



Job Applicant Privacy Notice

Data Controller: The YOU Trust
Admiral House
43 High Street
Fareham
Hampshire
PO16 7BQ

As part of any recruitment process, the organisation collects and processes personal data relating to job applicants. The organisation is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

It applies to all job applicants.

The Organisation is a "data controller". This means that the Organisation is responsible for deciding how we hold and use personal information about our job applicants. The Organisation is required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to current and former job applicants. This notice does not form part of any contract of employment or other contract to provide services. The Organisation may update this notice at any time but if we do so, we will provide you with an updated copy of this notice as soon as reasonably practical.

It is important that you read and retain this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information and what your rights are under the data protection legislation.

Data protection principles

We will comply with data protection law. This says that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.

2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

What information does the organisation collect?

The organisation collects and processes a range of information about you. This includes:

- Your name, address and contact details, including email address and telephone number;
- Details of your qualifications, skills, experience and employment history;
- Whether or not you have a disability for which the organisation needs to make reasonable adjustments during the recruitment process;
- Information about your entitlement to work in the UK;
- Information about your criminal record;
- Equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief.

The organisation collects this information in a variety of ways. For example, data collected via our telephone/on-line pre-screening process, application forms or CV's; obtained from your passport or other identity documents such as your driving licence, or collected through interviews or other forms of assessment, including for some roles, on-line tests.

Quest Partnership Ltd provide online psychometric testing for us. If this is part of the assessment process for the role you have applied for, then we will send you a link to the test. Your answers will be provided to The YOU Trust People & Learning Team to aid the recruitment process and held by Quest Partnership for 12 months. This information will also be retained on your You Trust employee file if you are successfully appointed. If you decline to take part in the test then we will not be able to take your application forward.

If we make a conditional offer of employment and you accept we will ask you for information so that we can carry out pre-employment checks. You must successfully complete pre-employment checks to progress to a final offer. We are required to confirm the identity of our staff, their right to work in the United Kingdom and seek assurance as to their trustworthiness, integrity and reliability.

You will therefore be required to provide:

- Proof of your identity - you will be asked to attend one of our offices with original documents, we will take copies.
- Proof of your qualifications - you will be asked to attend one of our offices with original documents, we will take copies.
- You will be asked to complete a criminal records declaration.
- Your e-mail address will be entered into our DBS registered partners online system to enable an automated e-mail to be generated asking you to complete an online application for a Criminal Record Check at the level applicable for the role applied for via the Disclosure and Barring Service. When the check has been carried out, the HR team view the result on our registered partners online system. The system will either state that there is a clear check or it will advise us to ask to view the certificate directly. If you decline for us to see it upon request, then this could affect your job offer. *
- We will contact your referees, using the details you provide in your application/CV, directly to obtain references. Please note we require references to cover a two year period so further reference details may be requested if those submitted to do not cover this period.
- We will ask you to complete a questionnaire about your health. This is to establish your fitness to work or advise us if any adjustments are needed to the work environment or systems so that you may work effectively. You may be asked to attend an appointment with one of our occupational health providers and if this is a requirement your health details will be sent to them to inform the appointment. The information you provide will be held by our occupational health provider who will provide us with a report with recommendations. You are able to request to see the report before it is sent to us. If you decline for us to see it, then this could affect your job offer.

* If you are already a member of the Update service then you are required to give us the information necessary to check your status directly on the DBS system and provide a copy of your DBS certificate for us to check against the details you have provided.

The organisation will seek information from third parties only once a conditional job offer has been made and you have accepted and will inform you that it is doing so.

We have contracts in place with our data processors, for example occupational health providers. This means that they cannot do anything with your personal information unless we have instructed them to do so. They will not share your personal information with any organisation apart from us. They will hold it securely and for the period we instruct.

Data is stored in range of different places, including on your application record, in the organisations HR management systems and in other IT Systems (including the organisations email system).

Additional information will be collected if we make a final offer and this information will be provided to you in a separate privacy notice.

Why does the organisation process personal data?

The organisation needs to process data to take steps at your request prior to entering into a contract with you. It also needs to process your data to enter into a contract with you.

In some cases the organisation needs to process data to ensure that it is complying with its legal obligations. For example, it is required to check a successful applicants eligibility to work in the UK before employment starts.

The organisation 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 the organisation to manage the recruitment process, assess and confirm a candidates suitability for employment and decide to whom to offer a job. The organisation may also need to process data from job applicants to respond to and defend against legal claims.

Where the organisation relies on legitimate interests as a reason for processing data, it has considered whether or not those interests are overridden by the rights and freedoms of employees or workers and has concluded that they are not.

The organisation processes health information if it needs to make reasonable adjustments to the recruitment process for candidates who have a disability. This is to carry out its obligations and exercise specific rights in relation to employment.

Where the organisation processes other special categories of data, such as information about ethnic origin, sexual orientation, health or religion or belief, this is for equal opportunities monitoring purposes.

For some roles the organisation is obliged to seek information about criminal convictions and offences. Where the organisation seeks this information, it does so because it is necessary for it to carry out its obligations and exercise specific rights in relation to employment.

The organisation will not use your data for any purpose other than the recruitment exercise for which you have applied. The organisation will ask for your consent if it would like to keep your data for alternative positions in the organisation and you are free to decline or withdraw your consent at any time.

Recruitment processes are not based solely on automated decision making.

Who has access to data?

Your information will be shared internally for the purposes of the recruitment exercise. This includes members of the HR team, 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.

With the exception of the on-line test and if a third party is a member of the interview panel (if applicable to the role you have applied for) the organisation will not share your data with third parties, unless your application is successful and it makes you an offer of employment which you accept. The organisation will then share your data with former employers to obtain references for you, the Disclosure and Barring Service to obtain necessary criminal record checks and our Occupational Health Provider if a pre-employment health check is required.

The organisation will not transfer your data to countries outside the European Economic Area.

Does the organisation need your consent?

The organisation does not need your consent if we use special categories of your personal information in accordance with our written policy 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 it is not a condition of your contract with us that you agree to any request for consent from us.

Change of purpose

The organisation will only use your personal information 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 the needs to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

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

How does the organisation protect data?

The organisation takes the security of your data seriously. The organisation has internal policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by its employees in the performance of their duties. Please refer to the Data Protection

Policy for more information.

Where the organisation engages third parties to process personal data on its behalf, they do so 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 data.

For how long does the organisation keep data?

If your application for employment is unsuccessful, the organisation will hold your data on file for 6 months after the end of the relevant recruitment process.

If your application for employment is successful, personal data gathered during the recruitment process will be transferred to your personnel file and retained during your employment. The period for which your data will be held will be provided to you in a new privacy notice.

How we make decisions about recruitment?

Final recruitment decisions are made by recruiting managers and members of the HR team. All of the information gathered during the application process is taken into account.

You are able to ask about decisions made about your application by speaking to the recruiting manager or by e-mailing recruitment@theyoutrust.org.uk

Your rights

As a data subject, you have a number of rights. You can:

- access and obtain a copy of your data on request;
- require the organisation to change incorrect or incomplete data;
- require the organisation to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing;
- object to the processing of your data where the organisation is relying on its legitimate interests as the legal ground for processing and
- ask the organisation to stop processing data for a period if data is inaccurate or there is a dispute about whether or not your interests override the organisation's legitimate grounds for processing data.

If you would like to exercise any of these rights, please contact the office of the Chief Executive. You can make a subject access request verbally or in writing.

If you believe that the organisation has not complied with your data protection rights, you can complain to the Information Commissioner. The address of the Information Commissioner's Office is: Wycliffe House, Water Lane, Wilmslow,

Cheshire, SK9 5AF.

What if you do not provide personal data?

You are under no statutory or contractual obligation to provide data to the organisation during the recruitment process. However, if you do not provide the information, the organisation may not be able to process your application properly or at all.

This Privacy Notice will be reviewed annually from the date of issue.

May 2018