

GDPR Privacy Notice – Job Applicants

This Privacy Notice tells you how and why ECT Charity collects and uses personal information during the recruitment process.

Contact Information	ECT Charity, Greenford Depot, Greenford Middlesex UB6 9AP 020 8813 3210 privacy@ectcharity.co.uk
Data Protection Manager	Deputy CEO Contact details as above

1. Introduction

- 1.1. As part of the recruitment process, ECT Charity collects and processes personal information (or “**personal data**”) relating to job applicants. This Privacy Notice tells you how and why we do this.
- 1.2. ECT Charity is committed to:
 - being transparent about how it handles your personal data;
 - protecting the privacy and security of your personal data; and
 - meeting our obligations under the General Data Protection Regulation (“**GDPR**”) and the Data Protection Act 2018 (together “**data protection law**”).
- 1.3. This Privacy Notice applies to all job applicants for the positions of ECT Charity employees, workers, volunteers and contractors, whether they apply for a role directly or indirectly through an employment agency. It is non-contractual.
- 1.4. ECT Charity has a Data Protection Manager to oversee compliance with this Privacy Notice. If you have any questions about this Privacy Notice or about how we handle your personal data, please contact the Data Protection Manager (details provided above).
- 1.5. All references to:
 - “ECT Charity”, “us”, “our” and “we” includes Ealing Community Transport, Dorset Community Transport and all of its subsidiaries and any operations, including those across Cheshire West & Chester, Dorset & Ealing; and
 - “you” and “your” refers to applicants for the positions of ECT Charity employees, workers, volunteers and contractors.

2. WHAT data do we collect?

2.1. We retain a range of data about you during the recruitment process. This includes:

- your name, address and contact details (including email address and telephone number, date of birth, National Insurance Number);
- recruitment and employment records (including information from employment agencies), references, Disclosure and Barring Service (“DBS”) record checks, driving licence and penalties/endorsements, right to work in the UK documentation, qualification certificates; and
- whether or not you have a disability for which ECT needs to make reasonable adjustments during the recruitment process.

2.2. We may collect this data 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.

2.3. We may also collect personal data about you from third parties, such as references supplied by former employers. In the event that we collect this data, we shall inform you accordingly.

2.4. Your personal data may be stored in different places, including in your application record, our HR management system and in other IT systems.

2.5. In respect of DBS records, driving licence, penalties and endorsements, these are only collected during the recruitment process where it is appropriate given the nature of the role you have applied for and where the law permits.

2.6. We currently do not transfer personal data to countries outside the European Economic Area.

3. HOW do we collect and process your personal data?

3.1. We will only collect and process your personal data if the following lawful bases apply:

- we have your **consent** to process your personal data;
- we need to take steps prior to considering your application during our recruitment process; and
- there is a **legitimate interest**¹ where processing your personal data is needed, provided that your interests or your fundamental rights and freedoms do not override our interests.

4. WHY do we collect and process your personal data?

4.1. You are under no statutory or contractual obligation to provide personal information to ECT during the recruitment process. However, if this information is not supplied, then we will be unable to process your application.

¹ Legitimate interests include (i) pursuing our business by employing employees, workers, volunteers and contractors; (ii) managing the recruitment process; (iii) performing effective internal administration; (iv) conducting due diligence on prospective staff.

4.2. We collect and process your personal data to enable us to:

- manage the recruitment processes and assess your suitability for employment or engagement;
- make a recruitment decision;
- comply with statutory and/or regulatory requirements and obligations (e.g. checking your right to work in the UK);
- comply with the duty to make reasonable adjustments for disabled job applicants and with other disability discrimination obligations; and
- monitor equal opportunities in recruitment.

4.3. Please note that we only process equal opportunities information supplied with your application for the purpose of monitoring (and in line with our Data Protection Policy). It is entirely your choice whether to provide this data.

5. WHO has access to your personal data?

5.1. We may share your personal data internally within ECT Charity for the purposes of recruitment (including with members of the recruitment team or managers in the team which has the vacancy).

5.2. We will not share your personal information with third parties during the recruitment process unless your job application is successful and we make you a conditional offer of employment or engagement. At that stage, we will share your personal information with third parties (and their designated agents), including:

- with external organisations so that they can carry out pre-employment reference and employment background checks such as DBS Disclosures; and
- current and former employers to obtain references.

6. HOW does ECT Charity protect your personal data?

6.1. ECT Charity has put in place various measures to protect the security of your personal data. For instance:

- policies, procedures and controls to try and prevent your personal data from being accidentally lost or destroyed, altered, disclosed, used or accessed in an unauthorised way; and
- access to your personal data is limited to those employees, workers, volunteers, contractors and other third parties who have a business need to know in order to perform their duties and responsibilities.

You can obtain further information about these measures from our Data Protection Manager.

6.2. Where your personal data is shared with third-party service providers, we require all third parties to take appropriate technical and organisational security measures to protect your personal data and to treat it subject to a duty of confidentiality and in accordance with data protection law. We only allow them to process your personal data for specified purposes and

in accordance with our written instructions and we do not allow them to use your personal data for their own purposes.

- 6.3. ECT Charity also has procedures in place to deal with a suspected data security breach and we will notify the Information Commissioner's Office (or any other applicable supervisory authority or regulator) and you of a suspected breach where we are legally required to do so.

7. HOW LONG does ECT Charity keep your personal data for?

- 7.1. ECT Charity will only retain your personal data for as long as is necessary to fulfil the purposes for which it was collected and processed.
- 7.2. If your application for employment or engagement is **successful**, personal information gathered during the recruitment process will be retained for the duration of your employment or engagement and in accordance with ECT Charity's GDPR Privacy Notice for Staff.
- 7.3. If your application for employment or engagement is **unsuccessful**, ECT Charity will generally hold your personal information one year after the end of the recruitment exercise but this is subject to the retention of some types of personal information to protect against legal risk (e.g. if they could be relevant to a possible legal claim in a tribunal, County Court or High Court).
- 7.4. ECT Charity may wish to keep your personal information on file for in case there are future suitable employment opportunities for you with us. We will ask for your consent before we keep your personal information on file for this purpose. Your consent can be withdrawn at any time. If you consent to us keeping your personal information on file for this reason, we will hold your personal information for two years after the end of the relevant recruitment exercise, or until you withdraw your consent if earlier.
- 7.5. Personal data which is no longer required to be retained will be securely and effectively destroyed or permanently erased from our IT systems. We will also require third parties to destroy or erase such personal data where applicable.

8. Your rights in connection with your personal data

- 8.1. Under data protection law, you have rights including:
- the right to be **informed** (this means that we must tell you how we use your data, and this is the purpose of this privacy notice);
 - the right to **access your data** and to be told what data is held, who by, the purpose for which it is held and how long it will be held for;
 - the right to ask for a **copy of your data** and an explanation of where it has been sourced² (and to do so, please contact the Data Protection Officer using the details at the top of the Notice);

² The formal process for making such a request is known as a 'Subject Access Request'. For more information visit <https://ico.org.uk/for-the-public/personal-information/>

- the right for any **inaccuracies to be corrected** (if any data that we hold about you is incomplete or inaccurate, you are able to require us to correct it);
- the right to have personal data about you **deleted** (if you would like us to stop processing your data, you have the right to ask us to delete it from our systems where you believe there is no reason for us to continue processing it);
- the right to **restrict the processing** of the data (e.g. if you believe the data we hold is incorrect, you can ask us to stop processing the data (whilst still holding it) until it has been corrected);
- the right to **portability** (this means that you may transfer the data that we hold on you for your own purposes to another organisation);
- the right to **object** to the way we use or process your data; and
- the right to **not be subject to a decision based solely on automated means (including profiling)** if the decision produces legal effects concerning you or significantly affects you in a similar way).

8.2. If you believe that ECT Charity has not complied with your data protection rights, you have the right to make a complaint to the Information Commissioner's Office (**ICO**) at any time. The ICO is the UK supervisory authority for data protection issues.

9. Changes to this Privacy Notice

ECT Charity reserves the right to update or amend this Privacy Notice at any time and will notify you of significant updates or amendments.

Version	Comments	Edits by:	Date approved
1	Original version (part of application form)	Lucy Wells	May 2018
2	General restructure and update	C. Murray-Lyon	30 September 2020