

Privacy Notice – Job Applicants

1. Introduction

We are committed to being transparent about how we handle your personal information and meeting the 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.

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

We have appointed a Data Protection Representative who is our Chief Executive Officer/Artistic Director 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 Miriam Randall, Chief Executive Officer/Artistic Director or Rebecca Elshaw, Head of HR & Operations.

2. What types of personal information do we 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. 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 organisation collects, uses and processes a range of personal information about you during the recruitment process. This includes (where applicable):

- Anything you complete on your application form including your contact details, skills, qualifications, experience and work history along with information about your right to work in the UK, disciplinary history and current salary level
- Any further information you provide via email, letter or CV.

We 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 the organisation 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.

3. How do we collect your personal information?

We collect information either directly from you or sometimes from a third party such as an employment agency.

We may also collect information from other third parties such as reference from previous employers, back ground checks, criminal record checks from the Disclosure and Barring Service (DBS).

Other than employment agencies, the organisation will only seek personal information from third parties once an offer of employment or engagement has been made to you and we will inform you that we are doing so.

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

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

4. Why and how do we use your personal information?

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 to enter into a contract with you
- where we need to comply with a legal obligation
- 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.

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
- 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 effective HR, personnel management and business administration
- monitor equal opportunities
- enable us to establish, exercise or defend possible legal claims

5. Why and how do we use your sensitive personal information?

We 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 us to.

The purposes for which we are processing, or will process, sensitive personal information 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
- monitor equal opportunities

Where the organisation 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 our data protection policy. It is entirely your choice whether to provide such personal information.

We 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.

6. 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.

7. Who has access to your personal information?

Your personal information may be shared internally for the purposes of the recruitment exercise, including with members of the HR department and members of the recruitment team.

The organisation will not share your personal information with third parties during the recruitment process unless your job application is successful and we make you an offer of employment or engagement. At that stage, we 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
- professional advisors, such as lawyers

We may share your personal information with third parties where it is necessary to, or to enter into a contract with you, where we need to comply with a legal obligation, or where it is necessary for our legitimate interests.

8. How does the company protect your personal information?

The organisation 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, we limit access to your personal information to those employees who need to know in order to perform their job duties and responsibilities.

Where your personal information is shared with third parties, we 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. We only allow them to process your personal information for specified purposes and in accordance with our written instructions and we do not allow them to use your personal information for their own purposes.

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

9. 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.

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.

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 our IT systems.

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

10. 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:

- i. 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 we hold about you and to check that we are lawfully processing it
- ii. request rectification of your personal information - this enables you to have any inaccurate or incomplete personal information we hold about you corrected
- iii. request the erasure of your personal information - this enables you to ask us 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
- iv. restrict the processing of your personal information - this enables you to ask us to suspend the processing of your personal information, e.g. if you contest its accuracy and so want us to verify its accuracy
- v. object to the processing of your personal information - this enables you to ask us to stop processing your personal information where we are relying on the legitimate interests of the business as our legal basis for processing and there is something relating to your particular situation which makes you decide to object to processing on this ground
- vi. 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 our HR & Admin Manager or the Data Protection Representative. We may need to request specific information from you in order to verify your identity as a security measure.

11. Transferring Personal Information Outside The European Economic Area

The Company will not transfer your personal information to countries outside the European Economic Area.

12. Automated Decision Making

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

13. Contact

If you have any questions about this privacy notice or how we handle your personal information, please contact Rebecca Elshaw our Head of HR & Operations (rebecca.elshaw@breweryarts.co.uk, 01539 722833 Ext 242)

V2 June 2021