

GDPR Privacy Notice for Candidates for Employment or Work



Landell Mills GDPR Privacy Notice for Candidates for Employment or Work

Information to be provided by the Landell Mills Group where personal data relating to applicants is to be processed by us for employment or work.

What is the purpose of this Privacy Notice?

Landell Mills is a “data controller” and we collect, store, hold, process, use, record, consult, disclose, erase, make decisions based upon, destroy and in some instances transmit personal data about you (together these activities are referred to as “Process”, “Processed” or “Processing”). This **Privacy Notice** sets out the information that must be provided by us to you (the “Data Subject”) at the time your personal data is obtained. It is drafted in compliance with UK and Irish data protection laws. We are making you aware of our Privacy Notice because you may be applying for work with us (whether as an employee, worker or independent contractor).

This Privacy Notice concerns your **personal data** and **special categories of data**, together referred to as “Data” in the Privacy Notice, which is obtained during the recruitment or selection process. This Privacy Notice describes how we collect and use Data about you and gives examples of the types of Data we hold, Processing activities and the justifications for that Processing.

This Privacy Notice does not form part of any contract of employment or other contract to provide services.

This Privacy Notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing Data about, seeks to ensure that you are aware of how and why we are using such information. This Privacy Notice should also be read in conjunction with our **Data Protection Policy**.

Data Protection Principles

We will comply with data protection law and principles, which means that your Data will be:

- Used lawfully, fairly and in a transparent way;
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes;
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date;
- Kept only as long as necessary for the purposes we have told you about;
- Kept securely.

The types of data we hold about you

In connection with your application for work with us, we will collect, store, Process and use the following categories of personal data about you:

- The information you have provided to us in your curriculum vitae and any covering letter;
- The information you have provided on any relevant application forms, including name, title, address, telephone number, email address, date of birth, gender, employment history, qualifications, reference information. This list is not exhaustive;

- Any information you provide to us during an interview or any discussion about a role that we may have;
- Any information you provide to us or the results of any pre-employment testing or screening process.

We may also collect, store and use the following special categories of more sensitive Data; where specifically relevant to the position of employment under consideration:

- Information about your health, including any medical condition, health and sickness records;
- Information about criminal convictions and offences.

We collect Data about candidates from the following sources:

- You, the candidate;
- The recruitment agency, from which we collect the following categories of data: **personal data**;
- Background check provider, from which we collect the following categories of data: **personal data**;
- Published social media accounts e.g LinkedIn: **personal data**;
- Referrals (including from clients, partners, sub-contractors and other individuals,) who may refer your **personal data** to us;
- Open sources, such as internet listings or other published data;
- Former employers, contractors, clients and/or educational establishments;
- Security clearance agencies, in respect of criminal convictions and/or security threats (where relevant to the position);
- Your named referees, from whom we may collect data including employment history, qualifications, attendance record and salary information.

Change of Purpose

We will only use your Data for the purpose for which it was collected unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purposes.

If we need to use your Data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so. We may also process your Data without your knowledge or consent, in compliance with the above rules, where this is permitted or required by law.

How we will use data about you – our lawful basis

We will use the Data we collect about you to:

- Assess your skills, qualifications, and suitability for the work or advertised role;
- Carry out any required background and reference checks, where applicable;
- Assess your right to work in the UK, Ireland or any other country in which we may work in compliance with relevant immigration rules (where applicable);
- Communicate with you about the recruitment process;
- Keep records related to our hiring or recruitment processes;
- Carry out data analytics including the profiles of those applying for roles with us;
- Comply with legal or regulatory requirements.

Under Data Protection laws, data controllers have to explain how Data about Data Subjects is used because they can only use Data when they are permitted to do so by law. Data controllers will be permitted to use Data by law when they can establish a “Lawful Basis”. The Lawful Basis relevant for Processing Data about you in the recruitment context is that:

- It is necessary for the purposes of legitimate interests pursued by us or by a third party. It is in our legitimate interests to decide whether to appoint you to the role or offer you work since it would be beneficial to our business to appoint someone to that role or provide such services.
- It is necessary for entering into or performing a contract with a Data Subject. We need to process your Data to decide whether to enter into a contract of employment or services with you.

For employed roles; having received your CV and covering letter/email OR your application form (and/or the results from any test that you may have taken), we may then process that information to decide whether you meet the basic requirements to be shortlisted for the role. If you do, we will decide whether your application is strong enough to invite you for an interview. If we decide to call you for an interview, we will use the information you provide to us at the interview to decide whether to offer you the role or work. If we decide to offer you the role or work, we may then take up references, carry out a criminal record check and/or carry out any other relevant checks before confirming your appointment; please note that reference requests prior to the offer stage may be undertaken, subject to communication with you to confirm your consent.

For independent contractor roles; having received your CV and covering letter/email OR your application form, including from a referral, we will then process that information to decide whether you meet the basic requirements to be shortlisted for the role. If we decide to offer you a project position, this may be subject to confirmation of your full employment/work engagement history, and client approval. Please note that positions may be subject to a criminal record check and/or other relevant checks before confirming your appointment.

If you fail to provide Data when requested, which is necessary for us to consider your application (such as evidence of qualifications or work history), we will not be able to process your application successfully. For example, if we require a security check or references for this role and you fail to provide us with relevant details, we will not be able to take your application further.

How we use special categories of Data

We will use your particularly sensitive Data (special categories of data) in the following ways:

- We will use information about your disability status to consider whether we need to provide appropriate adjustments during the recruitment process, for example, whether adjustments need to be made during the interview process or during a test.
- We will use sensitive data (which may include information about your gender; race, national or ethnic origin; sexual orientation; age, health or religious beliefs - where known to us) to ensure that relevant Duty of Care precautions are in place.

Information about Criminal Convictions

We envisage that we may need to process information about criminal convictions in specific circumstances.

We may collect and process information about any history of criminal convictions only if relevant to a specific role and where we would like to offer you the work or role (conditional on checks and any other conditions, such as references, being satisfactory). We are entitled to carry out a criminal record check

in order to satisfy ourselves and the relevant client that there is nothing in your criminal convictions' history that makes you unsuitable for the role.

Transferring Data to a Third Party

Why might we share your Data with third parties?

We may as part of the recruitment or selection processes share your Data with the following third parties:

- Associated employers, consortium partners or Group companies;
- Client organisations – where relevant to the position being recruited or services to be provided;
- Legal representatives;
- Regulators and professional bodies;
- Recruiters or reference checking agencies;
- Government or statutory bodies in our operational jurisdiction;
- Revenue and customs authorities of the United Kingdom (HMRC) and Republic of Ireland (ROS);
- Insurers, insurance brokers;
- Occupational health providers;
- Medical practitioners, clinicians, doctors, other health providers and consultants;
- Marketing or PR agencies;
- Cloud and IT service providers;
- The UK Driving Licence and Vehicle Authority (DVLA) or Irish Road Standards Agency (RSA);
- Security checking services;
- Consultants or contractors working on our behalf.

All our third-party service providers and other entities in the Group are required to take appropriate security measures to protect your Data in line with our policies. We only permit third party service providers to process your Data for specified purposes and in accordance with our instructions.

Data security

We have put in place appropriate security measures to prevent your Data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your Data to those employees, agents, contractors and other third parties who have a business need-to-know. They will only process your Data on our instruction and they are subject to a duty of confidentiality. (Details of these measures may be obtained from our Data Team).

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

Data retention

If you send us your CV for employment or independent contractor positions, then we will assume that you have no objection to us including your CV on our CV database. Should you not wish this to happen please inform us at cvarchive@landell-mills.com or in the email content when sending us your CV.

How long will you use my information for?

The periods for which Data will be stored and the criteria used to determine retention periods or whether Data can be removed will depend on the information in question, its relevance or sensitivity. Generally, Data will be removed if it has been superseded by other relevant or up to date information, if it is out of date, irrelevant or no longer necessary. Generally, for third party, consultancy roles, this will be for a period of 10 years after we have received your information, although we reserve the right to delete your information sooner should we so wish; for internal vacancies, unless otherwise stated, this will generally be for a period of up to 36 months.

Rights of access, correction, erasure, and restriction

Your rights in connection with Data

Under certain circumstances, by law, you have the right to:

- Request access to your Data (commonly known as a “data subject access request”). This enables you to receive a copy of the Data we hold about you and to check that we are lawfully processing it;
- Request correction of the Data that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected;
- Request erasure of your Data. This enables you to ask us to delete or remove Data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your Data where you have exercised your right to object to processing (see below);
- Object to the processing of your Data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground;
- Request the restriction of processing of your Data. This enables you to ask us to suspend the processing of Data about you, for example, if you want us to establish its accuracy or the reason for processing it;
- Request the transfer of your Data to another party.

If you want to review, verify, correct or request erasure of your Data, object to the processing of your personal data or request that we transfer a copy of your Data to another party, please contact our Data Team in writing.

Contact

If you have any questions about this privacy notice or how we handle your Data, please contact lm@landell-mills.com. You have the right to make a complaint at any time to the Information Commissioner’s Office (ICO), the UK supervisory authority for data protection issues, or to the Data Protection Commission (DPC) in Ireland.