

Data Protection

# Privacy Notice for Job Applicants

## Contents

<b>Introduction</b>	<b>3</b>
<b>Information we hold about you</b>	<b>3</b>
<b>How we collect and use your personal data</b>	<b>4</b>
<b>Sensitive personal data</b>	<b>5</b>
<b>How we use your sensitive and special categories of personal data</b>	<b>5</b>
<b>Information about criminal convictions</b>	<b>5</b>
<b>Automated decision making</b>	<b>6</b>
<b>Data sharing</b>	<b>6</b>
<b>Why we might share your personal data with third parties</b>	<b>6</b>
<b>Transferring information outside the UK</b>	<b>6</b>
<b>Data security</b>	<b>7</b>
<b>Data retention</b>	<b>7</b>
<b>Your data rights</b>	<b>7</b>
<b>Your right to withdraw consent</b>	<b>8</b>
<b>Our data protection officer</b>	<b>8</b>
<b>Changes to this privacy notice</b>	<b>8</b>

## Introduction

The information in this notice applies to job applicants. Simply Business receives personal data relating to job applicants as part of any recruitment process. This notice does not form part of any contract of employment, or any other contract to provide services. We may update this notice at any time.

We are committed to protecting the privacy and security of your personal information, to providing clear information about how your personal data is processed and to complying with the data protection laws.

It's important that you read this notice (and any information notice that we may subsequently provide to you) so that you are aware of how and why we are using such information.

We are required, under data protection legislation, to notify you of the information contained in this privacy notice and it's important you understand it. If there is anything in this notice that you do not understand please contact our data protection team at [dataprotectionteam@simplybusiness.co.uk](mailto:dataprotectionteam@simplybusiness.co.uk).

## Information we hold about you

We will collect, store, and use personal information that you provide for the recruitment process. Please note that the type of personal information we collect about you will depend to some extent on your circumstances, the role you are applying for and our legal obligations. We may collect, store and use the following categories of personal information about you:

Category	Examples
Personal contact details	Name, title, addresses, telephone numbers, personal email addresses, next of kin, emergency contact information
Biographical data	Date of birth, gender, marital status, dependants
Educational data	Qualifications
Financial data	Bank account details, payroll records, National Insurance number, tax status information
Recruitment data	References, CV or cover letter, application form, interview notes, right to work documents, visa documentation
Employment records	Dates of employment, job titles, work history, working hours, training records, professional memberships, location of workplace
Compensation data	Salary, benefits, bonuses, pension information, other information about your remuneration
Identification data	Driving licence, passport, photographs

We may also collect, store and use more sensitive personal data, known as “special categories of data”, which require a higher level of protection.

#### Special categories of data – or sensitive personal data

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions
- Trade union membership
- Information about your health, including any medical condition, health and sickness records
- Biometric data
- Information about criminal convictions and offences

### How we collect and use your personal data

We collect your personal data in a variety of ways during the application and recruitment processes. Much of this data will come directly from you or sometimes from a recruitment agency or background check provider. We may sometimes collect additional data from third parties including former employers, credit reference agencies or other background check agencies. Most commonly, we will use your personal data:

- to take steps before entering, and to enter into a contract with you
- where we need to comply with a legal obligation (such as checking a successful applicant’s eligibility to work in the UK before employment starts)
- where it’s necessary to do so for our legitimate interests as a business, as an employer and as your potential employer, allowing us to manage the recruitment process, assess and confirm a candidate’s suitability for employment and decide who to recruit, and your interests and fundamental rights do not override those interests

We may also use your personal data in the following situations, although these are likely to be rare:

- where we need to protect your interests (or someone else’s interests)
- where it is needed in the public interest or for official purposes

We primarily need the categories of personal data listed above for making recruitment decisions. If your application is unsuccessful, we will keep your personal information on file in case there are suitable future employment opportunities. If so, we will ask for your consent.

We’ll only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

### **Sensitive personal data**

Special categories of sensitive personal data require us to ensure higher levels of protection. We have additional justification for collecting, storing and using this type of personal data. We'll process "special categories of data" in accordance with our Privacy Policy and where the law requires us to.

We may process "special categories" of personal data in the following limited circumstances:

- with your explicit written consent
- where we need to carry out our legal obligations or exercise rights in relation to employment law
- where it is needed in the public interest, such as for equal opportunities monitoring
- where it is necessary to assess your working capacity on health grounds (such as for an occupational health report), subject to appropriate confidentiality safeguards

Less commonly, we may process this type of data where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

### **How we use your sensitive and special categories of personal data**

We'll use your sensitive personal data in the following ways:

- we use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace, to assess your fitness to work, to provide appropriate workplace adjustments and to administer benefits
- we use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.

We don't need your consent if we use special categories of your personal data to carry out our legal obligations or exercise specific rights in the field of employment law.

In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that you do not have to provide consent and it will not impact on your application for employment with us if you do not consent.

### **Information about criminal convictions**

We will only collect data about criminal convictions if it's appropriate, given the nature of the role, and where we are legally able to do so. Where appropriate, we'll collect information about criminal convictions as part of the recruitment process. We will normally only use information about criminal convictions and offences to assess your suitability to be employed or continue in the role for which you are being recruited or employed.

We will only use data relating to criminal convictions where it's necessary to carry out our obligations and provided we do so in line with our Privacy Policy. We don't expect to hold information about criminal convictions.

### **Automated decision making**

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We do not expect any decisions will be taken about you using automated means during the recruitment process.

### **Data sharing**

We may have to share your data with third parties, including third-party service providers, government authorities and other entities in the Simply Business group.

We require third parties to respect the security of your data and to treat it in accordance with the law.

### **Why we might share your personal data with third parties**

We will share your personal data with third parties where required by law, where it is necessary to take steps at your request when considering entering into a contract with you or where we have another legitimate interest in doing so.

"Third parties" includes third-party service providers (including contractors and designated agents) and other entities within our group of companies. These may include:

- professional advisers
- medical officers or occupational health officers
- UK visas and immigration
- regulatory authorities

All our third-party service providers and other entities in the group are required to take appropriate security measures to protect your personal data in line with our Privacy Policy and Information Security Policies. We don't allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

### **Transferring information outside the UK**

Your personal information may be disclosed to members of the Simply Business group outside the UK or EU/EEA.

To ensure that your personal data receives an adequate level of protection, we'll put in place appropriate contractual measure(s) so that your personal data is treated by those third parties in a way that is consistent with and which respects the UK laws on data protection. If you require further information about this you can request it from the Data Protection Team.

## Data security

We have security measures to protect the security of your information and prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered, or disclosed. We limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

## Data retention

We will only retain your personal data for a reasonable period and in accordance with our Data Retention Policy as updated from time to time, and to fulfil the purposes we collected it for (including for the purposes of satisfying any legal, accounting, or reporting requirements). To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data; the potential risk of harm from unauthorised use or disclosure of your personal data; the purposes for which we process your personal data and whether we can achieve those purposes through other means; and the applicable legal requirements.

If your job application is unsuccessful, we will hold your data on file for one year after the end of the recruitment process. At the end of that period, or once you withdraw your consent, your data will be deleted or destroyed.

## Your data rights

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

Under certain circumstances, by law you have the right to:

- **Request access** to your personal data (commonly known as a “data subject access request”). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have exercised your right to object to processing (see below). However, there may be reasons why we cannot agree a “request to be forgotten” or for data to be erased, such as where we need to retain it for regulatory or other reasons.
- **Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.

- **Request the restriction of processing** of your personal data. This enables you to ask us to suspend the processing of personal data about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal data to another party.

If you want to review, verify, correct or request erasure of your personal data, object to the processing of your personal data, or request that we transfer a copy of your personal data to another party, please contact the Data Protection Team.

Depending on the circumstances, we may need to confirm your identity before processing your request. We may also charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

### **Your right to withdraw consent**

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal data for a specific purpose, you have the right to withdraw your consent for that specific processing at any time.

To withdraw your consent, please contact the Data Protection Team. Once we have received notification that you have withdrawn your consent, we will no longer process your data for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so.

### **Our data protection officer**

We have appointed a Data Protection Officer and Team to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal data, please contact the Data Protection Team. You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

### **Changes to this privacy notice**

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal data.

If you have any questions about this privacy notice, please contact our Data Protection Team.