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## Job Application Privacy Notice

**Employee Data controller: Karen Genuardi, Head of People**

**AAT Privacy Partner: Lawrence King, Partner**

### Purpose and Scope

As part of any recruitment process, it is necessary for the firm to collect and process personal data relating to job applicants. The firm is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

### Procedure

#### What personal data does the firm collect from job applicants?

The firm collects a range of information about job applicants. As a job applicant, the firm may collect the following information about you:

- your name, address and contact details, including email address and telephone number;
- details of your qualifications, skills, experience, training and employment history;
- information about your current level of remuneration, including benefit entitlements and any notice period;
- whether or not you have a disability for which the firm needs to make reasonable adjustments during the recruitment process; and
- information about your entitlement to work in the UK.

The firm may collect this information in a variety of ways. For example, personal data might be contained in application forms, CVs or resumes, obtained from your passport or other identity documents, or collected through interviews or other forms of assessment, including written or remote/emailed tests.

The firm may also collect personal data about you from third parties, such as references supplied by former employers and information from criminal records checks (where relevant to the role). The firm will seek information from third parties only once a job offer to you has been made and will inform you that it is doing so.

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

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## **Why does the firm process personal data collected from job applicants?**

As a job applicant, the firm needs to process certain personal data to take steps at your request prior to entering into a contract with you. It may also need to process your personal data to enter into a contract with you.

In some cases, the firm needs to process personal 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.

The firm 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 the firm to manage the recruitment process, assess and confirm a candidate's suitability for employment and decide to whom to offer a job. The firm may also need to process personal data from job applicants to respond to and defend against legal claims.

The firm may process special categories of personal data, such as information about ethnic origin, sexual orientation or religion or belief, to monitor recruitment statistics. It may also collect information about whether or not applicants are disabled to make reasonable adjustments for candidates who have a disability. The firm processes such information to carry out its obligations and exercise specific rights in relation to employment.

For some roles, the firm is obliged to seek information about criminal convictions and offences. Where the firm seeks this information, it does so because it is necessary for it to carry out its obligations and exercise specific rights in relation to employment.

If your application is unsuccessful, the firm may keep your personal data on file in case there are future employment opportunities for which you may be suited. The firm will ask for your consent before it keeps your data for this purpose and you are free to withdraw your consent at any time.

## **Who within the firm has access to personal data collected from job applicants?**

Your personal data may be shared internally for the purposes of the recruitment exercise. This includes members of the HR team, interviewers involved in the recruitment process, partners and managers in the business area with a vacancy and IT staff, if access to the data is necessary for the performance of their roles.

The firm will not share your personal data with third parties, unless your application for employment is successful and it makes you an offer of employment. The firm will then share your data with former employers to obtain references for you, and the Disclosure and Barring Service to obtain necessary criminal records checks, if this is necessary for your role.

The firm will not transfer your data outside the European Economic Area.

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## How does the firm protect personal data that is collected from job applicants?

The firm takes the security of your personal data seriously. It has 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. The firm uses both hardware and software safeguards to control access around the perimeter (firewalls). Internally, data is protected by internal policy and permissions which are applied to both files within file shares, as well as files held in systems such as the Document Management System (DMS).

## For how long does the firm keep personal data collected from job applicants?

If your application for employment is unsuccessful, the firm will hold your data on file for one year after the end of the relevant recruitment process. If you agree to allow the firm to keep your personal data on file, the firm will hold your data on file for one year for consideration for future employment opportunities. At the end of that period or once you withdraw your consent, your data is deleted or destroyed.

If your application for employment is successful, personal data gathered during the recruitment process will be transferred to your personnel 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.

## Your rights relating to personal data held by the firm

As a data subject and job applicant, you have a number of rights. You can:

- access and obtain a copy of your personal data on request;
- require the firm to change incorrect or incomplete personal data;
- require the firm to delete or stop processing your personal data, for example where the data is no longer necessary for the purposes of processing; and
- object to the processing of your personal data where the firm is relying on its legitimate interests as the legal ground for processing.

If you would like to exercise any of these rights or have any concerns regarding the storage and/or process of your personal data by the firm, please contact the Head of People at [kag@aathornton.com](mailto:kag@aathornton.com).

If you believe that the firm has not complied with your data protection rights, you can report a concern to the Information Commissioner's Office(<https://ico.org.uk>) via their helpline on 0303 123 1113.

## What if you do not provide personal data to the firm as a job applicant?

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

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## Automated decision-making

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

Name of Policy:	Job Application Policy
Contractual/Non-Contractual	Non-Contractual
Date last approved	24.05.2018
Policy approved by	Partners
Date to be reviewed	24.05.2019
Type of Policy	HR