

# Privacy Notice for Job Applicants

LinkAge Network is aware of its obligations under the General Data Protection Regulation (GDPR) and is committed to processing your data securely and transparently. This privacy policy sets out, in line with GDPR and data protection laws, the types of data that we collect and hold on you as a job applicant. The term job applicant refers to anyone applying for a paid or unpaid role on an employed or voluntary basis. It also sets out how we use that information, how long we keep it for and other relevant information about your data.

## Data controller details

LinkAge Network is the data controller, meaning that it determines the processes to be used when using your personal data.

## Data protection principles

In relation to your personal data, LinkAge Network will:

- Process your data fairly, lawfully and in a clear, transparent way
- Collect your data only for reasons that we find proper in relation to your application for employment in ways that have been explained to you
- Use your data only in the way(s) that we have told you about
- Ensure your data is correct and up to date
- Keep your data for only as long as we need it
- Process your data in a way that ensures it will not be lost, destroyed or used for anything that you are not aware of or have not consented to

## Types of data we process

We hold many types of data about you including:

- Your personal details including your name, address, date of birth, email address, phone numbers;
- Gender
- Marital status
- Whether or not you have a disability
- Information relating to your prospective employment including references, education history and employment history
- Documentation relating to your right to work in the UK
- Details of your criminal record
- Disqualification status (for senior managers and trustees)

## How we collect your data

We collect data about you in a variety of ways including the information you would normally include in a covering letter, CV or a job application form, or notes made by our staff during a recruitment interview.

Further information will be collected directly from you should you be successful and are appointed to a role. Data will be collected when you complete forms at the start of your employment, e.g. your bank and next of kin details.

Other details may be collected directly from you in the form of official documentation such as your driving license, passport or other right to work evidence.

In some cases, we will collect data about you from third parties, such as employment agencies or former employers or personal referees when gathering pre-employment references.

Personal data is kept securely in personnel files or within LinkAge Network's HR and IT systems.

## **Why we process your data**

The law on data protection allows us to process your data for certain reasons only:

- In order to perform the employment contract that we are party to
- In order to carry out legally required duties
- In order for us to carry out our legitimate interests
- To protect your interests
- Where something is done in the public interest

All of the processing carried out by us falls into one of the permitted reasons and it is probable that we will rely on the first three reasons set out above to process your data for the purposes of recruitment.

We need to collect your data to ensure we are complying with legal requirements such as:

- Carrying out checks in relation to your right to work in the UK
- Making reasonable adjustments for employees with a disability

We also collect data so that we can carry out activities which are in the legitimate interests of LinkAge Network. These are:

- Making decisions about who to offer employment to
- Making decisions about salary and other benefits
- Assessing training needs
- Dealing with legal claims made against us

## **Special categories of data**

Special categories of data are data relating to your:

- Health
- Sex life
- Sexual orientation
- Race
- Ethnic origin
- Political opinion
- Religion
- Trade union membership
- Genetic and biometric data

We must process special categories of data in accordance with more stringent guidelines. Most commonly, we will process special categories of data when the following applies:

- You have given explicit consent to the processing
- We must process the data in order to carry out our legal obligations
- We must process data for reasons of substantial public interest
- You have already made the data public

We will use your special category data for the purposes of equal opportunities monitoring.

We do not need your consent if we use special categories of personal data in order to carry out our legal obligations or exercise specific rights under employment law. However, we may ask for your consent to allow us to process certain particularly sensitive data. If this occurs, you will be made fully aware of the reasons for the processing. As with all cases of seeking consent from you, you will have full control over your decision to give or withhold consent and there will be no consequences where consent is withheld. Consent, once given, may be withdrawn at any time. There will be no consequences where consent is withdrawn.

### **Criminal conviction data**

We will collect criminal conviction data only where it is appropriate given the nature of your role and where the law permits us. Such data will usually be collected prior to your employment should you be successful in obtaining employment. We use criminal conviction data in order for us to carry out our legitimate interests and obligations to our funders, partners and clients who may require checks to be carried out in order for us to work with them or on their programmes or projects.

We rely on the lawful basis of carrying out our legitimate interests to process this data.

### **If you do not provide your data to us**

One of the reasons for processing your data is to allow us to carry out an effective recruitment process. Whilst you are under no obligation to provide us with your data, we may not be able to process, or continue with your application for the job role if you do not.

### **Sharing your data**

Your data will be shared with colleagues within LinkAge Network where it is necessary for them to undertake their duties in relation to recruitment. This may include, for example, the CEO, recruitment administrator, shortlisting and recruiting managers, the Management team (which may include Trustees), and our IT department/supplier should you require access to our systems.

In some cases, we will collect data about you from third parties, such as employment agencies.

Your data will be shared with third parties if you are successful in your job application. In these circumstances, we will share your data in order to:

- Obtain references as part of the recruitment process
- Obtain a criminal records check (where this is required for the role)
- Make decisions about your fitness for work through our occupational health providers

We do not share your data with bodies outside the European Economic Area.

## **Protecting your data**

LinkAge Network is aware of the requirement to ensure your data is protected against accidental loss or disclosure, destruction and abuse and we have implemented systems and processes to guard against such instances.

Where we share your data with third parties, we will either have data sharing agreements in place or we will confirm that your data is being held securely and in line with GDPR requirements. Third parties must implement appropriate technical and organisational measures to ensure the security of your data.

## **How long we keep your data for**

In line with data protection principles, we keep your data only for as long as we need it for and this will depend on whether or not you are successful in obtaining employment with us.

If your application is not successful we will keep your data for a period of six months after the recruitment exercise has ended. At the end of this period, we will delete or destroy your data, unless you have already withdrawn your consent, in which case it will be deleted or destroyed upon your withdrawal of consent.

If your application is successful, your data will be kept and transferred to the systems we have in place for HR and employee administration. We have a separate privacy notice for employees, which will be provided to you.

## **Your rights in relation to your data**

The law on data protection gives you certain rights in relation to the data we hold on you. These are:

- The right to be informed. This means that we must tell you how we use your data, and this is the purpose of this privacy notice
- The right of access. You have the right to access the data that we hold on you. To do so, you should make a subject access request
- The right for any inaccuracies to be corrected. If any data that we hold about you is incomplete or inaccurate, you are able to require us to correct it
- The right to have information deleted. If you would like us to stop processing your data, you have the right to ask us to delete it from our systems where you believe there is no reason for us to continue processing it
- The right to restrict the processing of the data. For example, if you believe the data we hold is incorrect, we will stop processing the data (whilst still holding it) until we have ensured that the data is correct
- The right to portability. You may transfer the data that we hold on you for your own purposes
- The right to object to the inclusion of any information. You have the right to object to the way we use your data where we are using it for our legitimate interests
- The right to regulate any automated decision-making and profiling of personal data. You have a right not to be subject to automated decision making in a way that adversely affects your legal rights (LinkAge Network does not however use automated decision making or profiling in its recruitment process.)

Where you have provided consent to our use of your data, you also have the unrestricted right to withdraw that consent at any time. Withdrawing your consent means that we will stop processing the data that you had previously given us consent to use. There will be no consequences for withdrawing your consent. However, in some cases, we may continue to use the data where so permitted by having a legitimate reason for doing so.

## **Making a complaint**

The UK's data protection authority is the Information Commissioner (ICO). If you think your data protection rights have been breached in any way by us, you are able to make a complaint to the ICO by contacting the helpline on 0303 123 1113. The ICO website is [www.ico.org.uk](http://www.ico.org.uk)

## **Data Protection Officer**

LinkAge Network's Data Protection Officer contact details are:

Data Protection Officer

LinkAge Network

The Park Centre

Daventry Road

Bristol

BS4 1DQ