

JOB APPLICANT DATA POLICY

This document sets out Waverley Care's policy on the protection of information relating to job applicants. Protecting the confidentiality and integrity of personal data is a critical responsibility that Waverley Care takes seriously at all times. Waverley Care will ensure that data is always processed in accordance with the provisions of relevant data protection legislation, including the General Data Protection Regulation (GDPR).

KEY DEFINITIONS

Data processing

Data processing is any activity that involves the use of personal data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transmitting or transferring personal data to third parties.

Personal data

Personal data is any information identifying a data subject (a living person to whom the data relates). It includes information relating to a data subject that can be identified (directly or indirectly) from that data alone or in combination with other identifiers Waverley Care possesses or can reasonably access. Personal data can be factual (for example, a name, email address, location or date of birth) or an opinion about that person's actions or behaviour.

Sensitive personal data

Sensitive personal data is a special category of information which relates to a data subject's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health conditions, sexual life, sexual orientation, biometric or genetic data. It also includes personal data relating to criminal offences and convictions.

PRIVACY NOTICE

This policy, together with the information contained in the table of applicant data appended to the policy, constitutes a privacy notice setting out the information Waverley Care holds about applicants, the purpose for which this data is held and the lawful basis on which it is held. Waverley Care may process personal information without applicants' knowledge or consent, in compliance with this policy, where this is required or permitted by law.

If the purpose for processing any piece of data about applicants should change, Waverley Care will update the table of applicant data with the new purpose and the lawful basis for processing the data and will notify applicants.

FAIR PROCESSING OF DATA

Fair processing principles

In processing applicants' data the following principles will be adhered to. Personal data will be:

- Used lawfully, fairly and in a transparent way;
- Collected only for valid purposes that are clearly explained and not used in any way that is incompatible with those purposes;
- Relevant to specific purposes and limited only to those purposes;
- Accurate and kept up to date;
- Kept only as long as necessary for the specified purposes; and
- Kept securely.

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Lawful processing of personal data

Personal information will only be processed when there is a lawful basis for doing so. Most commonly, Waverley Care will use personal information in the following circumstances:

- when it is needed to perform applicants' contracts of employment;
- when it is needed to comply with a legal obligation; or
- when it is necessary for Waverley Care's legitimate interests (or those of a third party) and applicants' interests and fundamental rights do not override those interests.

The Waverley Care may also use personal information in the following situations, which are likely to be rare:

- when it is necessary to protect applicants' interests (or someone else's interests); or
- when it is necessary in the public interest [or for official purposes].

Lawful processing of sensitive personal data

Waverley Care may process special categories of personal information in the following circumstances:

- In limited circumstances, with explicit written consent;
- in order to meet legal obligations;
- when it is needed in the public interest, such as for equal opportunities monitoring [or in relation to Waverley Care's occupational pension scheme]; or
- when it is needed to assess working capacity on health grounds, subject to appropriate confidentiality safeguards.

Less commonly, Waverley Care may process this type of information where it is needed in relation to legal claims or where it is needed to protect an applicant's interests (or someone else's interests) and the applicant is not capable of giving consent, or where an applicant has already made the information public. Waverley Care may use particularly sensitive personal information in the following ways:

- information relating to leaves of absence, which may include sickness absence or family related leaves, may be used to comply with employment and other laws;
- information about applicants' physical or mental health, or disability status, may be used to ensure health and safety in the workplace and to assess fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits;
- information about race or national or ethnic origin, religious, philosophical or moral beliefs, or sexual life or sexual orientation, may be used to ensure meaningful equal opportunity monitoring and reporting; and
- information about trade union membership may be used to pay trade union premiums, register the status of a protected applicant and to comply with employment law obligations.

Lawful processing of information about criminal convictions

Waverley Care envisages that it will hold information about criminal convictions. Waverley Care will only use this information where it has a legal basis for processing the information. This will usually be where such processing is necessary to carry out Waverley Care's obligations. Less commonly, Waverley Care may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect an applicant's interests (or someone else's interests) and the applicant is not capable of giving consent, or where the applicant has already made the information public.

Waverley Care will only collect information about criminal convictions if it is appropriate given the nature

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of the role and where it is legally able to do so.

Consent to data processing

Waverley Care does not require consent from applicants to process most types of applicant data. In addition, Waverley Care will not usually need consent to use special categories of personal information in order to carry out legal obligations or exercise specific rights in the field of employment law.

In limited circumstances, applicants may be asked for written consent to process sensitive data. In those circumstances, applicants will be provided with full details of the information that sought and the reason it is needed, so that applicants can carefully consider whether to consent.

Where applicants have provided consent to the collection, processing and transfer of personal information for a specific purpose, they have the right to withdraw consent for that specific processing at any time. Once Waverley Care has received notification of withdrawal of consent it will no longer process information for the purpose or purposes originally agreed to, unless it has another legitimate basis for doing so in law.

Automated decision making

Waverley Care does not envisage that any decisions will be taken about applicants using automated means, however applicants will be notified if this position changes.

COLLECTION AND RETENTION OF DATA

Collection of data

Waverley Care will collect personal information about applicants through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. Waverley Care may sometimes collect additional information from third parties including former employers, credit reference agencies or other background check agencies such as Disclosure Scotland, SSSC, NMC etc.

From time to time, Waverley Care may collect additional personal information from an applicant. If Waverley Care requires to obtain additional personal information this policy will be updated or applicants will receive a separate privacy notice setting out the purpose and lawful basis for processing the data.

Retention of data

Waverley Care will only retain applicants' personal information for as long as necessary to fulfil the purposes it was collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Details of retention periods for different aspects of personal information are set out in the table of applicant data appended to this policy.

When determining the appropriate retention period for personal data, Waverley Care will consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of personal data, the purposes for which the personal data is processed, whether the Waverley Care can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances Waverley Care may anonymise personal information so that it can no longer be associated with individual applicants, in which case Waverley Care may use such information without further notice to applicants. After the data retention period has expired, Waverley Care will securely destroy applicants' personal information.

DATA SECURITY AND SHARING

Data security

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Waverley Care has put in place appropriate security measures to prevent personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. Details of these measures are available upon request.

Data sharing

Waverley Care may share personal information with third parties. Waverley Care requires third parties to respect the security of applicant data and to treat it in accordance with the law. Waverley Care may also need to share personal information with a regulator or to otherwise comply with the law.

Waverley Care may also share applicant data with third-party service providers where it is necessary to administer the working relationship with applicants or where Waverley Care has a legitimate interest in doing so. The following activities are carried out by third-party service providers: payroll, pension administration, benefits provision and administration, IT services, occupational health and background checking agencies.

Transfer of data outside the EU

Currently Waverley Care does not transfer personal information out with the European Union. Data centers are located in Ireland, The Netherlands, Austria and Finland.

STAFF MEMBER RIGHTS AND OBLIGATIONS

Accuracy of data

Waverley Care will conduct regular reviews of the information held by it to ensure the relevancy of the information it holds. Applicants are under a duty to inform Waverley Care of any changes to their current circumstances. Where an Applicant has concerns regarding the accuracy of personal data held by Waverley Care, the Applicant should contact the Office Manager (at Mansfield Place) to request an amendment to the data.

Applicant rights

Under certain circumstances, applicants have the right to:

- **Request access** to personal information (commonly known as a “data subject access request”).
- **Request erasure** of personal information.
- **Object to processing** of personal information where Waverley Care is relying on a legitimate interest (or those of a third party) to lawfully process it.
- **Request the restriction of processing** of personal information.
- **Request the transfer** of personal information to another party.

If an applicant wishes to make a request on any of the above grounds, they should contact the Office Manager (at Mansfield Place) in writing. Please note that, depending on the nature of the request, Waverley Care may have good grounds for refusing to comply. If that is the case, the applicant will be given an explanation by Waverley Care.

Data subject access requests

Applicants will not normally have to pay a fee to access personal information (or to exercise any of the other rights). However, Waverley Care may charge a reasonable fee if the request for access is clearly unfounded or excessive. Alternatively, Waverley Care may refuse to comply with the request in such circumstances.

Waverley Care may need to request specific information from the applicant to help confirm their identity and ensure the right to access the information (or to exercise any of the 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.

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COMPLIANCE WITH THIS POLICY

Waverley Care's responsibility for compliance

Waverley Care's Chief Executive is tasked with overseeing compliance with this policy. If applicants have any questions about this policy or how Waverley Care handles personal information, they should contact the Chief Executive. Applicants have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

Data security breaches

Waverley Care has put in place procedures to deal with any data security breach and will notify applicants and any applicable regulator of a suspected breach where legally required to do so. Details of these measures are available upon request.

DECLARATION

I confirm that I have received a copy of this policy and that I have read and understood it.

Name: _____

Signature: _____

Date: _____

APPLICANT DATA						
Type of personal data	Sensitive data?	Purpose of processing	Potential transfer to third parties	Lawful basis for processing	Grounds for processing sensitive personal data	Retention period
Contact details	No	Contacting applicants	Professional advisors	Legal obligation / Legitimate interests	N/A	6 months post-application
Date of birth	No	Equal opportunities monitoring	Professional advisors	Legal obligation / Legitimate interests	N/A	6 months post-application
Gender	Yes	Equal opportunities monitoring	Professional advisors	Legal obligation / Legitimate interests	employment purposes / statistics / conduct of legal claims	6 months post-application
Marital status	Yes	Equal opportunities monitoring	Professional advisors	Legal obligation / Legitimate interests	employment purposes / statistics / conduct of legal claims	6 months post-application
Information about race	Yes	Equal opportunities monitoring	Professional advisors	Legal obligation / Legitimate interests	employment purposes / statistics / conduct of legal claims	6 months post-application
Information about ethnicity	Yes	Equal opportunities monitoring	Professional advisors	Legal obligation / Legitimate interests	employment purposes / statistics / conduct of legal claims	6 months post-application
Information about religious beliefs	Yes	Equal opportunities monitoring	Professional advisors	Legal obligation / Legitimate interests	employment purposes / statistics / conduct of legal claims	6 months post-application
Information about sexual orientation	Yes	Equal opportunities monitoring	Professional advisors	Legal obligation / Legitimate interests	employment purposes / statistics / conduct of legal claims	6 months post-application
Information about political affiliations	Yes	Equal opportunities monitoring	Professional advisors	Legal obligation / Legitimate interests	employment purposes / statistics / conduct of legal claims	6 months post-application
Driving license	No	Making recruitment decisions / ascertaining ability to work	N/A	Legal obligation / Legitimate interests	N/A	6 months post-application
CV	No	Making recruitment decisions / ascertaining ability to work	N/A	Legal obligation / Legitimate interests	N/A	6 months post-application
Right to work documents	Yes	Checking right to work in the UK	Professional advisors	Legal obligation / Legitimate interests	employment purposes / conduct of legal claims	6 months post-application
Qualifications	No	Making recruitment decisions / ascertaining ability to work	Professional advisors	Legal obligation / Legitimate interests	N/A	6 months post-application
Employment history	No	Making recruitment decisions / ascertaining ability to work	N/A	Legal obligation / Legitimate interests	N/A	6 months post-application
Information about disability	Yes	Health and safety requirements / ascertaining fitness to work	Professional advisors	Legal obligation / Legitimate interests	employment purposes / statistics / conduct of legal claims	6 months post-application
Professional memberships	No	Education, training and development requirements	N/A	Legal obligation / Legitimate interests	N/A	6 months post-application
Health records	Yes	Ascertaining fitness to work	Professional advisors	Legal obligation / Legitimate interests	employment purposes / conduct of legal claims	6 months post-application
Criminal convictions and	Yes	Making decisions about recruitment	Professional advisors	Legal obligation / Legitimate	employment purposes / conduct	6 months post-

offences			interests	of legal claims	application
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