

## Job Applicant Privacy Notice

**Data Controller:** Gateway Family Services CIC, 75 Harborne Rd, Birmingham B15 3DH, Tel: 0121 456 7820

**Data Protection Officer:** Maxine Brown, email: maxine.brown@gatewayfs.org Tel: 0121 456 7820

As part of any recruitment process, Gateway Family Services CIC collects and processes personal data relating to job applicants. We are committed to being transparent about how we collect and use that data and to meeting our data protection obligations.

### Data protection principles

In relation to your personal data, Gateway Family Services CIC will always strive to:

- process it fairly, lawfully and in a clear, transparent way
- collect personal data from you that is necessary to consider your application and that is subsequently necessary to collect and process as part of your employment. We will explain to you what data we collect from you and why
- only use it in the way that we have told you about
- ensure it is correct and up to date
- keep your data for only as long as we need it
- ensure that your data is kept safe and secure and access to it is limited to those who need to process it for the purposes we explain to you.

What information does Gateway Family Services CIC collect?

Gateway Family Services CIC collects a range of information about you. This includes:

- your name, address and contact details, including email address and telephone number;
- details of your qualifications, professional memberships, education history, skills, experience and employment history;
- information about your current level of remuneration, including benefit entitlements;
- whether or not you have a disability;
- information about your entitlement to work in the UK;
- information about your criminal record;
- information about your eligibility to drive and any associated insurance or MOT documents for your private vehicle;
- details of periods of parental leave taken by you; [and]
- equal opportunities monitoring information, including information about your ethnic origin, gender, sexual orientation, health and religion or belief.

Gateway Family Services CIC may collect this information in a variety of ways. For example, data might be contained in application forms, CVs or resumes; obtained from your passport or other identity documents, or collected through interviews or other forms of assessment including online tests. We may also collect information during the recruitment process from a third party such as an employment agency.

Gateway Family Services CIC may also collect personal data about you from third parties, such as references supplied by former employers, information from employment background check providers and information from criminal records checks. We will inform you that we are doing so.

Data will be stored in a range of different places, including on your application record, in HR management systems and on other IT systems (including email).

Gateway Family Services CIC will only collect criminal conviction data where it is appropriate given the nature of the role and where the law permits it. This data will usually be collected at the recruitment stage, however it may also be collected during any subsequent employment with us, should you be successful in obtaining employment.

Gateway Family Services CIC will not transfer your data to countries outside the European Economic Area.

### **Why does Gateway Family Services CIC process personal data?**

Gateway Family Services CIC needs to process data to take steps at your request to evaluate your application for employment. We may also need to process your data to enter into an employment contract with you.

In some cases, Gateway Family Services CIC needs to process data to ensure that we are complying with our legal obligations. For example, we are required to check a successful applicant's eligibility to work in the UK before employment starts.

Gateway Family Services CIC has a legitimate interest in processing personal data during the recruitment process and for keeping records of the process. Processing data from job applicants allows us to manage the recruitment process, assess and confirm a candidate's suitability for employment, decide to whom to offer a job, assess training needs and make decisions about salary and other benefits. Gateway Family Services CIC may also need to process data from job applicants to respond to and defend against legal claims.

Gateway Family Services CIC may process information about whether or not applicants are disabled in order to make reasonable adjustments for candidates who have a disability. This is to carry out our statutory obligations and exercise specific rights in relation to employment.

Gateway Family Services CIC may, in some cases, process health information during the application process in order to find out whether applicants will be able to carry out an intrinsic part of the job. Gateway Family Services CIC also processes health information about candidates after an offer of employment has been made. In each case, this will be done in accordance with Section 60 of the Equality Act 2010 for the purpose of ensuring that the candidate is able to perform the core duties of the job being offered.

Where Gateway Family Services CIC processes other special categories of data, such as information about ethnic origin, sexual orientation, or religion or belief, this is for equal opportunities monitoring purposes.

For some roles, Gateway Family Services CIC is obliged to seek information about criminal convictions and offences. Where we seek this information, we do so because it is necessary for us to carry out our statutory obligations and exercise specific rights in relation to employment.

If you are unsuccessful in obtaining employment with Gateway Family Services CIC, we may keep your personal data on file in case there are future employment opportunities for which you may be suited. We will ask for your consent before we keep your data for this purpose and you are free to withdraw your consent at any time.

### **Who has access to data?**

Your data will, of necessity, be shared internally for the purposes of assessing your application. It is likely to be shared with administrative staff handling the applications, interviewers involved in the recruitment process, managers in the business area with a vacancy and IT staff if access to the data is necessary for the performance of their roles. Gateway Family Services CIC will strive to limit access to your data to those staff who have a legitimate reason for seeing it and will endeavour to keep your data secure at all times.

### **Application assessments, pre-employment checks and references**

Gateway Family Services CIC may share an appropriately limited amount of your data with third parties in order to obtain references for you from former employers. If references are sought before interview or before an offer of employment is made, we will do this where you have given your express consent for us to do so. If your application for employment is successful and we make you an offer of employment, we will share your data with former employers to obtain references for you, employment background check providers to obtain necessary background checks and the Disclosure and Barring Service to obtain necessary criminal records checks.

Gateway Family Services CIC may receive and share your data with third parties that process data on our behalf in connection with the provision of services for the purposes of the recruitment exercise, for example to source, receive and/or shortlist applications on our behalf, and/or to carry out applicant testing such as psychometric assessments.

If you are successful in your application, Gateway Family Services CIC may receive and share your data with a third party occupational health provider in connection with making decisions about your fitness for work.

Gateway Family Services CIC endeavours to ensure specific contractual agreements are in place with any third parties who undertake this processing in order to protect your data. This is explained in more detail below.

### **Automated decision-making**

Recruitment processes are not based solely on automated decision-making.

We will tell you beforehand if we use any automated forms of assessment in our decision making processes. You have the right to request that your application is not assessed by automated processes.

### **How does Gateway Family Services CIC protect data?**

Gateway Family Services CIC takes the security of your data seriously. We maintain internal policies and controls that are designed to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by our employees in the proper performance of their duties. Controls include restricted access to shared drives, restricted access to hardcopy HR files and files stored in a secure, locked location.

Where Gateway Family Services CIC engages third parties to process personal data on our behalf, they do so only on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of your data.

### **For how long does Gateway Family Services CIC keep data?**

In line with data protection principles, we will only keep your data for as long as we need it. If your application for employment is unsuccessful, we will hold your data on file for 6 months after the end of the relevant recruitment process.

If you agree to allow Gateway Family Services CIC to keep your personal data on file, we will hold your data on file for a further 6 months for consideration for future employment opportunities. At the end of that period, or once you withdraw your consent, your data is deleted or destroyed.

If your application for employment is successful, personal data gathered during the recruitment process will be kept and transferred to your personnel file and retained during your employment. The periods for which your data will be held are set out in our data retention protocols.

### **What if you do not provide personal data?**

One of the reasons for processing your data is to allow Gateway Family Services CIC to carry out an effective recruitment process. Whilst you are under no statutory or contractual obligation to provide data to Gateway Family Services CIC during the recruitment process, if you do not provide the information, we may not be able to process your application properly or at all.

### **Your rights**

As a data subject, you have a number of rights under current and new data protection legislation. In summary, 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 and to receive a copy of your data and information about where it was sourced. To do so, you should make a subject access request. You can read more about this in our Subject Access Request policy which is available from the staff access folder on the shared drive

- 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 ask Gateway Family Services for your data to be erased, for example if you believe there is no longer any need for your data to be held for its original purpose, or if you decide to withdraw any consent that you have given for your data to be processed
- 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 to another organisation for your own purposes
- you may have the right to object to the way we use your data if you do not agree that 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 way that adversely affects your legal rights.

Where you have provided consent to our use of your data, you also have the unrestricted right to withdraw that consent at any time. There will be no consequences for withdrawing your consent. Withdrawing your consent means that we will stop processing the data that you had previously given us consent to use, however we may continue to process your data if we have a statutory reason or lawful basis for doing so.

If you would like to exercise any of these rights, please contact the Data Protection Officer, Maxine Brown via email at [maxine.brown@gatewayfs.org](mailto:maxine.brown@gatewayfs.org) or on 0121 456 7820.

If you believe that Gateway Family Services has not complied with your data protection rights, you can complain to the Information Commissioner. Their contact details can be found on their website ([www.ico.org.uk](http://www.ico.org.uk)).