

GDPR Privacy Notice for Job Applicants

	Name of Company	Company Contact Details
Data Controller	Exeter City Community Trust	01392 255611

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

ECCT 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 ECCT will collect and use your personal information during the recruitment process. ECCT are required under the GDPR to notify you of the information contained in this privacy notice.

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

ECCT has appointed a **Data Compliance Manager** to oversee compliance with this privacy notice. If you have any questions about this privacy notice or about how ECCT handle your personal information, please contact them on the details below:

Data Compliance Manager	
Name	Catherine White
Job Title	Senior Development Manager
Telephone Contact	01392 255611 or 07540 808593
Email	catherine.white@ecfc.co.uk
Postal Address	St James Park, Exeter. EX4 6PX

The Data Protection Principles: Under the GDPR, there are six data protection principles that ECCT must comply with. **These provide that the personal information ECCT hold about you must be:**

1. Processed lawfully, fairly and in a transparent manner.
2. Collected only for legitimate purposes that have been clearly explained to you and not further processed in a way that is incompatible with those purposes.
3. Adequate, relevant and limited to what is necessary in relation to those purposes.
4. Accurate and, where necessary, kept up to date.
5. Kept in a form which permits your identification for no longer than is necessary for those purposes.
6. Processed in a way that ensures appropriate security of the data.

ECCT is responsible for, and must be able to demonstrate compliance with, these data protection principles. This is called the Principle of Accountability.

What types of personal information do ECCT collect about you? Personal information is any information about an individual from which that person can be directly or indirectly identified. It doesn't include anonymised data **i.e.** where all identifying particulars have been removed. There are also **special categories** of personal information, and personal information on criminal convictions and offences, which requires a higher level of protection because it is of a more sensitive nature. The special categories of personal information comprise information about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation and genetic and biometric data.

ECCT collects, uses and processes a range of personal information about you during the recruitment process. **This includes (as applicable):**

- Your contact details, including your name, address, telephone number and personal e-mail address
- Personal information included in a CV, any application form, cover letter or interview notes
- References

- Information about your right to work in the UK and copies of proof of right to work documentation
- Copies of qualification certificates
- Copy of driving licence
- Other background check documentation
- Details of your skills, qualifications, experience and work history with previous employers
- Information about your current salary level, including benefits and pension entitlements
- Your professional memberships.

ECCT may also collect, use and process the following special categories of your personal information during the recruitment process (as applicable):

- Whether or not you have a disability for which ECCT needs to make reasonable adjustments during the recruitment process
- Information about your racial or ethnic origin, religious or philosophical beliefs and sexual orientation
- Information about criminal convictions and offences.

How do ECCT collect your personal information? ECCT collects personal information about you during the recruitment process either directly from you, or sometimes from a third party such as an employment agency. ECCT may also collect personal information from other external third parties, such as references from current and former employers, information from background check providers, information from credit reference agencies and criminal record checks from the Disclosure and Barring Service (DBS). Other than employment agencies, ECCT will only seek personal information from third parties during the recruitment process once an offer of employment or engagement has been made to you and ECCT will inform you that they are doing so.

You are under no statutory or contractual obligation to provide personal information to the ECCT during the recruitment process.

Your personal information may be stored in different places, including on your application record, in the organisation's HR management system and in other IT systems, such as the e-mail system.

Why and how do ECCT use your personal information? ECCT will only use your personal information when the law allows the organisation to. These are known as the **legal bases for processing**. ECCT will use your personal information in one or more of the following circumstances:

- Where ECCT 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
- Where ECCT need to comply with a legal obligation
- Where it is necessary for ECCT's legitimate interests (or those of a third party), and your interests or your fundamental rights and freedoms do not override ECCT interests.

ECCT need all the types of personal information listed under "**What types of personal information do ECCT collect about you?**" primarily to enable the organisation to take steps at your request to enter into a contract with you, or to enter into a contract with you, and to enable ECCT to comply with its legal obligations. In some cases, ECCT may also use your personal information where it is necessary to pursue ECCT's legitimate interests (or those of a third party), provided that your interests or your fundamental rights and freedoms do not override ECCT's interests. **ECCT's legitimate interests include:**

- Pursuing ECCT business by employing employees, workers and contractors
- Managing the recruitment process
- conducting due diligence on prospective staff and performing effective internal administration.

The purposes for which ECCT 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 ECCT to establish, exercise or defend possible legal claims.

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

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

Why and how do ECCT use your sensitive personal information? ECCT will only collect and use your sensitive personal information, which includes special categories of personal information and information about criminal convictions and offences, when the law allows ECCT to.

Some special categories of personal information **i.e.** information about your health, and information about criminal convictions and offences, is processed so that ECCT can perform or exercise its obligations or rights under employment law and in line with ECCT's Data Protection Policy.

ECCT may also process information about your health and information about any criminal convictions and offences where ECCT have your explicit written consent. In this case, ECCT will first provide you with full details of the personal information ECCT would like and the reason it is needed, so that you can properly consider whether you wish to consent or not. It is entirely your choice whether to consent. Your consent can be withdrawn at any time.

The purposes for which ECCT are processing, or will process, health information and information about any criminal convictions and offences, are to:

- Assess your suitability for employment or engagement
- Comply with statutory and/or regulatory requirements and obligations **e.g.** carrying out criminal record checks
- Comply with the duty to make reasonable adjustments for disabled job applicants and with other disability discrimination obligations
- Ensure compliance with your statutory rights
- Ascertain your fitness to work
- Ensure effective HR, personnel management and business administration
- Monitor equal opportunities.

Where ECCT processes 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 only for the purpose of equal opportunities monitoring in recruitment and in line with ECCT's Data Protection Policy. Personal information that ECCT uses for these purposes is either anonymised or is collected with your explicit written consent, which can be withdrawn at any time. It is entirely your choice whether to provide such personal information.

ECCT may also occasionally use your special categories of personal information, and information about any criminal convictions and offences, where it is needed for the establishment, exercise or defence of legal claims.

Change of purpose: ECCT will only use your personal information for the purposes for which it was collected **i.e.** for the recruitment exercise for which you have applied.

However, if your job application is unsuccessful, ECCT may wish to keep your personal information on file for in case there are future suitable employment opportunities with the organisation. ECCT will ask for your consent before your personal information is kept on file for this purpose. Your consent can be withdrawn at any time.

Who has access to your personal information? Your personal information may be shared internally within ECCT for the purposes of the recruitment exercise, including with members of the HR department, members of the recruitment team, managers in the department which has the vacancy and IT staff if access to your personal information is necessary for the performance of their roles.

ECCT will not share your personal information with third parties during the recruitment process unless your job application is successful and ECCT make you an offer of employment or engagement. **At that stage, ECCT may also share your personal information with third parties (and their designated agents), including:**

- External organisations for the purposes of conducting pre-employment reference and employment background checks
- The DBS, to obtain a criminal record check
- Former employers, to obtain references
- Professional advisors, such as lawyers and HR consultants.

ECCT may also need to share your personal information with a regulator or to otherwise comply with the law.

ECCT may share your personal information with third parties where it is necessary to take steps at your request to enter into a contract with you, or to enter into a contract with you, where ECCT need to comply with a legal obligation, or where it is necessary for ECCT's legitimate interests (or those of a third party).

How does ECCT protect your personal information? ECCT has put in place measures to protect the security of your personal information. It has internal policies, procedures and controls in place to try and prevent your personal information from being accidentally lost or destroyed, altered, disclosed or used or accessed in an unauthorised way. In addition, ECCT limit access to your personal information to those employees, workers, agents, contractors and other third parties who have a business need to know in order to perform their job duties and responsibilities. You can obtain further information about these measures from ECCT's **Data Compliance Manager**.

Where your personal information is shared with third parties, ECCT require all third parties to take appropriate technical and organisational security measures to protect your personal information and to treat it subject to a duty of confidentiality and in accordance with data protection law. ECCT only allow them to process your personal information for specified purposes and in accordance with ECCT's written instructions and ECCT do not allow them to use your personal information for their own purposes.

ECCT also has in place procedures to deal with a suspected data security breach and ECCT will notify the Information Commissioner's Office (or any other applicable supervisory authority or regulator) and you of a suspected breach where ECCT are legally required to do so.

For how long does ECCT keep your personal information? ECCT will only retain your personal information for as long as is necessary to fulfil the purposes for which it was collected and processed.

If your application for employment or engagement is unsuccessful, ECCT will generally hold your personal information for **six months** after the end of the relevant recruitment exercise but this is subject to:

- a) Any minimum statutory or other legal, tax, health and safety, reporting or accounting requirements for particular data or records
- b) The retention of some types of personal information for up to **six years** to protect against legal risk e.g. if they could be relevant to a possible legal claim in a tribunal, County Court or High Court.

If you have consented to ECCT keeping your personal information on file for in case there are future suitable employment opportunities with the organisation, ECCT will hold your personal information for a further **12 months** after the end of the relevant recruitment exercise, or until you withdraw your consent if earlier.

If your application for employment or engagement is successful, personal information gathered during the recruitment process will be retained for the duration of your employment or engagement and in accordance with the privacy notice for employees, workers and contractors.

Personal information which is no longer to be retained will be securely and effectively destroyed or permanently erased from ECCT IT systems and ECCT will also require third parties to destroy or erase such personal information where applicable.

In some circumstances ECCT may anonymise your personal information so that it no longer permits your identification. In this case, ECCT may retain such information for a longer period.

Your rights in connection with your personal information: As a data subject, you have a number of statutory rights. **Subject to certain conditions, and in certain circumstances, you have the right to:**

- **Request access to your personal information:** This is usually known as making a data subject access request and it enables you to receive a copy of the personal information ECCT hold about you and to check that ECCT are lawfully processing it
- **Request rectification of your personal information:** This enables you to have any inaccurate or incomplete personal information ECCT hold about you corrected
- **Request the erasure of your personal information:** This enables you to ask ECCT to delete or remove your personal information where there's no compelling reason for its continued processing e.g. it's no longer necessary in relation to the purpose for which it was originally collected
- **Restrict the processing of your personal information:** This enables you to ask ECCT to suspend the processing of your personal information e.g. if you contest its accuracy and so want ECCT to verify its accuracy
- **Object to the processing of your personal information:** This enables you to ask ECCT to stop processing your personal information where ECCT are relying on the legitimate interests of the business as the legal basis

for processing and there is something relating to your particular situation which makes you decide to object to processing on this ground

- **Data portability:** This gives you the right to request the transfer of your personal information to another party so that you can reuse it across different services for your own purposes.

If you wish to exercise any of these rights, please contact ECCT's **Data Compliance Manager**.

ECCT may need to request specific information from you in order to verify your identity and check your right to access the personal information, or to exercise any of your other rights. This is a security measure to ensure that your 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 ECCT's **Data Compliance Manager**. Once ECCT have received notification that you have withdrawn your consent, ECCT will no longer process your personal information for the purpose you originally agreed to, unless ECCT have another legal basis for processing.

If you believe that ECCT has not complied with your data protection rights, you have the right to make a complaint to the Information Commissioner's Office (ICO) at any time. The ICO is the UK supervisory authority for data protection issues.

Transferring personal information outside the European Economic Area: ECCT will not transfer your personal information to countries outside the European Economic Area.

Automated decision making: Automated decision making occurs when an electronic system uses your personal information to make a decision without human intervention. ECCT do not envisage that any recruitment decisions will be taken about you based solely on automated decision-making, including profiling.

Changes to this privacy notice: ECCT reserves the right to update or amend this privacy notice at any time. ECCT will issue you with a new privacy notice when ECCT make significant updates or amendments. ECCT may also notify you about the processing of your personal information in other ways.

Contact: If you have any questions about this privacy notice or how ECCT handle your personal information, please contact ECCT's **Data Compliance Manager** on the details provided at the beginning of this Privacy Notice.