

# Privacy Notice for Job Applicants

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In accordance with the General Data Protection Regulation (GDPR), we have implemented this privacy notice to inform you, as prospective employees of our organisation, of the types of data we process about you. We also include within this notice the reasons for processing your data, the lawful basis that permits us to process it, how long we keep your data for and your rights regarding your data.

## A) DATA PROTECTION PRINCIPLES

Under GDPR, all personal data obtained and held by us must be processed according to a set of core principles. In accordance with these principles, we will ensure that:

- a) processing is fair, lawful and transparent
- b) data is collected for specific, explicit, and legitimate purposes
- c) data collected is adequate, relevant and limited to what is necessary for the purposes of processing
- d) data is kept accurate and up to date. Data which is found to be inaccurate will be rectified or erased without delay
- e) data is not kept for longer than is necessary for its given purpose
- f) data is processed in a manner that ensures appropriate security of personal data including protection against unauthorised or unlawful processing, accidental loss, destruction or damage by using appropriate technical or organisation measures
- g) we comply with the relevant GDPR procedures for international transferring of personal data

## B) TYPES OF DATA HELD

We keep several categories of personal data on our prospective employees in order to carry out effective and efficient processes. We keep this data in recruitment files relating to each vacancy and we also hold the data within our computer systems, for example, recruitment logs.

Specifically, we hold the following types of data:

- a) personal details such as name, address, phone numbers
- b) information of any relevant disability you have or other medical information to enable us to make reasonable adjustments
- c) right to work documentation for the successful candidate only
- d) information on your age, gender, ethnicity, sexual orientation, gender identity, and any disabilities for equality monitoring purposes
- e) information gathered via the recruitment process such as that entered into an application form or included in a cover letter
- f) references from former employers or other individuals for the successful candidate only
- g) details on your education and employment history etc
- h) driving licence for a role where driving an organisational vehicle is involved
- i) driving licence for a role where driving your own vehicle is required for the successful candidate only
- j) criminal convictions for those candidates shortlisted for interview

## C) COLLECTING YOUR DATA

You provide several pieces of data to us directly during the recruitment exercise.

In the case of the successful candidate only, we will collect data about you from third parties, such as employment agencies, former employers when gathering references.

Should you be successful in your job application, we will also gather further information from you, for example, your bank details and next of kin details, once your employment begins.

#### **D) LAWFUL BASIS FOR PROCESSING**

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

The information below categorises the types of data processing we undertake and the lawful basis we rely on.

<b>Activity requiring your data</b>	<b>Lawful basis</b>
Carrying out checks in relation to your right to work in the UK	Legal obligation
Making reasonable adjustments for disabled employees	Legal obligation
Making recruitment decisions in relation to both initial and subsequent employment e.g. promotion	Our legitimate interests
Carrying out criminal record checks	Our legitimate interests
Making decisions about salary and other benefits	Our legitimate interests
Making decisions about contractual benefits to provide to you	Our legitimate interests
Assessing training needs	Our legitimate interests
Dealing with legal claims made against us	Our legitimate interests
Preventing fraud	Our legitimate interests
Anonymised monitoring of applicants profile for equality and diversity purposes	Consent

#### **E) SPECIAL CATEGORIES OF DATA**

Special categories of data are data relating to your:

- a) health
- b) sex life
- c) sexual orientation
- d) race
- e) ethnic origin
- f) political opinion
- g) religion
- h) trade union membership
- i) genetic and biometric data

We carry out processing activities using special category data:

- a) for the purposes of equality and diversity monitoring
- b) to determine reasonable adjustments

Most commonly, we will process special categories of data when the following applies:

- a) you have given explicit consent to the processing
- b) we must process the data in order to carry out our legal obligations
- c) we must process data for reasons of substantial public interest
- d) you have already made the data public

## **F) FAILURE TO PROVIDE DATA**

Your failure to provide us with data may mean that we are unable to fulfil our requirements for entering into a contract of employment with you. This could include being unable to offer you employment, or administer contractual benefits.

## **G) CRIMINAL CONVICTION DATA**

We will only collect criminal conviction data where it is appropriate given the nature of your role and where the law permits us. This data will usually be collected at the interview stage during recruitment, however, may also be collected during your employment. We use criminal conviction data to determine your suitability, or your continued suitability for the role. We rely on the lawful basis of legitimate interest to process this data.

All candidates selected for interview are asked to complete a form regarding any criminal conviction data, to be provided at interview. Only the data of the successful candidate is opened. As soon as any recruitment decision has been made all data relating to any criminal conviction information provided by interviewees will be securely disposed of.

As part of the recruitment process successful applicants will be required to undergo either a Basic Disclosure, or Enhanced Disclosure based on their role. The application process for disclosure is through a third party but no criminal conviction data is accessed by them or Age UK Blackburn with Darwen. The organisation will be notified if the disclosure is clear, or be made aware that the applicant will need to share the contents. In such cases the applicant is sent the certificate by the Disclosure & Barring Service. The onus is then on the applicant to share the contents of the disclosure with the organisation.

## **H) WHO WE SHARE YOUR DATA WITH**

Employees within our organisation who have responsibility for recruitment will have access to your data which is relevant to their function. All employees with such responsibility have been trained in ensuring data is processing in line with GDPR.

Data may be shared with third parties for the following reasons:

- our subsidiary and associate companies
- the organisation's HR advisers regarding personnel issues
- the organisation's official insurance brokers and insurers
  - relevant data if the role includes driving a vehicle owned or leased by the organisation
  - relevant data in respect of employee references if insurance cover is required under the fidelity extension of the policy
- for a successful candidate only: the organisation's disclosure application provider who supplies online criminal record check application utilising the DBS's e-Bulk interface, which allows electronic submission of criminal record check applications

We may also share your data with third parties as part of a sale, transfer or restructure of the organisation, or for other reasons to comply with a legal obligation upon us. We have a data processing agreement in place with such third parties to ensure data is not compromised. Third parties must implement appropriate technical and organisational measures to ensure the security of your data.

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

## **I) PROTECTING YOUR DATA**

We are aware of the requirement to ensure your data is protected against accidental loss or disclosure, destruction and abuse. We have implemented processes to guard against such.

## **J) TRANSFER OF YOUR INFORMATION TO THIRD PARTIES**

We may transfer your personal information to a third party as part of a sale or transfer of some or all of our organisation and assets to any third party or as part of any business restructuring, reorganisation or closure; or if we're under a duty to disclose or share your personal data in order to comply with any legal obligation or to enforce or apply our terms of use or to protect the rights, property or safety of our staff, supporters, customers, users of the website or others. However, we will take steps with the aim of ensuring that your privacy rights continue to be protected.

## **K) RETENTION PERIODS**

We only keep your data for as long as we need it for, which, in relation to unsuccessful candidates, is six months to a year.

If your application is not successful and we have not sought consent or you have not provided consent upon our request to keep your data for the purpose of future suitable job vacancies, we will keep your data for six months once the recruitment exercise ends.

If we have sought your consent to keep your data on file for future job vacancies, and you have provided consent, we will keep your data for nine months once the recruitment exercise ends. At the end of this period, we will delete or destroy your data, unless you have already withdrawn your consent to our processing of your data in which case it will be deleted or destroyed upon your withdrawal of consent.

Where you have provided consent to our use of your data, you also have the right to withdraw that consent at any time. This means that we will stop processing your data and there will be no consequences of withdrawing consent.

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

## **L) YOUR RIGHTS**

You have the following rights in relation to the personal data we hold on you:

- a) the right to be informed about the data we hold on you and what we do with it
- b) the right of access to the data we hold on you. We operate a separate Subject Access Request policy and all such requests will be dealt with accordingly
- c) the right for any inaccuracies in the data we hold on you, however they come to light, to be corrected. This is also known as 'rectification'
- d) the right to have data deleted in certain circumstances. This is also known as 'erasure'
- e) the right to restrict the processing of the data
- f) the right to transfer the data we hold on you to another party. This is also known as 'portability'
- g) the right to object to the inclusion of any information
- h) the right to regulate any automated decision-making and profiling of personal data

In addition to the above rights, you also have the unrestricted right to withdraw consent, that you have previously provided, to our processing of your data 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.

If you wish to exercise any of these rights you should contact Vicky Shepherd, Chief Executive using the contact details below.

#### **M) MAKING A COMPLAINT**

You are able to raise a complaint with the organisation if you think your data rights have been breached by contacting Vicky Shepherd, Chief Executive, Age UK Blackburn with Darwen, 4 King Street, Blackburn, BB2 2DH. By telephone on 01254 266620 or by visiting our website: [ageukbwd.org.uk](http://ageukbwd.org.uk) and search for complaint. Our Complaints Policy & Procedure is also available on our website.

If you think your data rights have been breached, you are able to raise a complaint with the Information Commissioner (ICO). You can contact the ICO at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or by telephone on 0303 123 1113 (local rate) or 01625 545 745.

#### **N) DATA PROTECTION COMPLIANCE**

Our Operational Data Protection Lead is:

Sharon Lucas, Head of Prevention & Wellbeing  
Age UK Blackburn with Darwen, 4 King Street, Blackburn, BB2 2DH  
Tel: 01254 266620  
Email: [data@ageukbwd.org.uk](mailto:data@ageukbwd.org.uk)

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