

## **GDPR PRIVACY NOTICE [JOB APPLICANTS]**

### **1. Data controller:**

Stillbirth and Neonatal Death Charity, CAN Mezzanine, 49-51 East Road, London N1 6AH.

### **Data Protection Officer (HR):**

Piers Vimpany, Director of Finance & Resources: [piers.vimpany@sands.org.uk](mailto:piers.vimpany@sands.org.uk)

As part of any recruitment process, Sands 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.

### **2. What information does Sands collect?**

The organisation collects 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;
- information about your current level of remuneration, including benefit entitlements;
- 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; and
- equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief.

### **3. How does Sands collect this information?**

Sands collects this information in a variety of ways. For example, data might be contained via application forms, CVs, obtained from your passport or other identity documents, or collected through interviews or other forms of assessment or tests.

Sands will also collect personal data about you from third parties, such as references supplied by former employers. Sands will seek information from third parties only once a job offer to you has been made and will inform you that we are doing so.

Data will be stored in a range of different places, including on your application record, in our HR management systems and on other IT systems (including email).

#### **4. Why does the organisation process personal data?**

Sands needs to process data to take steps at your request *prior to* entering into a contract of employment with you. It also needs to process your data to enter into a contract with you; during and after the course of your employment at Sands (subject to our data retention policy).

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

Sands 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 Sands to manage the recruitment process, assess and confirm a candidate's suitability for employment and decide to whom to offer a job. Sands may also need to process data from job applicants to respond to, and defend against legal claims. Sands also processes health information if we need to make reasonable adjustments to the recruitment process for candidates who have a disability. This is to carry out our obligations and exercise specific rights in relation to employment.

Where we process 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 only.

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

If your application is unsuccessful, Sands will keep your personal data on file for a period of a further calendar year. Sands will ask for your consent before it keeps your data for this purpose and you are free to withdraw your consent at any time.

#### **5. 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, members of the interview panel, managers recruiting for a vacancy and IT staff, to enable you to join our IT Network, if successful at interview.

Sands will not share your data with third parties, unless your application for employment is successful and it makes you an offer of employment. Only then will Sands share your data with former employers to obtain references for you and will also share your details with our Occupational Health Provider for the purposes of ensuring that your role with Sands is suitable for you from a health perspective, and that we have information regarding suitable adjustments workplace adjustments that you may require.

Sands will not transfer your data outside the European Economic Area.

## **6. How does the organisation protect data?**

Sands takes the security of your data seriously. We have internal policies and controls in place to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by our employees in the proper performance of their duties.

Data held in Sands' IT Cloud (Sands' iCloud) is held under strict protocols whereby access is restricted within an access hierarchy and data will only be available to those personnel outlined in Clause 5, for the purposes of carrying out their roles.

## **7. For how long does the organisation keep data?**

If your application for employment is unsuccessful, Sands will hold your data on file for a period of one calendar year after the end of the relevant recruitment process. At the end of that period, or once you notify us in writing that you have withdrawn your consent, your data will be deleted or destroyed.

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

## **8. 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, or make a subject access please contact Sands Data Protection Officer if you believe that Sands has not complied with your data protection rights, you can report any concerns to the [Information Commissioner here](#).

## **9. What if you do not provide personal data?**

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

## **10. Automated decision-making**

Recruitment processes are not based solely on automated decision-making.

The General Data Protection Regulation (GDPR) requires employers to be transparent about the personal data that they hold and how it is used. The GDPR requires employers to provide the following information to job applicants at the point that data is collected from them:

- the identity and contact details of the organisation;
- the contact details of the data protection officer, if relevant;
- the purposes for which the personal data will be processed, as well as the legal basis for the processing;
- if the employer is relying on its legitimate interests as the lawful condition for processing, what those legitimate interests are;
- the recipients or categories of recipients of the personal data;
- any transfer of the data outside the European Economic Area and the basis for such transfer;
- the period for which data will be stored, or the criteria used to determine how long data will be retained;
- the individual's rights to subject access, rectification or erasure of personal data, and the right to restrict processing or object to processing;
- the right to withdraw consent to processing at any time, if the data controller is relying on consent as a ground for processing;
- the right to lodge a complaint with the Information Commissioner;
- whether or not providing the data is a statutory or contractual requirement, or a requirement necessary to enter into a contract, and whether or not the data subject is obliged to provide the personal data, and the consequences of failing to provide the data;
- the existence of any automated decision-making and meaningful information about the logic involved and the consequences of any such processing for the individual; and
- where data is obtained from a third party, the source of the data, including if it came from publicly accessible sources.

Employers are required to provide the information in a concise, transparent, intelligible and easily accessible form. It must be in writing, and written in clear and plain language.

Where an employer wishes to process existing personal data for a new purpose, it must inform the job applicant of that further processing and must keep a record of the request and written consent received.