



Privacy Notice for Job Applicants and Prospective Employees, Workers and Contractors

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Privacy Notice for Job Applicants and Prospective Employees, Workers and Contractors

1. WHAT IS THE PURPOSE OF THIS DOCUMENT?

- 1.1 In this privacy notice "we" or "us" means Haven (Tyneside) Limited. Our contact details can be found at section 17 of this privacy notice.
- 1.2 You are receiving a copy of this privacy notice because you are applying to work with us (as an employee, worker or contractor). It explains how and why your personal information will be used, namely for the purposes of the recruitment exercise, and how long it will usually be retained for. It also gives you certain information that has to be provided under the European Union's General Data Protection Regulation (GDPR) and equivalent rules in the United Kingdom.
- 1.3 For the purposes of your application to us, we are 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 privacy notice applies to all job applicants and prospective employees, workers and contractors. We 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.
- 1.5 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.

2. DATA PROTECTION PRINCIPLES

- 2.1 We endeavor to comply fully with data protection law. This says that the personal information we hold about you must be:
 - 2.1.1 Used lawfully, fairly and in a transparent way.
 - 2.1.2 Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
 - 2.1.3 Relevant to the purposes we have told you about and limited only to those purposes.
 - 2.1.4 Accurate and kept up to date.

2.1.5 Kept only as long as necessary for the purposes we have told you about.

2.1.6 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, such as information about a person's health or sexual orientation.

3.3 We will collect, store, and use the following categories of personal information about you:

3.3.1 Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.

3.3.2 Gender.

3.3.3 Next of kin and emergency contact information.

3.3.4 National Insurance number.

3.3.5 Copy of driving licence and evidence that you are insured to drive your car for business purposes.

3.3.6 Information provided as part of the recruitment process (including copies of right to work documentation, references and other information included in a CV (e.g. employment history and qualifications) or cover letter or as part of the application process, including any interview that you attend).

3.3.7 Employment records (including job titles, work history, working hours, holidays and training records).

3.3.8 Performance information.

3.3.9 Disciplinary and grievance information.

3.3.10 Information about your use of our information and communications systems.

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

3.4.1 Information about your race or ethnicity, religious beliefs, sexual orientation.

3.4.2 Information about your health, including any medical condition..

3.4.3 The reference number of your DBS check.

4. **HOW IS YOUR PERSONAL INFORMATION COLLECTED?**

4.1 We collect personal information about you through the application and recruitment process, both directly from you and from former employers, credit reference agencies and, for the purpose of obtaining DBS checks, other background checking agencies.

5. **HOW WE WILL USE INFORMATION ABOUT YOU**

5.1 We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

5.1.1 Where we need to take steps, at your request, before entering into a contract with you.

5.1.2 Where we need to comply with a legal obligation.

5.1.3 Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

5.1.4 Where we have your consent.

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

5.2.1 Where we need to protect your vital interests (or someone else's vital interests).

5.2.2 Where it is needed in the public interest.

6. **SITUATIONS IN WHICH WE WILL USE YOUR PERSONAL INFORMATION**

6.1 We need all the categories of information in the list above (see paragraphs 3.3 and 3.4) primarily to allow us to take steps necessary before entering into a contract with you and where it is in the pursuit of our legitimate interests or those of third parties. Where we use your personal information to pursue our legitimate interests (or those of third parties), we will only do so provided your interests and fundamental rights do not override those interests. The situations in which we will process your personal information are listed below.

6.1.1 Making a decision about your recruitment or appointment.

6.1.2 Determining the terms on which you work for us.

6.1.3 Checking you are legally entitled to work in the UK.

6.1.4 Assessing qualifications for a particular job or task.

- 6.1.5 Carrying out background and reference checks, where applicable.
- 6.1.6 Ascertaining education, training and development requirements.
- 6.1.7 Ascertaining your fitness to work.
- 6.1.8 Communicating with you about the recruitment process (including making arrangement for interviews or any other assessments we ask you to attend).
- 6.1.9 Equal opportunities monitoring.
- 6.1.10 Complying with legal or regulatory requirements.
- 6.1.11 Keeping records relating to our hiring process.

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

7. IF YOU FAIL TO PROVIDE PERSONAL INFORMATION

If you fail to provide certain information when requested, we may not be able to consider your application or offer you a position.

8. CHANGE OF PURPOSE

8.1 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.

8.2 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.

9. HOW WE USE PARTICULARLY SENSITIVE PERSONAL INFORMATION

9.1 "Special categories" of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data. We may process special categories of personal information in the following circumstances:

9.1.1 In limited circumstances, with your explicit written consent.

9.1.2 Where it is needed in the public interest, such as for equal opportunities monitoring, or in relation to pension benefits.

9.2 Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed 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.

9.3 **Our obligations as a prospective employer**

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

- (a) We will use information about your physical or mental health, or disability status, to ensure your health and safety on our premises and to assess your fitness to work and to consider appropriate workplace adjustments.
- (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.

9.4 **How will we obtain your consent?**

Where we need your consent, 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 you are not obliged to give us your consent.

10. **INFORMATION ABOUT CRIMINAL CONVICTIONS**

10.1 We will only use information relating to criminal convictions where we have your explicit consent. This will be done in line with our data protection and retention policy and guidance.

10.2 We will collect information about criminal convictions, by carrying out DBS checks as part of all recruitment exercises.

10.3 We are allowed to use your personal information in this way given the nature of your role or potential role, to enable us to make appropriate decisions about recruitment and assess suitability for continued employment with us on a periodic basis. Following the assessment or decision in question having been made, only the DBS reference number will be retained on file. We have in place an appropriate policy and safeguards which we are required by law to maintain when processing such data.

11. **AUTOMATED DECISION-MAKING**

11.1 Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention.

11.2 We do not envisage that any decisions will be taken about you using automated means, however, we will notify you in writing if this position changes.

12. DATA SHARING

12.1 We may have to share your data with third parties, including third-party service providers.

12.2 We require third parties to respect the security of your data and to treat it in accordance with the law.

12.3 **Why might you share my personal information with third parties?**

We will share your personal information with third parties where required by law where it is necessary to administer the recruitment process with you or where we have another legitimate interest in doing so.

12.4 **Which third-party service providers process my personal information?**

"Third parties" includes third-party service providers (including contractors and designated agents). The following activities are carried out by third-party service providers: administration, IT services, credit reference agencies, and background checking agencies, such as the Disclosure and Barring Service.

12.5 **How secure is my information with third-party service providers?**

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.

12.6 **What about other third parties?**

12.6.1 We may share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business. In this situation we will, so far as possible, share anonymised data with the other parties before the transaction completes. Once the transaction is completed, we will share your personal data with the other parties if and to the extent required under the terms of the transaction.

13. We may also need to share your personal information with a regulator or to otherwise comply with the law. **DATA SECURITY**

13.1 We have put in place measures to protect the security of your information.

13.2 Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

- 13.3 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.
- 13.4 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.

14. DATA RETENTION

14.1 How long will you use my information for?

- 14.1.1 We will keep your personal information for a period of three months after we have communicated to you our decision about whether to appoint you to the role you have applied for. We keep your personal information for that period 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. After this period, we will securely destroy your personal information in accordance with applicable laws and regulations.

15. RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION

15.1 Your duty to inform us of changes

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during the recruitment process.

15.2 Your rights in connection with personal information

15.2.1 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.
- (g) **Right to complain to the relevant data protection authority** where you think we have not used your personal information in accordance with data protection law. The relevant data protection authority in the UK is the Information Commissioner's Office.

15.2.2 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 us using the contact details provided at section 17.

15.3 **No fee usually required**

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.

15.4 **What we may need from you**

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.

15.5 Right to withdraw consent

In the limited circumstances where we rely on your consent for 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 us using the details provided at section 17. 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 legal basis for doing so.

16. CHANGES TO THIS PRIVACY NOTICE

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

17. IF YOU HAVE ANY QUESTIONS

17.1 If you have any questions regarding this privacy notice or the way we use your personal information, please contact us by:

17.1.1 telephone on 0191 4775605 and ask to speak to Bryan Watson, Chief Officer;

17.1.2 email at: bryanwatson@haventyneside.co.uk; or

17.1.3 post at: FAO Bryan Watson, Chief Officer, Haven Tyneside Ltd 11 Regent terrace Gateshead NE8 1LU.