

## **Privacy Policy – Candidate Data**

### **1. What is the purpose of this document?**

- 1.1. McLays is committed to protecting the privacy and security of personal information.
- 1.2. This privacy notice describes how we collect and use personal information about you during and after your application to work with us (whether as an employee, worker or contractor), in accordance with the General Data Protection Regulation (GDPR).
- 1.3. McLays is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.
- 1.4. This notice applies to any prospective employees, workers and contractors. This notice does not form part of any contract of employment or other contract to provide services. We may update this notice at any time.
- 1.5. It is important that you read 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.

### **2. Data protection principles**

- 2.1. We will comply with data protection law. This says that the personal information we hold about you must be:
  - a) Used lawfully, fairly and in a transparent way.
  - b) Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
  - c) Relevant to the purposes we have told you about and limited only to those purposes.
  - d) Accurate and kept up to date.
  - e) Kept only as long as necessary for the purposes we have told you about.
  - f) Kept securely.

### **3. The kind of information we hold about you**

- 3.1. Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).
- 3.2. There are "special categories" of more sensitive personal data which require a higher level of protection. Please see [3.4] below.

3.3. In connection with your application for work with us, we may collect, store, and use the following categories of personal information about you:

- a) Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
- b) Date of birth.
- c) Gender.
- d) National Insurance number.
- e) Recruitment information (including copies of right to work documentation, references, interview notes and opinions taken during and following interviews and other information included in a CV or cover letter or as part of the application process).
- f) Employment records (including job titles, work history, working hours, training records and professional memberships).
- g) Any test results of any tests which may be used in the process, psychometric or other, included in the recruitment process.
- h) Compensation history.
- i) Information necessary to complete pre-employment security checks.

3.4. We may also collect, store and use the following "special categories" of more sensitive personal information:

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

#### **4. How is your personal information collected?**

4.1. We typically collect personal information through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. We may sometimes collect additional information from third parties including former employers, credit reference agencies or other background check agencies.

#### **5. How we will use information about you**

5.1. We need the information above primarily because they are necessary for entering into a potential contractual relationship with you and to enable us to comply with legal obligations. In some cases we may use your personal information to pursue legitimate interests of our own or those of third parties, provided your interests and fundamental rights do not override those interests. The situations in which we will process your personal information are listed below:

- a) Making a decision about your recruitment or appointment.

- b) Determining the terms on which you work for us.
- c) Checking you are legally entitled to work in the UK.
- d) Assessing qualifications for a particular job or task.
- e) Dealing with legal disputes involving you.
- f) Ascertaining your fitness to carry out the role.
- g) Complying with health and safety obligations.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

5.2. In terms of our legitimate interests or the legitimate interests of third parties, these legitimate interests will be:

- a) to enable us to deal with and defend any dispute or legal proceedings;

5.3. We may also use your personal information in the following situations, which are likely to be rare:

- a) Where we need to protect your interests (or someone else's interests). For example, if you became seriously unwell or had an accident during the recruitment process we may need to provide a hospital with personal information about you.
- b) Where it is needed in the public interest or for official purposes.

5.4. If you fail to provide information 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 credit 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.

5.5. We 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 we need 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.

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

## **6. How we use particularly sensitive personal information**

6.1. "Special categories" of particularly sensitive personal information require higher levels of protection.

6.2. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:

- a) In limited circumstances, with your explicit written consent.
- b) Where we need to carry out our legal obligations and in line with our data protection policy.
- c) Where it is needed in the public interest, such as for equal opportunities monitoring, and in line with our data protection policy.
- d) Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.
- e) Where it is necessary for establishing, exercising or defending legal claims.

6.3. Less commonly, we may process this type of information where it is to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public. For example, if you became seriously unwell or had an accident during the recruitment process we may need to provide a hospital with medical information we are aware of.

6.4. We will use your particularly sensitive personal information in the following ways:

- a) 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 a test or interview.
- b) We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.
- c) We may use all special categories of data to defend legal claims.

## **7. Information about criminal convictions**

7.1. We envisage that we will need to undertake and hold information about criminal convictions; this as a legitimate interest to satisfy obligations placed upon McLays by our Customers, for the prevention of fraud and protection of the business against criminal activity. We will use information about criminal convictions and offences as part of the recruitment process to establish whether or not to offer you a role.

7.2. We will use information about criminal convictions and offences as part of the recruitment process to establish whether or not to offer you a role.

7.3. The processing will be in accordance with our data protection policy, information security policy and other McLays policies.

7.4. Checks regarding criminal convictions will be performed by a third party organisation and the information will be provided to you and to us. We will advise you who the third party organisation is before this occurs and confirm your agreement to proceed and you will need to provide the necessary information to this third party. McLays will bear all costs for this activity.

## 8. Data sharing

- 8.1. We may share your personal information with third parties where required by law, where it is necessary as part of entering whether to enter a working relationship with you or where we have another legitimate interest in doing so.
- 8.2. "Third parties" includes third-party service providers (including contractors and designated agents) and other entities within our group.
- 8.3. All our third-party service providers and other entities in the group are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

## 9. Data security

- 9.1. We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality. Details of these measures may be obtained from HR.
- 9.2. 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.

## 10. Data retention

- 10.1. We will retain your personal information for one year following the recruitment process. This will include retaining information so that we can show, in the event of a legal claim, that we have not discriminated against candidates on prohibited grounds and that we have conducted the recruitment exercise in a fair and transparent way. We will then securely destroy your personal information in accordance with our data retention policy.
- 10.2. If we wish to retain your personal information on file beyond this one year period, on the basis that a further opportunity may arise in future and we may wish to consider you for that, we will write to you separately, seeking your explicit consent to retain your personal information for a fixed period on that basis.
- 10.3. If you are successful in being appointed to a role with us, our privacy policy for staff will apply. A copy will be provided to you on appointment.

## 11. Rights of access, correction, erasure, and restriction

- 11.1. It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes.
- 11.2. Under certain circumstances, by law you have the right to:
  - a) **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.

- b) **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- c) **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information 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 personal information where you have exercised your right to object to processing (see below).
- d) **Object to processing** of your personal information 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. You also have the right to object where we are processing your personal information for direct marketing purposes.
- e) **Request the restriction of processing of your personal information.** This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- f) **Request the transfer** of your personal information to another party.

11.3. If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the Data Protection Officer [dpo@mclays.com](mailto:dpo@mclays.com) in writing.

11.4. You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

11.5. We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

## **12. Right to withdraw consent**

12.1. In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the Data Protection Officer [dpo@mclays.com](mailto:dpo@mclays.com) in writing.

12.2. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

## **13. Responsibility for compliance**

13.1. McLays's Data Protection Officer is responsible for overseeing our compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact [dpo@mclays.com](mailto:dpo@mclays.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. See [www.ico.org.uk](http://www.ico.org.uk).