

**21<sup>st</sup> May 2018**

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### **PRIVACY NOTICE (JOB APPLICANTS)**

Data controller: Alker Optical Equipment Limited

Controller's representative Karen Chubb: karen.chubb@alker.co.uk.

Data protection officer Karen Chubb: karen.chubb@alker.co.uk.

#### ***Introduction***

As part of its recruitment processes, the Company collects and processes personal information about job applicants and it may hold such information on paper or in electronic format. The Company wishes to be open and transparent about how it handles your personal information and it is committed 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 the Company will collect and use your personal information during the recruitment process. The Company is required under the GDPR to notify you of the information contained in this Privacy Notice.

This Privacy Notice applies to all job applicants. It is non-contractual.

The Company 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 the Company handles your personal information, please contact Karen Chubb at karen.chubb@alker.co.uk.

#### ***Data protection principles***

Under the GDPR, there are six data protection principles that the Company must comply with. These state that the personal information it holds 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 personal information.

The Company must also be able to demonstrate compliance with these principles.

***What types of personal information does the Company collect about you?***

Personal information comprises any information about an individual from which that person can be directly or indirectly identified. There are also “special categories” of personal information, and personal information on criminal convictions and offences, which require a higher level of protection because they are 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.

The Company collects and processes a range of personal information about you during the recruitment process. This may include:

- your contact details, including your name, address, telephone number and personal e-mail address (1)
- personal information included in a CV or application form, cover letter or interview notes (2)
- references (3)
- information about your right to work in the UK and copies of proof of right to work documentation (4)
- copies of qualification certificates (5)
- copy of driving licence (6)
- other background check documentation (7)
- whether or not you have a disability for which the Company needs to make reasonable adjustments during the recruitment process (8)
- information about your racial or ethnic origin, religious or philosophical beliefs and sexual orientation(9)
- information about criminal convictions and offences (10)
- details of your skills, qualifications, experience and work history with previous employers (11)
- information about your current salary level, including benefits and pension entitlements (12)
- your professional memberships (13)

***How does the Company collect your personal information?***

The Company collects personal information about you during the recruitment process either directly from you or sometimes from a third party such as an employment agency. It may also collect personal information from other external third parties, such as references from current and former employers, information from background check providers and criminal record checks from the Disclosure and Barring Service (DBS). With the exception of employment agencies, the Company 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 it will inform you that it is doing so.

You are under no statutory or contractual obligation to provide personal information to the Company during the recruitment process if you do not wish to do so.

Your personal information may be stored by the Company in different places, including on your application record, in the Company's HR management system and in other IT systems.

***Why and how does the Company use your personal information?***

The Company will only use your personal information when the law allows it to, known as the legal bases for processing. The Company will only use your personal information in one or more of the following circumstances:

- where it needs 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 it needs to comply with a legal obligation (2)
- where it is necessary for the purpose of its legitimate interests (or those of a third party), provided that your interests, rights or freedoms do not override its interests (12).

The Company needs the personal information listed above under “*What types of personal information does the Company collect about you?*” primarily to enable it 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 it to comply with its legal obligations (2). In some cases, it may also use your personal information where it is necessary to pursue its legitimate interests (or those of a third party) (12). The Company’s legitimate interests include: pursuing its business by employing staff; managing the recruitment process; conducting due diligence on prospective staff and performing effective internal administration. The Company has indicated, by using (1), (2) and/or (3) next to each type of personal information listed above, the lawful basis it is relying on to process that particular type of personal information.

The Company will also only use your sensitive personal information, which includes special categories of personal information and information about criminal convictions and offences, when the law additionally allows it to. Some special categories of personal information, i.e. information about your health or medical conditions, and information about criminal convictions and offences, is processed so that it can perform or exercise its obligations or rights under employment law and in accordance with the Company’s Data Protection Policy. The Company may also process information about your health and information about any criminal convictions and offences where it has your explicit written consent. In this case, it will first provide you with full details of the personal information it 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 and your consent can be withdrawn at any time.

The purposes for which the Company may process your personal information (including sensitive 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 and carrying out criminal record checks
- comply with the duty to make reasonable adjustments for disabled job applicants and with other disability obligations under equality legislation
- ensure compliance with your statutory rights
- ascertain your fitness to work
- ensure effective HR, personnel management and business administration
- monitor equal opportunities
- enable it to establish, exercise or defend possible legal claims

The Company may process your personal information without your consent, in compliance with these rules, where this is required or permitted by law. However, where the Company processes information about your racial or ethnic origin, religious or philosophical beliefs or sexual orientation, this is done only for the purpose of equal opportunities monitoring and in accordance with the Company's Data Protection Policy. Personal information that the Company uses for these purposes is either anonymised or will be collected with your explicit written consent, which can be withdrawn at any time. It is entirely your choice whether to provide such personal information.

***What if you fail to provide your personal information?***

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

***Change of purpose***

The Company 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, the Company may wish to keep your personal information on file for in case there are future suitable employment opportunities with it. It will ask for your consent before it keeps your personal information 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 the Company 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.

The Company will not share your personal information with third parties during the recruitment process unless your job application is successful and it makes you a conditional offer of employment or engagement. At that stage, the Company 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 advisers, such as lawyers

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

***How does the Company protect your personal information?***

The Company has put in place measures to protect the security of your personal information. It has internal policies, procedures and controls in place to prevent your personal information from being accidentally lost or destroyed, altered, disclosed or used or accessed in an unauthorised way. In addition, the Company limits access to your personal information to those staff and other third parties who have a business need to know to perform their job duties.

Where your personal information is shared with third parties, the Company requires 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 laws. The Company will only allow them to process your personal information for specified purposes and in accordance with its written instructions and it does not allow them to use your personal information for their own purposes.

The Company also has in place procedures to deal with a suspected data security breach and it will notify the Information Commissioner's Office and you of a suspected breach where it is legally required to do so.

***For how long does the Company keep your personal information?***

The Company will only retain your personal information for as long as is necessary to fulfil the purposes for which it was collected and processed. The Company retains personal information following recruitment exercises to demonstrate, if required, that job applicants have not been unlawfully discriminated against and that recruitment exercises are conducted in a fair and transparent manner.

If your application for employment or engagement is unsuccessful, the Company will generally hold your personal information for six months after the end of the relevant recruitment exercise, i.e. six months from when all job applicants have been notified of the outcome of the recruitment exercise. This takes account of both the time limit to bring claims and for claims to be received by the Company.

If you have consented to the Company keeping your personal information on file for in case there are future suitable employment opportunities with it, the Company will hold your personal information for a further six 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 transferred to your employment record and retained for the duration of your employment or engagement and in accordance with the separate Privacy Notice that we issue to all staff.

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

### ***Your rights in connection with your personal information***

You have a number of statutory rights under the GDPR. Subject to certain conditions, 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 the Company holds about you and to check that it is lawfully processing it
- request rectification of your personal information – this enables you to have any inaccurate or incomplete personal information corrected
- request the erasure of your personal information – this enables you to ask the Company to delete or remove your personal information where there is no compelling reason for its continued processing
- restrict the processing of your personal information – this enables you to ask the Company to suspend the processing of your personal information, e.g. if you contest its accuracy
- object to the processing of your personal information – this enables you to ask the Company to stop processing your personal information where it is relying on the legitimate interests of the business as the legal basis for processing and 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 the Company's data compliance manager. The Company may need to request specific information from you 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 may 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. Once the Company has received notification that you have withdrawn your consent, it will no longer process your personal information for the purpose you originally agreed to.

If you believe that the Company has not complied with any of your data protection rights, you have the right to make a complaint to the Information Commissioner's Office.

### ***Transferring personal information outside the European Economic Area (EEA)***

The Company will not transfer your personal information to countries outside the EEA.

### ***Automated decision-making***

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



***Changes to this Privacy Notice***

The Company reserves the right to update or amend this Privacy Notice at any time. It will issue you with a new Privacy Notice when it makes significant updates or amendments during the recruitment process. It may also notify you about the processing of your personal information in other ways.