

PRIVACY NOTICE FOR PROSPECTIVE EMPLOYEES

Date: October 2018

What is the purpose of this document?

We, the **Sisters of the Cross and Passion (registered charity number 1038483) (Charity)** are committed to protecting the privacy and security of prospective employees' personal information and the personal information of third parties which is collected in the course of the relationship between you and the Charity which arises when you apply for a position with the Charity.

This privacy notice describes how we collect and use personal information about prospective employees (**you**) in accordance with the General Data Protection Regulation (**GDPR**) during and after the time when you apply for a position with us. If you are successful in your application and accept the offer of a position with the Charity this privacy notice will no longer apply to you and our privacy notice for employees will apply to your personal information thereafter.

The Charity 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.

This notice applies specifically to prospective employees, workers and contractors. It does not form part of any contract of employment or other contract to provide services. We may update this notice at any time. It is recommended that you read this notice so that you are aware of how and why we are using your personal data.

Data protection contact

We have appointed a data protection contact (**DPC**), Sister Anne Hammersley, to oversee compliance with this privacy notice and the processing by us of personal information about Data Subjects. If you have any questions about this privacy notice or how we handle the personal information referred to in it, please contact our DPC (via pltcpsisters@gmail.com). If you have any complaints about the processing of the personal information referred to in this privacy notice, you have the right to make a complaint to the Information Commissioner's Office (**ICO**) (www.ico.org.uk), the regulator and supervisory authority for data protection in the UK.

Data protection principles

We will comply with data protection law. This says that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
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.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

The kind of information we hold about you

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).

There are “special categories” of more sensitive personal data which require a higher level of protection.

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

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process).
- Date of birth.
- Gender.
- Marital status and dependants.
- National Insurance number
- Proposed salary, wage, annual leave, pension and benefits information.
- Interview dates
- Information about criminal convictions and offences.
- CCTV footage.

We may also collect, store and use the following “special categories” of more sensitive personal information:

- Information about your race or ethnicity and religious beliefs.
- Information about your health, including any medical condition, health and sickness records.

How is your personal information collected?

We collect personal information about prospective employees, workers and contactors 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, referees, credit reference agencies or other background check agencies.

How we will use information about you?

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:

1. Where we need to prepare to enter into a contract with you.
2. Where we need to comply with a legal obligation.
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.
4. Where we have your consent to do so.

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

1. Where we need to protect your interests (or someone else's interests).
2. Where it is needed in the public interest or for official purposes.

Situations in which we will use your personal information

We need all the categories of information in the list above (*see the kind of information we hold about you*) primarily to allow us to prepare to perform our contract with you¹ and to enable us to comply with legal obligations². In some cases we may use your personal information to pursue legitimate interests of our own or those of third parties³, provided your interests and fundamental rights do not override those interests and in other cases we may use your personal information where we have your consent to do so⁴. The situations in which we will process your personal information are listed below. We have indicated numerically the lawful purpose or purposes for which we are processing or will process your personal information.

- Making a decision about your recruitment or appointment. This will include, where necessary and depending on the circumstances, sharing personal information with third parties, compiling a recruitment log, storing interview notes, storing details of an offer (if applicable) and creating an HR folder³
- Checking you are legally entitled to work in the UK, checking references, qualifications and carrying out background checks⁴
- Determining the terms on which you work for us³
- Sharing data with GPs, doctors and other practitioners. This may include, where necessary and depending on the circumstances, sharing medical notes, and illness/absences with third parties⁴
- Assessing qualifications for a particular job or task, including decisions about promotions. This may include, where necessary and depending on the circumstances, storing applications, CVs, covering letters, interview notes, ID and a personnel file³
- Education, training and development requirements. This will include, where necessary and depending on the circumstances, sharing personal data with training providers³
- Dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work. This will include, where necessary and depending on the circumstances, passing your personal data to our insurance company, legal advisers and other parties in order to protect the Charity's interests³
- Ascertaining your fitness to work. This will include, where necessary and depending on the circumstances, storing your personal data in the form of a medical note³
- Complying with health and safety obligations. This will include, where necessary and depending on the circumstances, storing medical notes³
- To prevent fraud. This will include, where necessary and depending on the circumstances, storing your National Insurance number, passport, driving licence, or other ID, such as a birth certificate²
- To conduct data analytics studies to review and better understand employee retention and attrition rates³

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

If you fail to provide personal information

If you fail to provide certain information when requested, we may not be able to enter into the contract we propose with you or complete the recruitment process (such as making an offer with regard to salary, wage and other benefits), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers).

Change of purpose

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.

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.

How we use sensitive personal information

”Special categories” of 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 may process special categories of personal information in the following circumstances:

1. In limited circumstances, with your explicit written consent.
2. Where we need to carry out our legal obligations and in line with our data protection policy and archiving and destruction policy.
3. Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our occupational pension scheme, and in line with our data protection policy.
4. Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.
5. Where it is needed for the purposes of carrying out obligations and exercising rights in the field of employment, social security or social protection law, or a collective agreement.
6. Where it is carried out by us (a religious not-for-profit body) and where the processing relates only to our members or former of our members (or those who have regular contact with us in connection with those purposes).

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.

Our obligations as an employer

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

- We will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits.

Do we need your consent?

We do not need your consent if we use special categories of your personal information in accordance with our written policy to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, we may approach you for your written consent to allow us to process certain sensitive 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. 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

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.

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.

We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so. Where appropriate, we will collect information about criminal convictions as part of the recruitment process or we may be notified of such information directly by you in the course of you working for us.

We are allowed to use your personal information in this way to carry out our legal obligations to those bodies which regulate the work we undertake and where we have a legitimate interest in conducting a disciplinary process with regard to your conduct

Data Sharing

We may need to share your data with third parties including third-party service providers.

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

We may need to transfer your personal information outside the EU but we will inform you if we do so. If we do, you can expect a similar degree of protection in respect of your personal information.

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 working relationship with you or where we have another legitimate interest in doing so.

Which third-party service providers process my personal information?

The following activities are carried out by third-party service providers: payroll, pension administration, benefits provision and administration, some IT services and regulatory bodies.

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

All our third-party service providers 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.

When might you share my personal information with third parties?

We may need to share your personal information with third parties. For example, we may also need to share your personal information with a regulator or to otherwise comply with the law.

Data transfer outside of the EU

Whilst we do not routinely do so, we (or third parties with whom we share personal information about you) may need to transfer your personal information about you outside the EU. In those cases, except where the country has been determined by the European Commission or the relevant authority in the

United Kingdom (as applicable) as ensuring an adequate level of data protection, we require the recipients of personal information about you to take appropriate measures to protect such information. For example, by requiring them to enter into a data transfer agreement in the standard form approved for this purpose by the European Commission or the relevant authority in the United Kingdom (as applicable). Further details of any such transfers, and any such protective measures, are available from our DPC.

Data Security

We have put in place measures to protect the security of your information. Details of these measures are available upon request.

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.

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 legitimate 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 our DPC.

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.

Data Retention

How long will you use my information for?

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Details of retention periods for different aspects of your personal information are available in our retention policy which is available from our DPC. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer an employee, worker or contractor we will retain and securely destroy your personal information in accordance with our data retention policy.

Rights of Access, Correction, Erasure, and Restriction

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 your working relationship with us.

Your rights in connection with personal information

Under certain circumstances, by law you have the right to:

- 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.
- 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.

- 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).
- 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.
- 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.
- Request the transfer of your personal information to another party.

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 DPC in writing.

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.

What we may need from you

In some circumstances 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.

Right to withdraw consent

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 DPC. 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.

Changes to this privacy notice

We reserve the right to update this privacy notice at any time. We may also notify you in other ways from time to time about the processing of your personal information.

If you have any questions about this privacy notice, please contact our DPC, via email at pltcpsters@gmail.com, post to The Briery Retreat Centre, 38, Victoria Avenue, Ilkley, West Yorkshire LS29 9BW or telephone 01943 607287.