

PRIVACY NOTICE TO JOB APPLICANTS

1. Introduction

- 1.1 This notice:
 - 1.1.1 describes how we collect and use personal data about you during the job application process, in accordance with the General Data Protection Regulation (“**GDPR**”) in force from 25 May 2018;
 - 1.1.2 also describes how we use any personal data after the recruitment process if you are unsuccessful. Our separate privacy notice to our workforce will be issued to you if you are successful;
 - 1.1.3 applies to all people applying to join our workforce (whether as employees, workers, casual workers, partners, members, directors, officers, consultants, freelancers agency workers; and
 - 1.1.4 does not form part of any contract of employment or other contract to provide services.
- 1.2 We may update this notice at any time.

2. Who to speak to about your privacy rights

- 2.1 This notice is issued by Winckworth Sherwood LLP, Minerva House, 5 Montague Close, London, SE1 9BB. We are the data controller of the personal data described in this notice.
- 2.2 We have appointed a Data Protection Officer to oversee compliance with this privacy notice. If you have any questions about this notice or how we handle your personal data, please contact Toni Vitale the Data Protection Officer by e-mail tvitale@wslaw.co.uk or by telephone 020 7593 5000.
- 2.3 You have the right to make a complaint at any time to the Information Commissioner's Office (ICO) on 0303 123 1113 or via e-mail <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

3. Data protection principles

- 3.1 The GDPR outlines six principles to which all organisations must adhere. Personal data should be:
 - 3.1.1 processed lawfully, fairly and in a transparent manner;
 - 3.1.2 collected only for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
 - 3.1.3 adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
 - 3.1.4 accurate and, where necessary, kept up to date;

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- 3.1.5 kept only as long as necessary for the purposes we have told you about; and
- 3.1.6 kept securely.

4. The kind of personal data we hold about you

4.1 Personal data means any information about an individual from which that person can be identified. Sensitive personal data requires a higher level of protection and includes information about a person's racial or ethnic origin, political opinions, religious or similar beliefs and physical and mental health.

4.2 We will collect, store, and use the following categories of personal data about you for the recruitment process, either directly from candidates or sometimes from an employment agency, background check provider, former employers, professional or regulatory bodies, training bodies, credit reference agencies.

- 4.2.1 personal contact details such as name, title, addresses, telephone numbers, and personal e-mail addresses;
- 4.2.2 date of birth (for the purposes of verifying your identity and legal right to work in the UK);
- 4.2.3 gender;
- 4.2.4 marital status;
- 4.2.5 copies of right to work documentation including your National Insurance number, passport, driver's licence, work permit, visa;
- 4.2.6 salary, annual leave, pension and benefits information;
- 4.2.7 employment references from your current or former employers;
- 4.2.8 your employment history and responses to questions about information about your employment history;
- 4.2.9 credit reference checks for roles involving handling money or authorising expenditure from budgets,
- 4.2.10 pre-vetting recruitment and identity checks;
- 4.2.11 Standard or Enhanced Disclosure
- 4.2.12 copy of driving licence to validate your ability to drive if the role requires it;
- 4.2.13 other information included in a CV, application form or cover letter or as part of the application process;

4.3 We may also collect, store and use the following sensitive personal data:

- 4.3.1 information about your race or ethnicity, religious beliefs, sexual orientation and political opinions;

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- 4.3.2 information about your health, including any medical condition, health and sickness records; and
- 4.3.3 information about criminal convictions and offences.

5. How we use your personal data

- 5.1 We will only use your personal data when the law allows us to. Most commonly, we will use your personal data where:
 - 5.1.1 we need to comply with a legal obligation on us; or
 - 5.1.2 it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- 5.2 The situations in which we process your personal data are listed below. We have also indicated the purposes for which we are processing or will process your personal data but some of the grounds for purposes will overlap and there may be several grounds which justify our use of your personal data:

To comply with a legal obligation by:

- 5.2.1 checking you are legally entitled to work in the UK;
- 5.2.2 notifying and liaising with appropriate professional and regulatory bodies and public authorities about your suitability to work in your profession or in certain activities, including the Law Society, the Solicitors Regulation Authority, CILEX, the Bar Council and the Licensed Institute of Conveyancers dealing with legal disputes involving you, or other members of the workforce including accidents at work;

Where it is necessary for our legitimate interests by:

- 5.2.3 making a decision about your recruitment or appointment and the terms on which you work for us;
- 5.3 Our legitimate interests include furthering our operations and business, ensuring that there are no inappropriate, unlawful or detrimental actions in relation to the performance of your duties or our business and that our rules and policies are being complied with.

6. Change of purpose for personal data

- 6.1 We will only use your personal data 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 data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.
- 6.2 Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

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7. Sensitive personal data

How we use sensitive personal data

- 7.1 Sensitive personal data require higher levels of protection. We need to have further justification for collecting, storing and using sensitive personal data. We may process sensitive personal data in the following circumstances:
- 7.1.1 in limited circumstances, with your explicit written consent;
 - 7.1.2 where we need to carry out our legal obligations and in line with our Data Protection Policy; or
 - 7.1.3 where it is needed in the public interest, such as for equal opportunities monitoring and in line with our Data Protection Policy.
- 7.2 Less commonly, we may process this type of data 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.

Our obligations as an employer when using sensitive personal data

- 7.3 We will use your sensitive personal data to:
- 7.3.1 to ensure your health and safety in the workplace, to assess your fitness to work, make decisions regarding alternative duties or roles, to provide appropriate workplace adjustments, in relation to information about your physical or mental health, or disability status, and your absence; and
 - 7.3.2 to ensure meaningful equal opportunity monitoring and reporting and to review and implement action programmes in relation to information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation,;

Do we need your consent to use sensitive personal data?

- 7.4 We do not need your consent if we use sensitive personal data in accordance with our written policy where processing is necessary:
- 7.4.1 to carry out our legal obligations or exercise specific rights in the field of employment law;
 - 7.4.2 for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;
 - 7.4.3 for reasons of substantial public interest, on the basis of UK law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and we provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

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- 7.5 In limited circumstances, we may approach you for your written consent to allow us to process sensitive personal data. If we do so, 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.
- 7.6 You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

Information about criminal convictions

- 7.7 We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our Data Protection Policy.
- 7.8 We envisage that we will hold information about criminal convictions, for example, if information about criminal convictions comes to light as a result of our recruitment and Disclosure and Barring Service checks, or if information about criminal convictions comes to light during your employment with us.
- 7.9 Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary 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.

8. Sharing data with third parties

Why might we share your personal data with third parties?

- 8.1 We will share your personal data with third parties where required by law, where it is necessary to administer the working relationship with you, where we have another legitimate interest in doing so or where we have your explicit consent.

Which third-party service providers process your personal data?

- 8.2 Where necessary we may pass your details to third parties. These third parties include:
- 8.2.1 our legal, financial, HR and other advisers
 - 8.2.2 recruitment agents;
 - 8.2.3 insurers;
 - 8.2.4 parties providing products and/or services to us;
 - 8.2.5 professional and regulatory authorities (including HMRC and the police) and any governmental or quasi-governmental organisations;

How secure is your information with third-party service providers?

- 8.3 All our third-party service providers are required to take appropriate security measures to protect your personal data 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

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process your personal data for specified purposes and in accordance with our instructions.

9. Unusual processing

Transferring personal data outside the EU

9.1 We do not **ordinarily** transfer the personal data we collect about you outside of the EU.

Automated decision-making

9.2 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.

10. Retention of personal data

10.1 We will retain personal data obtained as part of the job application process for unsuccessful candidates for one year after completion of the recruitment process including for the purposes of satisfying any legal, accounting, insurance or reporting requirements, to defend or pursue any legal claims and for our legitimate business purposes. Details of retention of personal data for successful candidates is found in our Privacy Notice to Our Workforce.

11. Our approach to information security

11.1 To protect your information, we have policies and procedures in place to make sure that only authorised personnel can access the information, that information is handled and stored in a secure and sensible manner and all systems that can access the information have the necessary security measures in place.

11.2 To make sure all our employees understand these responsibilities they are provided with the necessary training and resources they need.

11.3 In addition to these operational measures we also use a range of technologies and security systems to reinforce the policies.

11.4 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.

12. Consent

12.1 Where we need your consent to hold your personal data we will ask you to confirm your consent in writing and will inform you of why we are collecting the personal data, how we will use it, how long we will keep it for, who else will have access to it and what your rights are as a data subject.

12.2 In the limited circumstances where you may have provided your consent to the processing of your personal data, 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. Once we have received notification that you have withdrawn your

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consent, we will no longer process your personal data for that purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

13. Your data privacy rights

The right to access personal data we hold on you

- 13.1 At any point you can contact us to request the personal data we hold on you as well as why we have that personal data, who has access to the personal data and from where we got the personal data. Once we have received your request we will respond within one month unless the request is complex or numerous, in which case we can extend the period for responding by a further two months.
- 13.2 There are no fees or charges for the first request (unless the request is excessive or manifestly unfounded) but any additional request for the same data may be subject to a reasonable fee.
- 13.3 If your request is excessive or manifestly unfounded we may either refuse to respond or charge a reasonable fee.

The right to correct and update the personal data we hold on you

- 13.4 If the data we hold on you is out of date, incomplete or incorrect, you should inform us in order that we can update it as appropriate. If we decide not to amend your data, we will explain why we are not taking such action.

The right to have your personal data erased

- 13.5 If you feel that we should no longer be using your data or that we are illegally using your data, you can request that we erase the data we hold. When we receive your request, we will confirm whether the data has been deleted or the reason why it cannot be deleted.

The right to object to processing of your data

- 13.6 You have the right to request that we stop processing your data. When we receive your request, we will confirm if we are able to comply or if we have legitimate grounds to continue to process your data. If data is no longer processed by us, we may continue to hold your data to comply with your other rights.

The right to data portability

- 13.7 You have the right to request that we transfer your data to another controller. Once we receive your request to transfer your data, we will comply where it is feasible.

The right to restrict the processing of your personal data

- 13.8 You have the right to request that we suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.

Prior verification



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- 13.9 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.

Date Approved: May 2018