

# **GENERAL RECRUITMENT PRIVACY NOTICE**

## **1. Introduction**

Everything we do with information about people, has to comply with the Data Protection Act 2018. A key part of this is being open about how Pathfinder Legal Services (“the Firm”) uses information and what rights you have in respect of information we collect and hold about you during the recruitment process.

When you first contact us to request information about a job or register your details to receive job alerts by email (so that you can decide whether to make an application), we will ask for your consent to process the information. However, if you apply for a job we will rely on legal reasons and legitimate interests for processing the personal data.

The information on this page explains how the Firm will use your personal information when you apply to work with us, during the recruitment process and subsequently if you become an employee. This includes how we collect, process and share it. It also describes how long information is kept and the circumstances in which we might disclose it to a third party.

As part of every recruitment process, the Firm collects and processes personal data relating to job applicants. This will include:

- Your name, address and contact details, including email address and telephone number, date of birth
- Details of your qualifications, skills, experience, employment history, other relevant experience and achievements
- Information about your current level of remuneration, including benefit entitlements
- Whether you have a disability for which the Firm needs to make reasonable adjustments during the recruitment process
- Proof of your entitlement to work in the UK
- Equality monitoring information, including information about your gender, ethnic origin, sexual orientation, age, health and religion or belief.
- Employment references and the results of any pre-employment screening
- The outcome and results of any interviews or tests which formed part of the recruitment process
- Pay details, national insurance number, tax coding and details of your bank or building society account
- Photographs used during a recruitment exercise and for building access passes.

We collect this information in a variety of ways. For example, data might be contained in application forms, CVs or resumes, obtained from your passport or other identity documents, or collected through interviews or other forms of assessment, including tests and/or online tests.

We will also collect personal data about you from third parties, such as references supplied by your former employers, information from employment background check providers and information from criminal records checks.

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Data will be stored in a range of different places, including on your application record, in the Firm's electronic HR Database and on other IT systems (including email).

### **2. Why Does Pathfinder Legal Services Need to Process Personal Data?**

The Firm needs to process data during the recruitment process and to make offers of employment to each successful candidate. It also needs to process your data to enter into a contract with you.

In some cases, we need to process data to ensure compliance with legal obligations. For example, the Firm is required to check a successful applicant's ability to work in the UK before interview and before employment starts.

The Firm 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 us to manage the recruitment process, evaluate a candidate's suitability for employment and decide on any job offer. We may also need to process data from job applicants to provide feedback and to respond to and defend legal claims.

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

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

Where we process other special categories of data, such as information about gender, ethnic origin, sexual orientation, health or religion or belief, this is for equality monitoring purposes.

For some roles, the Firm is obliged to seek information about criminal convictions and offences. Where we seek this information, we do so because it is necessary for us to comply with our legal obligations and exercise specific rights in relation to employment.

We will not use your data for any purpose other than the recruitment exercise for which you have applied.

If your application is unsuccessful, we will only keep your personal data on file for the purpose of considering you for other suitable vacancies, if you provide your consent to do so.

You are free to withdraw your consent at any time.

### **3. How We Use Personal Information**

We will request your initial consent to process the personal data that you supply when you first apply for work with the Firm. However, after this point we will rely on legal and legitimate interests as a reason for processing your data.

Whenever we use information, we will always limit this to only what is needed and ensure that it is used safely and securely. We require anyone we share information with, or who uses it on our behalf, to do so too.

All staff receive regular training on data protection and information security.

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### **4. Who Has Access to Data?**

Your information will be shared internally for the purposes of the recruitment process and only be accessed and processed by authorised personnel for the performance of their duties (i.e. the HR and Recruitment Teams, Line Managers in the business area with the vacant post(s)), and IT staff if access to the data is necessary.

The Firm will not share your data with third parties, unless your application for employment is successful and we make you an offer of employment. We will then share your data with:

- Former employers to obtain references for you
- Employment background check providers to obtain necessary background checks e.g. Occupational Health.
- Disclosure and Barring Service to obtain necessary criminal records checks.

We will not transfer your data outside the European Economic Area. The only exception to this will be for International Recruitment when your data may be transferred outside the European Economic Area (EEA) as part of the recruitment process, in order to conduct the necessary checks to employ you and to comply with other legal and Home Office requirements.

Any such processing will be carried out strictly in accordance with UK and EU privacy legislation and the appropriate contractual safeguards which the Firm has put in place.

### **5. How Does The Firm Protect Data?**

The Firm takes the security of your data seriously and has a range of robust policies, processes, and technical measures in place to safeguard personal information.

Access to systems that hold employment related information is restricted to authorised personnel using unique identifiers and passwords. Your information is stored on systems that are protected by secure network architectures and are backed-up on a regular basis (to a second secure location) for disaster recovery and business continuity purposes; and to avoid the risk of inadvertent erasure or destruction.

### **6. How Long Does The Firm Keep Data?**

We only keep information for as long as it is needed.

If your application for employment is unsuccessful, Pathfinder Legal Services will hold your data on file for **24** months after the end of the relevant recruitment process. At the end of that period, your data will be deleted or destroyed. (In exceptional circumstances, we may need to retain your record for a further duration in order to comply with Home Office or other regulatory requirements).

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 with us.

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The periods for which your data will be held will be provided to you in the employee privacy notice and retention schedule.

### **7. Third Party Processing**

The Firm has several contracts with third party suppliers and service providers e.g. Employment Agencies, who provide specialist services. These third parties will process applicant information in accordance with our instructions and make decisions regarding the information as part of the delivery of their services. They are also required to put in place appropriate security measures that ensure an adequate level of protection for personal information.

### **8. What Rights Do You Have?**

You have a number of rights relating to the data we hold about you. These include the right to:

- Access (to obtain a copy of your personal data, on request)
- Rectification (to request inaccurate or incomplete data be corrected)
- Erasure (to request that your data is deleted)
- Restrict processing (to request that we stop or do not use your data in a certain way)
- Portability (in some cases, you can ask to receive a copy of your data in a commonly used electronic format so that it can be given to someone else)
- Object (generally to make a complaint about any aspect of our use of your data)
- Ask the Firm to stop processing data for a period if data is inaccurate or there is a dispute about whether your interests override the Firm's legitimate grounds for processing data.
- Have explained if there will be any automated decision-making, including profiling, based on your data and for the logic behind this to be explained to you.

If you would like to exercise any of these rights or are unhappy with any aspect of how your information has been collected and/or used, please contact the Practice Manager (Operations), details below.

Whether we can agree to your request will depend on the specific circumstances and if we cannot then we will explain the reasons why.

If you believe that the Firm has not complied with your data protection rights, you can also complain to the Information Commissioner.

### **9. Automated Decision-Making**

Our recruitment processes are not based on automated decision-making.

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### **10. What if You Do Not Provide Personal Data?**

You are under no statutory or contractual obligation to provide data to the Firm during the recruitment process. However, please be aware that if you decline, it will not be possible for your application to progress as we will be unable to process the data needed to do this.

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