

Fair processing notice for job applicants¹

About this notice

Debbie Fortune Estate agents is committed to protecting the privacy and security of your personal data.

This notice explains how we collect and process personal data about you in connection with your job application and the rights that you have in relation to such processing. We may update this notice at any time.

If you have any questions regarding the contents of this notice, you should contact Lisa Baines, Managing Director, by phone 01934 862370, or by email – lisa@debbiefortune.co.uk

Data protection principles²

We will comply with data protection law in relation to your personal data, which requires us to ensure that the personal data we process about you are:

1. Used lawfully, fairly and in a transparent way
2. Collected only for valid purposes that we have clearly told you about and not used for any other purposes that are not compatible with those purposes
3. Relevant and limited to what is necessary for the purposes we have told you about
4. Accurate and kept up-to-date
5. Kept only as long as necessary for the purposes we have told you about
6. Kept secure

The types of personal data we will process about you³

We will collect, use and store the following personal data about you:

- Personal contact details such as your name, address, telephone number and email address
- Information you choose to provide us with such as your date of birth, gender or gender identity, marital status, dependants, disability or medical condition
- The contents of your CV, job application and/or covering letter⁴

¹ The terms "fair processing notice" and "privacy notice" can be used interchangeably. The title used should be consistent across all similar notices used by your organisation (perhaps with the exception of your organisation's website, where the terms "privacy notice" or "privacy policy" are more common). This notice is intended to apply from the point of application to the point of selection.

² Although there is no requirement under the GDPR for the principles to be set out in the notice, the principles represent the cornerstone of the GDPR and set the tone for the rest of the notice. They also serve as a useful reference point for data subjects in evaluating whether your organisation has handled their personal data lawfully.

³ This should be tailored to your organisation.

⁴ Note that if you have any specific requirements regarding the format or content of these documents, these should be made clear at the point of advertising the position. The data minimisation principle requires that you should

- Notes of your responses to questions raised at interview
- [The answers given by you to any pre-screening questions]
- [The results of any exercises or tests undertaken by you during the recruitment process]
- [A recording of your responses to any pre-recorded interview⁵]
- [References obtained from any previous employer(s)⁶]
- [Receipts for travel expenses, where we have agreed to reimburse you for these]
- [Information that we find about you online, such as public social media profiles⁷]
- [Details of other background checks⁸]

We may also collect, or you may choose to provide us with, the following “special categories” of more sensitive personal data about you:

- [Information about your race or ethnicity, religious beliefs, sexual orientation (whether or not indicated by your gender or gender identity) and political opinions]
- [Information about your health, including any disability or medical condition]
- [Information about criminal convictions or offences]

How we collect your personal data

Most of the personal data set out above will have been provided by or obtained from you in the course of the application and recruitment process. We may also have been provided with your personal data by a recruitment agency.

We may sometimes collect personal data about you from third parties including:

- your CV from any recruitment agencies that you have authorised to approach us regarding a position
- references from former employers

not ask a candidate to provide more personal data than is necessary in relation to the purposes for which they are processed.

⁵ The use of video interviewing platforms is becoming more common. If you use such a platform, then you will need to undertake due diligence on the provider and ensure that there is a GDPR-compliant data processing agreement in place. You may also need to include a short-form version of this notice during the video interviewing process to ensure that individuals are aware of the nature and scope of the processing.

⁶ An employer should not provide a confidential reference or similar information about an individual unless they are sure that the individual has agreed to this.

⁷ Even where information about an applicant is available in the public domain, this does not mean that you can review and use this information in the course of any selection process. This is a processing activity for which a lawful basis for processing is required. Depending on the nature of the employer’s business, it may be possible to justify such processing on legitimate interest grounds. However this should be approached with caution.

⁸ Where the employer has a legitimate interest in undertaking background checks other than taking up references, for example verifying qualifications with academic institutions or other vetting procedures, the nature of these and methods used should be disclosed.

How we will process your personal data⁹

We will use the personal data about you for the following purposes:

- Undertaking our recruitment and selection process in accordance with our policies and procedures [including our equality and diversity policy/equal opportunities policy]
- Communicating with you about the recruitment and selection process
- Monitoring the effectiveness of our recruitment and selection policies and procedures for internal purposes only
- Considering and making any necessary reasonable adjustments in respect of our recruitment process
- Complying with legal or regulatory requirements

We may use “special categories” of personal data about you for the following purposes:

- Evaluating whether we need to provide appropriate adjustments during the recruitment and selection process
- Ensuring meaningful equal opportunity monitoring and reporting (you will not be identified in any reports)

We will only use your personal data for the above purposes, unless we reasonably consider that we need to use it for another reason which 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.

The legal basis for processing your personal data¹⁰

For most of the purposes described above, the legal basis for processing your personal data will be our legitimate interests as a business in recruiting individuals for the position applied for in line with our selection criteria.

If you fail to provide information when requested, which is necessary for us to consider your application (such as evidence of qualifications or work history), we will not be able to process your application successfully.

Who has access to your personal data

⁹ The lawful grounds for processing personal data are set out in Article 6 of the GDPR with the grounds for processing special categories of personal data and personal data relating to criminal convictions and offences set out in Articles 8 and 10 respectively. The derogations for processing special categories of personal data are also set out in the Data Protection Act.

¹⁰ Given the relatively narrow scope of this notice, this section has been separated from the preceding section regarding the purpose of processing. Where the context is more complex, for example, where your organisation is in a tightly regulated or controlled industry or sector (e.g. defence or government contractor), it may be necessary to identify each category of processing with the lawful basis for processing.

Access to your personal data will be limited to:

- Those of our staff members involved in administering and undertaking the recruitment and selection process, including our directors.

How we keep your personal data secure¹¹

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have also 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.

How long we will keep your personal data

If you have been successful, the personal data relating to your application will be transferred to your personnel record and will be retained for a period of six years from the commencement of your employment in the event that we have to review the basis on which you were employed in the event of any legal claim.

If you have not been successful, we will immediately delete any information obtained for verification and vetting purposes and retain the personal data relating to your application for a period of [six¹²] months after such decision has been made.

With your consent, we may retain your CV for a period of 12 months in the event that there are any future vacancies.

Your rights in relation to your personal data

You have a number of rights in relation to the personal data processed by us about you:

- Access: You have the right to request access to and be provided with a copy of the personal data held about you together with certain information about the processing of such personal data to check that we are holding it lawfully
- Correction: You have the right to ask us to correct any inaccurate or incomplete personal data held about you

¹¹ This paragraph is not strictly required by the GDPR to be included within the notice, however it is sensible to do so as it refers to the steps taken by the organisation to comply with the fifth principle (integrity and confidentiality principle).

¹² It may be reasonable to retain such information for a short period of time in case the candidate challenges the outcome of the recruitment process. By the same token, the individual will be able to exercise the right of subject access in relation to such personal data for as long as those personal data are retained.

- Deletion: You have the right to ask us to delete or remove any personal data held about you where there is no good reason for us to continue holding it or where you have exercised your right to object (see below)
- Restriction: You have the right to ask us to restrict how we hold your personal data, for example, to confirm its accuracy or our reasons for holding it
- Objection: You have the right to object to our holding of any personal data about you which is based on our legitimate interests or those of a third party based on your particular circumstances. You also have the right to object to our holding your personal data for direct marketing purposes
- Portability: You have the right to receive or request that we transfer a copy of the personal data we hold about you in an electronic format where the basis of our holding such information is your consent or the performance of a contract and the information is processed by automated means
- Withdrawal of consent: Where the basis of our holding any personal data relating to you is your consent, you have the right to withdraw that consent at any time
- Complaints: You have the right to lodge a complaint with the Information Commissioner's Office (ICO) in relation to the holding of your personal data by us

To exercise any of the above rights, you should contact Lisa Baines, managing Director, by telephone on 01934862370, or by email to lisa@debbiefortune.co.uk.

You will not have to pay any fee to exercise any of the above rights except, in the case of the right to access, if any request is clearly unfounded or excessive where we may charge a reasonable fee or alternatively refuse to comply with your request.