



## REPRIEVE DATA PROTECTION NOTICE APPLICANTS

**Last updated:** April 2022

### 1. INTRODUCTION

During the course of our activities, Reprieve, Registered Charity Number 1114900 of PO BOX 78292, London, E1W 9SS ("**we**" or "**us**"), as controller will process personal data (which may be held on paper, electronically, or otherwise) about our applicants ("**you**").

We recognise the need to treat such personal data in an appropriate and lawful manner, including in accordance with the General Data Protection Regulation (EU) 2016/679 ("**GDPR**") and the Data Protection Act 2018. The purpose of this notice is to inform you of how we will collect, process, store and otherwise use your personal data, and your rights in relation to your personal data.

You are under no obligation to provide us with the data we ask you for. However, if you do not provide your personal data, the recruitment process may be delayed or made impossible. Should the provision of your personal data be mandatory by law, we will inform you separately on request.

In certain limited circumstances, we may need to ask for your specific consent to process your personal data in a particular way. Where we do so, you will be entitled to withdraw your consent at any time by contacting us as set out at the end of this notice. However, in most cases, we will process your personal data for the reasons set out in this notice and it won't be appropriate or necessary for you to provide consent.

We may amend this notice at any time, for example if we implement new systems or processes that involve the use of personal information. We will inform you about such updates, as required by applicable law.

If your job application is successful, you will receive a separate privacy notice from us explaining how we deal with the personal data of our employees.

### 2. PERSONAL DATA WE COLLECT

2.1 We may collect the following categories of personal data about you:

2.1.1 **personal details**, including your name, contact information (including address, e-mail address, and telephone number), signature, gender, citizenship, a copy of your passport/s and (if applicable) your visa/s, date of birth;

2.1.2 **work-related details** including your curriculum vitae, letter of application, details of employers, reference, education and employment details; any professional qualifications or licenses and your professional interests and preferences; and,

2.1.3 **assessment details** such as results of any test assignments, notes, feedback and analysis about you from those taking part on our behalf in the interviews with you and other stages of the recruitment process, information about your skills and suitability for the role applied for;

together, "**Applicant Data**".

2.2 We may collect this personal data:

2.2.1 directly from you; and

2.2.2 from other sources, including:

- (a) from our employees through your activities in the course of your application;
- (b) electronic sources, such as email;
- (c) third parties, including current and former employers, our agents or consultants, licensing bodies, credit checking agencies, sanctions screening software and public authorities; and,
- (d) from publicly accessible sources such as your profile on LinkedIn (to the extent allowed by your LinkedIn.com privacy settings).

2.3 We do not generally require **sensitive details** as part of our recruitment process. The following information should not be provided, unless you would like to include them in your application at your own initiative and with explicit consent for processing during recruitment:

- race or ethnicity;
- political opinions;
- religious or philosophical beliefs;
- trade union membership;
- sexual orientation and sex life;
- health, including any medical condition.

2.4 If you require special adjustments to be made in connection with your disability or other special needs, please let us know.

2.5 We will collect information about your criminal convictions history (conditional upon checks and any other conditions, such as references, being satisfactory). We are entitled to process this information in order to satisfy ourselves that there is nothing in your criminal records history which makes you unsuitable for the role. In particular your role will require a high degree of trust and integrity so we would like to ask you to provide a basic disclosure of your criminal records history.

### 3. PURPOSES AND LEGAL BASES FOR PROCESSING PERSONAL DATA

3.1 We collect and use your personal details and work-related details for a variety of reasons linked to your application. To help clarify these, we have set out below a list of reasons as to why we collect and use this data. However, we can only collect and use this data if we have a valid legal basis for doing so, and we are required to explain the various legal bases that we rely on.

3.2 To give you a full picture, we have set out each of the reasons why we collect and use your personal and work-related data, and mapped these against the different legal bases that allow us to do so. We appreciate that this is quite a lot of information to take in, so please bear with us.

3.3 We will process your personal details, work-related details and recruitment-related details for the purposes of:

<b>Why do we process your personal data?</b>	<b>Which personal data do we process for this purpose?</b>	<b>What is the legal basis for this processing?</b>
Assessing your application and suitability for the role.	Personal details Work related details Assessment details	<ul style="list-style-type: none"> <li>• Our legitimate interests; and</li> <li>• Compliance with legal obligations to which we are subject.</li> </ul>
Making decisions about whether to enter into a contract of employment with you, and about the terms of that contract.	Personal details Work related details Assessment details	<ul style="list-style-type: none"> <li>• Our legitimate interests; and</li> <li>• Compliance with legal obligations to which we are subject.</li> </ul>
Communicating with you about the recruitment process.	Personal details	<ul style="list-style-type: none"> <li>• Our legitimate interests.</li> </ul>
Keeping records related to our recruitment processes.	Personal details Work related details Assessment details	<ul style="list-style-type: none"> <li>• Our legitimate interests; and</li> <li>• Compliance with legal obligations to which we are subject.</li> </ul>
Complying with legal or regulatory requirements.	Personal details Work related details Assessment details	<ul style="list-style-type: none"> <li>• Necessary to protect your vital interests as data subject;</li> <li>• Our legitimate interests; and</li> <li>• Compliance with legal obligations to which we are subject.</li> </ul>
Processing your application and organising the recruitment process.	Personal details Work related details	<ul style="list-style-type: none"> <li>• Our legitimate interests.</li> </ul>
Complying with legal obligations and co-operating with regulators and law enforcement bodies.	Personal details Work related details Assessment details	<ul style="list-style-type: none"> <li>• Our legitimate interests; and</li> <li>• Compliance with legal obligations to which we are subject.</li> </ul>

Why do we process your personal data?	Which personal data do we process for this purpose?	What is the legal basis for this processing?
Establishing or defending legal claims.	Personal details Work related details Assessment details	<ul style="list-style-type: none"> <li>• Our legitimate interests; and</li> <li>• Compliance with legal obligations to which we are subject.</li> </ul>

3.4 We will only collect and process your **sensitive personal data** to do any of the following, which will usually require your explicit consent, unless it is necessary for compliance with our legal and regulatory obligations:

Why do we process your personal data?	Which personal data do we process for this purpose?	What is the legal basis for this processing?
To screen your details against the UN, EU and US global sanctions lists in relation to you, where relevant and appropriate to your role.	Personal details Criminal records data	<ul style="list-style-type: none"> <li>• Explicit consent;</li> <li>• Necessary to carry out obligations and to exercise specific rights in the field of employment and social security and social protection law as permitted by local data protection law; and</li> <li>• Necessary for reasons of substantial public interest as permitted by local data protection law.</li> </ul>

3.5 When making decisions about progress of your application, whether to make an offer of employment to you and on what terms, our policy is to consider only information that is directly relevant to assessing your skills, qualifications and suitability for the role. Our policy is not to discriminate among applicants.

3.6 You will not be subject to decisions that will have a significant impact on you solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

**4. DISCLOSURE OF PERSONAL DATA**

4.1 We may share your personal data with the following organisations:

- 4.1.1 third parties if we are under a duty to disclose or share that personal data in order to comply with any legal obligation, or to protect the rights, property, or the safety of us, our employees, volunteers, donors, those whom we assist; and,
  - 4.1.2 third parties where this is legally permissible and we have a legal basis as set out in section 3.
- 4.2 We may sometimes find it necessary to transfer personal data outside the United Kingdom. However, we will only transfer your personal data to a third party outside the UK:
- 4.2.1 where the third party is located within the European Union or the European Economic Area or in a country which has been assessed by the UK's Secretary of State for Digital, Culture, Media and Sport (DCMS) and the Office of the Information Commissioner as ensuring an adequate level of protection for personal data; or,
  - 4.2.2 where we provide appropriate safeguards, usually on the basis of an agreement designed to protect personal data in the appropriate form approved for this purpose by the Office of the Information Commissioner – please contact the Data Compliance Lead using the contact details in section 8 below if you would like to see a copy of any of these agreements; or,
  - 4.2.3 where you have given consent to the transfer taking place.

## 5. RETENTION OF PERSONAL DATA

It is our policy not to keep personal information for longer than is necessary. We will delete or permanently anonymise personal data when it is no longer needed for the purposes for which it was collected. Where personal information is kept, that period will be determined based on the applicable local law. and in any event after 2 years from the date we have communicated to your our decision about whether to appoint you, if unsuccessful. This is so that we can show, for example, that we have not discriminated against applicants on prohibited grounds and that we have conducted the recruitment exercise in a fair and transparent way.

If we wish to retain your personal information on file for the purposes of considering you for future opportunities, we will seek your explicit consent to retain your personal information for a fixed period on that basis.

## 6. SECURITY

We will take appropriate technical and organisational security measures to protect the personal data that we process against unauthorised or unlawful processing and accidental loss, destruction or damage. We will ensure that these measures provide a level of security appropriate to the nature of the data concerned and the risks associated with unauthorised or unlawful processing and accidental loss, destruction or damage. In assessing the required level of security we will take account of the security measures available and their cost.

## 7. RIGHTS IN RELATION TO PERSONAL DATA

7.1 You have the following rights with respect to your personal data:

- 7.1.1 to confirm with us whether your personal data is processed, and if it is, to request access to that personal data including the categories of personal data processed, the purpose of the processing and the recipients or categories of recipients. We do have to take into account the interests of others though, so this is not an absolute right, and if you want to request more than one copy we may charge a fee;

- 7.1.2 to request that we, without undue delay, update or correct any of your personal data which is inaccurate or incomplete;
  - 7.1.3 to object, on grounds relating to your particular situation, at any time to the processing of your personal data including profiling, by us and we can be required to no longer process your personal data. This may include requesting human intervention in relation to an automated decision so that you can express your view and to contest the decision; and
  - 7.1.4 where the processing is carried out on the basis of your consent, to withdraw your consent to such processing. To do this, please contact us using the contact details provided in section 8 below.
- 7.2 You may also have the following rights:
- 7.2.1 to request that we, without undue delay, delete any of your personal data;
  - 7.2.2 to request the restriction of our processing of your personal data however where we process Applicant Data for the reasons set out in section 3 above, we think that we have a legitimate interest in processing which may override a request that you make; and
  - 7.2.3 to (a) receive the personal data you have provided to us, in a structured, commonly used and machine-readable format; and (b) transmit it to another data controller.
- 7.3 If you wish to exercise any of these rights, please contact us using the contact details provided in section 8 below.
- 7.4 If you consider that this notice has not been followed, please contact the Data Compliance Lead as set out in section 8 below. Any breach of applicable law will be taken seriously. You can also raise complaints or concerns about our processing of your personal data with the Office of the Information Commissioner, which regulates data protection in the UK. Details are available at [www.ico.org.uk](http://www.ico.org.uk).

## 8. CONTACT US

- 8.1 If you have any questions about this notice, please contact the Data Compliance Lead:

Deputy Director, Legal and Governance: [info@reprieve.org.uk](mailto:info@reprieve.org.uk)

## 9. CHANGES TO THIS PRIVACY NOTICE

- 9.1 We may change this Privacy Notice from time to time. Please check our website regularly for any updates.