

## ***Fair Processing Notice - Recruitment***

Age UK Medway is committed to protecting the privacy and security of your personal information.

This fair processing notice describes how we collect and use personal information about you during the recruitment process, in accordance with the General Data Protection Regulation 2016 (GDPR) and the UK Data Protection Act 2018.

Everything we do with your personal data counts as processing it - including collecting, storing, amending, transferring and deleting it. We are therefore required to comply with the Data Protection Legislation to make sure that your information is properly protected and used appropriately.

This notice should be read in conjunction with the Data Retention Schedule and any other similar notice we may provide to you from time to time when we collect or process personal information about you.

### **Our responsibilities**

For the purposes of Data Protection Law, Age UK Medway is the 'data controller' of the personal data you provide and of the personal information we hold about you.

Age UK Medway is a registered charity (number 06876354) and company limited by guarantee (number 1133023). The registered address is Age UK Medway, The Admiral's Offices, The Historic Dockyard, Chatham, Kent ME4 4TZ and our contact number is 01634 572616.

We have appointed Anna Stansell as Privacy Officer and they will have day to day responsibility for ensuring that we comply with the Data Protection Legislation and for dealing with any requests we receive from individuals exercising their rights under the Data Protection Legislation.

### **General Data Protection Principles**

In collecting and processing your personal information, we will comply with the data protection law in force at the time. This requires that the personal information we hold about you must be:

- processed fairly, lawfully and transparently;
- collected and processed only for specified, explicit and legitimate purposes;
- adequate, relevant and limited to what is necessary for the purposes for which it is processed;

- accurate and kept up to date - any inaccurate data must be deleted or rectified without delay;
- kept for no longer than is necessary for the purposes for which it is processed; and
- processed securely.

## **What information is collected**

We may collect the following information:

- Your name and contact details (i.e. address, home and mobile phone numbers, email address, emergency contact details);
- Details of your academic and professional qualifications, experience, employment history (including job titles, salary and working hours);
- Information regarding your criminal record;
- Details of your referees and references obtained about you from previous employers and/or education providers (including details of any conduct, grievance or performance issues, appraisals, time and attendance);
- Your nationality and immigration status and information from related documents, such as your passport, National Insurance number or other identification and immigration information;
- Whether you have a disability;
- Information regarding any existing medical conditions;
- Any other relevant information you provide including your interests, and whether you are related to any of our employee(s) or member(s) of the Board of Directors / Trustees;
- A copy of your driving licence.

## **How we collect the information**

We may collect this information from you, your referees (details of whom you will have provided), your education providers, the relevant professional body, the Disclosure and Barring Service (DBS) and the Home Office.

## **Why we collect the information and how we use it**

We will typically collect and use this information for the following purposes:

- To consider your suitability for any post for which you have applied
- To take steps to enter into a contract;
- For compliance with legal obligations (e.g. our obligation to check that you are eligible to work in the United Kingdom);

- To enable us to carry out organisation monitoring.

We seek to ensure that our information collection and processing is always proportionate. We will notify you of any changes to information we collect or to the purposes for which we collect and process it.

### **How we may share the information**

We may also need to share some of the above categories of personal information with other parties, such as HR consultants and professional advisers. Usually, information will be anonymised but this may not always be possible. The recipient of the information will be bound by confidentiality obligations. We may also be required to share some personal information with our regulators or as required to comply with the law.

We don't transfer your personal data outside of the EEA.

### **How long we keep your information**

We keep the personal information that we obtain about you during the recruitment process for no longer than is necessary for the purposes for which it is processed. How long we keep your information will depend on whether your application is successful and you become employed by us, the nature of the information concerned and the purposes for which it is processed.

We will keep recruitment information (including interview notes) for no longer than is set out in our Data Retention Schedule, taking into account the limitation periods for potential claims or legal obligations, after which they will be destroyed.

If your application is successful, we will keep only the recruitment information that is necessary in relation to your employment. For further information, see our Privacy Notice for Employees.

If your application is unsuccessful, any documentation we hold for the Disclosure and Barring Service or Right to Work is immediately destroyed but any application information is kept for candidate feedback and in account of limitation periods for potential claims or legal obligations. For further information, see our Data Retention Schedule.

### **The legal basis for using your personal information**

We have a legitimate interest in using your personal information as it is necessary for us to do so in the course of the recruitment process.

### **What are your rights?**

You benefit from a number of rights in respect of the personal data we hold about you. We have summarised the rights which may be available to you below, depending on the grounds on which

we process your data. More information is available from the Information Commissioner's Office website (<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>). These rights apply for the period in which we process your data.

### **1. Access to your data**

You have the right to ask us to confirm that we process your personal data, as well as having the right to request access to/copies of your personal data. You can also ask us to provide a range of information, although most of that information corresponds to the information set out in this fair processing notice.

We will provide the information free of charge unless your request is manifestly unfounded, excessive or repetitive, in which case we are entitled to charge a reasonable fee. We may also charge you if you request more than one copy of the same information.

We will provide the information you request as soon as possible and in any event within one month of receiving your request. If we need more information to comply with your request, we will let you know.

### **2. Rectification of your data**

If you believe personal data we hold about you is inaccurate or incomplete, you can ask us to rectify that information. We will comply with your request within one month of receiving it unless we don't feel it is appropriate, in which case we will let you know why. We will also let you know if we need more time to comply with your request.

### **3. Right to be forgotten**

In some circumstances, you have the right to ask us to delete personal data we hold about you. This right is available to you:

- Where we no longer need your personal data for the purpose for which we collected it
- Where we have collected your personal data on the grounds of consent and you withdraw that consent
- Where you object to the processing and we don't have any overriding legitimate interests to continue processing the data
- Where we have unlawfully processed your personal data (i.e. we have failed to comply with GDPR); and
- Where the personal data has to be deleted to comply with a legal obligation

There are certain scenarios in which we are entitled to refuse to comply with a request. If any of those apply, we will let you know.

### **4. Right to restrict processing**

In some circumstances, you are entitled to ask us to suppress processing of your personal data.

This means we will stop actively processing your personal data but we don't have to delete it. This right is available to you:

- If you believe the personal data we hold isn't accurate – we will cease processing it until we can verify its accuracy
- If you have objected to us processing the data – we will cease processing it until we have determined whether our legitimate interests override your objection
- If the processing is unlawful; or
- If we no longer need the data but you would like us to keep it because you need it to establish, exercise or defend a legal claim

## **5. Data portability**

You have the right to ask us to provide your personal data in a structured, commonly used and machine-readable format so that you are able to transmit the personal data to another data controller. This right only applies to personal data you provide to us:

- Where processing is based on your consent or for performance of a contract (i.e. the right does not apply if we process your personal data on the grounds of legitimate interests); and
- Where we carry out the processing by automated means

We will respond to your request as soon as possible and in any event within one month from the date we receive it. If we need more time, we will let you know.

## **6. Right to object**

You are entitled to object to us processing your personal data:

- If the processing is based on legitimate interests or performance of a task in the public interest or exercise of official authority
- For direct marketing purposes (including profiling); and/or
- For the purposes of scientific or historical research and statistics

In order to object, you must have grounds for doing so based on your particular situation. We will stop processing your data unless we can demonstrate that there are compelling legitimate grounds which override your interests, rights and freedoms or the processing is for the establishment, exercise or defence of legal claims.

## **Keeping your personal information secure**

We have appropriate security measures in place to prevent personal information from being accidentally lost, or used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine business need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality.

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

### **Automated decision making**

Automated decision making means making a decision solely by automated means without any human involvement. This would include, for example, an online credit reference check that makes a decision based on information you input without any human involvement. It would also include the use of an automated clocking-in system that automatically issues a warning if a person is late a certain number of times (without any input from HR, for example).

We don't carry out any automated decision making using your personal data.

### **Your right to complain about our processing**

If you think we have processed your personal data unlawfully or that we have not complied with GDPR, you can report your concerns to the supervisory authority in your jurisdiction. The supervisory authority in the UK is the Information Commissioner's Office ("ICO"). You can call the ICO on 0303 123 1113 or get in touch via other means, as set out on the ICO website: <https://ico.org.uk/concerns/>.

### **Any questions?**

If you have any questions or would like more information about the ways in which we process your data, please contact Anna Stansell, Data Protection Officer; [annastansell@ageukmedway.org.uk](mailto:annastansell@ageukmedway.org.uk).

**Age UK Medway**