which can be withdrawn at any time. It is entirely your choice whether to provide such personal information.

6) Ensuring your personal data is safe

"Special categories" of particularly sensitive personal information, require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data. Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

We will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits including statutory sick pay, statutory maternity pay and pensions. We need to process this information to exercise rights and perform obligations in connection with your employment.

7) Screening checks

As part of the Selection process, the organisation performs a number of screening checks, where permitted by local law. These checks are only performed on candidates who have been selected for a role. We only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy. We envisage that we will hold information about criminal convictions. We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so. Where appropriate, we will collect information about criminal convictions as part of the recruitment process or we may be notified of such information directly by you in the course of you working for us. We will use information about criminal convictions and offences when we are to use your personal information in this way to carry out our legal obligations. We have in place an appropriate policy and safeguards which we are required by law to maintain when processing such data.

8) Processing Conditions

We will only use your personal information when the law allows us to. These are known as the legal bases for processing. We will use your personal information in one or more of the following circumstances:

- where we need to do so to take steps at your request prior to entering into a contract with you, or to enter into a contract with you (1)
- where we need to comply with a legal obligation (2)
- where it is necessary for our legitimate interests (or those of a third party), and your interests or your fundamental rights and freedoms do not override our interests (3).

We need the types of personal information listed under “**Schedule 1**” primarily to enable us to take steps at your request to enter into a contract with you, or to enter into a contract with you (1), and to enable us to comply with our legal obligations (2). In some cases, we may also use your personal information where it is necessary to pursue our legitimate interests (or those of a third party), provided that your interests or your fundamental rights and freedoms do not override our interests (3). Our legitimate interests include: pursuing our business by employing employees, workers and contractors; managing the recruitment process; conducting due diligence on prospective staff and performing effective internal administration. We have indicated, by using (1), (2) or (3) next to each type of personal information listed above, what lawful basis we are relying on to process that particular type of personal information.

The purposes for which we are processing, or will process, your personal information are to:

- manage the recruitment process and assess your suitability for employment or engagement
- decide to whom to offer a job
- comply with statutory and/or regulatory requirements and obligations, e.g. checking your right to work in the UK
- comply with the duty to make reasonable adjustments for disabled job applicants and with other disability discrimination obligations
- ensure compliance with your statutory rights
- ensure effective HR, personnel management and business administration
- monitor equal opportunities
- enable us to establish, exercise or defend possible legal claims

Please note that we may process your personal information without your consent, in compliance with these rules, where this is required or permitted by law.

9) What if you fail to provide personal information?

If you fail to provide certain personal information when requested, we may not be able to process your job application properly or at all, we may not be able to enter into a contract with you, or we may be prevented from complying with our legal obligations. You may also be unable to exercise your statutory rights.

• **Schedule 1: Full list of information we may process**

- Name, work and home contact details
- Date and place of birth
- Education and work history
- Individual demographic information in compliance with legal requirements (such as marital status, national identifier, passport/visa information, nationality, citizenship, military service, disability, work permit, date and place of birth or gender)
- Health issues requiring adaptations to working environment
- Job history, job title and grade
- Employment contract related information (including compensation, location, hours of work and so on)
- Reporting and managerial relationships
- Leaves of absence (such as maternity leave, parental leave sickness absence)
- Photograph(s)
- Disciplinary information
- Time and attendance details
- Skills and qualifications
- Notes from face to face interviews
- Results from technical assessments

These categories of information might potentially include some special categories of personal data. Sensitive personal information is not routinely collected about all applicants, it may be collected where the organisation has a legal obligation to do so, or if you choose to disclose it to us during the course of your relationship with the organisation.

10) Who do we share your personal information with?

The organisation will need to share your personal information internally (in the UK where you work) and may require to share it with some external parties or associates of the organisation. Your information will only be shared if it is necessary or required (for example in order to carry out Pre-employment screening).

The recruitment process will involve:

- Assessing and progressing your application,
- Assessing your suitability (skills, strengths, behaviours for the role)
- Activities needed to complete the on-boarding and screening process should your application be successful.

To enable these processes your personal information may be shared internally, but the information shared is limited to what is required by each individual to perform their role in the recruitment process.

Your personal information may be shared internally with the following people:

- Those employees who would have managerial responsibility for you or are acting on their behalf;
- Employees in HR who have responsibility for certain HR processes (for example recruitment, assessment, pre-employment screening);
- Audit and Investigations employees in relation to specific audits/investigations

The organisation may also need to share your information with certain external third parties including:

- Suppliers who undertake background screening on behalf of the organisation (criminal checking bureaus, etc.)
- Academic institutions (Universities, colleges, etc.) in validating information you've provided
- Other third-party suppliers (or potential suppliers), who provide services on our behalf.
- IT system owners who manage user access

10) Your Rights

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

- 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.
- 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.
- 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).
- 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
- 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.
- Request the transfer of your personal information to another party. 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 the Data Protection Officer in writing.
- No fee usually required. You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.
- What we may need from you. We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

In the limited circumstances where you have provided your consent to the processing of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. This will not, however, affect the lawfulness of processing based on your consent before its withdrawal. If you wish to withdraw your consent, please contact the Data Protection Officer in writing. Once we have received notification that you have withdrawn your

consent, we will no longer process your personal information for the purpose you originally agreed to, unless we have another legal basis for processing.

Statutory or Contractual Requirement

There is both a statutory and contractual requirement for you to provide your personal data to The Rossendale Trust if you work for the Trust or apply to work for the Trust.

Existence of Automated Decision Making

The Rossendale Trust does not apply any automated decision making to the personal data we process.