

GDPR Privacy Notice for Job Applicants

Introduction

The ERS Group (“The Company”) is the umbrella for a group of companies comprising Electoral Reform Services, Membership Engagement Services, Xpress, Modern Mindset and Shaws.

The Company collects and processes personal data relating to its employees, workers and contractors to manage the working relationship. This personal data may be held by the Company on paper or in electronic format.

The Company is committed to being transparent about how it handles your personal data, protects the privacy and security of your personal data and meets 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 we will collect and process your personal data both during and after your working relationship with the Company. This privacy notice applies to all job applicants, whether they apply for a role directly or indirectly through an employment agency. It is non-contractual.

If you have any questions about this privacy notice or about how we handle your personal data, please contact our Data Protection Officer, Ian Robinson: DPO@theersgroup.com.

What types of personal data do we collect about you?

The Company collects and processes the following personal data:

- your contact details, including your name, address, telephone number and personal e-mail address
- personal information included in a CV, any application form, cover letter or interview notes
- references
- information about your right to work in the UK and copies of proof of right to work documentation
- copies of qualification certificates
- copy of driving licence
- other background check documentation
- details of your skills, qualifications, experience and work history with previous employers
- your professional memberships

The Company may also collect and process the following special categories of your personal data during the recruitment process (as applicable):

- whether or not you have a disability for which the Company needs to make reasonable adjustments during the recruitment process
- information about criminal convictions and offences

How do we collect your personal information?

The Company collects personal data about employees, workers and contractors in a variety of ways. It is collected during the recruitment process, either directly from you or sometimes from a third party such as an employment agency. We may also collect personal data from other external third parties, such as references from former employers and criminal record checks from the Disclosure and Barring Service (DBS).

We will also collect personal data throughout the period of your working relationship with us. This may be

collected in the course of your work-related activities. Whilst some of the personal data you provide to us is mandatory and/or is a statutory/contractual requirement, some of it you may be asked to provide to us on a voluntary basis.

Your personal data may be stored in different places, including in your HR file and in other IT systems such as the e-mail system and payroll system.

Why and how do we process your personal data?

We will process your personal data in one or more of the following circumstances:

- whenever it is necessary to perform the employment contract, consultancy agreement or contract for services we have entered into with you
- where it is necessary to comply with a legal obligation
- when it is necessary for the purposes of the legitimate interests of the Company

We may occasionally need to process your personal data when it is in your vital interest to do so.

It is necessary to process your personal data primarily to enable us to perform our contract with you and to enable us to comply with our legal obligations, for example checking entitlement to work in the UK, to deduct tax, to comply with health and safety laws and to enable employees to take periods of leave to which they are entitled. In some cases, we may also process your personal data where it is necessary to pursue our legitimate interests (or those of a third party), provided that your interests or your fundamental rights and freedoms do not override those legitimate interests. Our legitimate interests include: performing or exercising our obligations or rights under the direct relationship that exists between the Company and you as its employee, worker or contractor; pursuing our business by employing (and rewarding) employees, workers and contractors; performing effective internal administration and ensuring the smooth running of the business; ensuring the security and effective operation of our systems and network; protecting our confidential information; and conducting due diligence on employees, workers and contractors. We have concluded that you can reasonably expect, as our employee, worker or contractor, that we will process your personal data for the purposes of these legitimate interests and that these are not overridden by your interests or fundamental rights and freedoms.

The purposes for which we are processing, or will process, your personal data 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
- comply with the duty to make reasonable adjustments for disabled job applicants and with other disability discrimination obligations
- ensure compliance with your statutory rights
- ensure effective HR, personnel management and business administration

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.

Why and how do we use your special category personal data?

We will only collect and process special category personal data, which includes information about criminal convictions and offences, when the law allows us to and with your explicit consent to do so.

Some special categories of personal data, i.e. information about your health, and information about criminal convictions and offences, is also processed so that we can perform or exercise our obligations or rights under employment law and in line with our data protection policy.

We may also process information about your health and information about any criminal convictions and offences where we have your explicit written consent. In this case, we will first provide you with full details of the personal data we require and the reason we need it, so that you can properly consider whether you wish to provide consent or not. It is entirely your choice whether to provide consent. Your consent can be withdrawn at any time.

The purposes for which we are processing, or will process, health information and information about any criminal convictions and offences, 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
- ensure effective HR, personnel management and business administration

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.

Change of purpose

We will only process your personal data for the purposes stated in this privacy notice, 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 us.

Who has access to your personal data?

Your personal data may be shared internally within the Company for the purposes of the recruitment exercise, including HR department, managers in the department which has the vacancy and IT staff if access to your personal data 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 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:

- the DBS, to obtain a criminal record check
- former employers, to obtain references

We may also need to share your personal data with a regulator or to otherwise comply with the law.

We may share your personal data with third parties where it is necessary to steps at your request to enter into a contract with you, 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 (or those of a third party).

How does the Company protect your personal data?

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

Where your personal data is shared with third parties, we require all third parties to take appropriate technical and organisational security measures to protect your personal data 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 data for specified purposes and in accordance with our written instructions and we do not allow them to use your personal data for their own purposes.

The Company also has in place procedures to deal with a suspected data security breach and we will notify the Information Commissioner's Office and you of a suspected breach if it causes a risk to your rights and freedoms.

For how long does the Company keep your personal data?

The Company will only retain your personal data 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 data for one year after the end of the relevant recruitment exercise but this is subject to: (a) any minimum statutory or other legal, tax, health and safety, reporting or accounting requirements for particular data or records, and (b) the retention of some types of personal data for up to six years to protect against legal risk, e.g. if they could be relevant to a possible legal claim in a tribunal, County Court or High Court. If you have consented to the Company keeping your personal data on file for in case there are future suitable employment opportunities with us, the Company will hold your personal data for a further one year 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 data 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 data which is no longer to be retained will be securely and effectively destroyed or permanently erased from our IT systems and we will also require third parties to destroy or erase such personal data where applicable.

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

Your rights in connection with your personal data?

As a data subject, you have a number of statutory rights:

- request access to your personal data - by making a data subject access request and it enables you to receive a copy of the personal data we hold about you and check that we are lawfully processing it
- request rectification of your personal data - this enables you to have any inaccurate/ incomplete personal data we hold about you corrected

Subject to certain conditions, and in certain circumstances, you also have the right to:

- request the erasure of your personal data - this enables you to ask us to delete or remove your personal data 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
- restrict the processing of your personal data - this enables you to ask us to suspend the processing of your personal data, e.g. if you contest its accuracy and so want us to verify its accuracy
- object to the processing of your personal data - this enables you to ask us to stop processing your personal data where we are relying on the legitimate interests of the business as our lawful basis for processing and there is something relating to your particular situation which makes you decide to object to processing on this ground
- data portability - this gives you the right to request the transfer of your personal data 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 Data Protection Officer. We may need to request specific information from you in order to verify your identity and check your right to access the personal data or to exercise any of your other rights. This is a security measure to ensure that your personal data is not disclosed to any person who has no right to receive it.

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

This will not, however, affect the lawfulness of processing based on your consent before its withdrawal. If you wish to withdraw your consent, please contact our Data Protection Officer. Once we have received notification that you have withdrawn your consent, we will no longer process your personal data for the purpose you originally agreed to, unless we have another lawful basis for processing.

If you believe that the Company has not complied with your data protection rights, you have the right to make a complaint to the Information Commissioner's Office (ICO) at any time. The ICO is the UK supervisory authority for data protection issues.

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.

Changes to this privacy notice

The Company reserves the right to update or amend this privacy notice at any time. We will issue you with an updated privacy notice when we make significant amendments. We may also notify you about the processing of your personal data in other ways.