

Applicants Privacy Notice

This statement is provided with the intention to comply with your right to be informed under the General Data Protection Regulation (GDPR).

What information we keep about you

We will hold and process the following information:

1. Your personal and contact details including your name, address, telephone numbers, emails
2. Particulars of your current and/or previous employment including your job title, salary, benefits, references
3. Particulars of your qualifications and skills including references, licences, certificates and training
4. Sensitive information including protected characteristics under the Equality Act 2010 for Equal Opportunities Monitoring and Compliance
5. Copies of letters and communications
6. Health records including fitness for work, medical capability and assessment outcomes
7. DBS records e.g. records of past convictions or records of no previous convictions
8. Criminal Convictions e.g. unspent convictions declared and driving offences
9. Particulars of former employment including references and salaries

Why we hold and process information about you

We are the controller of this information and we are also the processor of this information. This data has been gathered during the recruitment process through your voluntarily giving us this data and in the legitimate interest of assisting us complete a fair and non-discriminatory recruitment process. It will also be necessary for us to hold and process this data in the interests of defending any claims brought against us.

Who is responsible for protecting your information

The person responsible for the protection of your data is:

Victoria Lee

Director of Operations

Victoria@lilalovetolearn.com

What your information will be used for

Your data will be used to determine your application for employment. It may also be used to perform DBS Checks, Right to Work Checks and conduct general character checks such as social media and search engine checks.

This is done on the basis of your volunteering this information to us during the application process and the legitimate interests of assisting us complete a fair and

non-discriminatory recruitment process and to prove the same if a claim is brought. The failure to provide us with the data or to withdraw your consent may impact upon your recruitment. You should discuss the further impact of this with the manager responsible for the recruitment process.

With whom we share your information

We are the recipients of your data and we anticipate that we may need to share personal data with the other companies with the ELAS Group of companies (e.g. other roles arising), Legal Advisers and professional advisers (e.g. your name and application details where we need advice), Tribunals and Courts (e.g. your name, application details and other personal data which is necessary for the determination of claims where litigation is commenced) and our Regulators and Accreditors (your name, particulars of application) and auditors of any Regulators and/or Accreditors during audits regarding our Regulation and/or Accreditation. It is not anticipated that there will be any other recipients nor any transfers of data to a third country. Accordingly, it is considered that safeguards for the transfer of data to a third country are not necessary. Should this change you will be notified.

How long we keep your information

Your employment data will be kept for the duration of your application and for a further period thereafter of 12 months. This period has been set for the protection of our organisation throughout your application and for a period thereafter in the event of any employment tribunal claims. If such a claim has been filed, the data will be retained for a period of 6 years following resolution of that claim and for 6 years following the resolution of any further claims. This period has been determined for the protection of the organisation in the event any professional negligence or breach of contract claims in the event we use representation to defend any claims.

Your rights

You have **the right to be informed of fair processing information** with a view to transparency of data. This statement is intended to fulfil that right

You have **the right to access the information we hold**. You should make such a request in writing to The Data Protection Officer using the above contact information. We shall provide the data within 1 month. In exceptional cases we may extend this to 3 months. You will be notified within 1 month when we believe this to be an exceptional case requiring a longer period of compliance. Where a request is manifestly unfounded or excessive we may charge a reasonable fee or refuse the request. In the event of a fee or refusal, you will be advised of this and your further rights relating to the fee or refusal.

You have **the right to request the information we hold** is rectified if it is inaccurate or incomplete. You should contact The Data Protection Officer using the above contact information and provide him with the details of any inaccurate or incomplete data. We will then ensure that this is amended within one month. We may, in complex cases, extend this period to two months.

You have **the right to erasure** in the form of deletion or removal of personal data where there is no compelling reason for its continued processing. We have the right to refuse to erase data where this is necessary in the right of freedom of expression and information, to comply with a legal obligation for the performance of a public interest task, exercise of an official authority, for public health purposes in the public interest, for archiving purposes in the public interest, scientific research, historical research, statistical purposes or the exercise or defence of legal claims. You will be advised of the grounds of our refusal should any such request be refused.

You have **the right to restrict our processing of your data** where you contest the accuracy of the data until the accuracy is verified. You have the right to restrict our processing of your data where you object to the processing (where it was necessary for the performance of a public interest task or purpose of legitimate interests), and we are considering whether our organisation's legitimate grounds override your interests. You have the right to restrict our processing of your data when processing is unlawful and you oppose erasure and request restriction instead. You have the right to restrict our processing of your data where we no longer need the data and you require the data to establish, exercise or defend a legal claim. You will be advised when we lift a restriction on processing.

You have **the right to data portability** in that you may obtain and reuse your data for your own purposes across different services, from one IT environment to another in a safe and secure way, without hindrance to usability. The exact method will change from time to time. You will be informed of the mechanism that may be in place should you choose to exercise this right.

You have **the right to object** to the following:

- processing based on legitimate interests or the performance of a task in the public interest/exercise of official authority (including profiling);
- direct marketing (including profiling); and
- processing for purposes of scientific/historical research and statistics

The data collected is not anticipated to fall within the above categories.

Whilst there is no anticipated automated decision making relating to the data you provide, you have **rights where there is automated decision making** including profiling. We may only do this where it is necessary for the entry into or performance of a contract, authorised by EU or the UK law or based on your explicit consent. Whilst it is not anticipated that this will occur, where it does, we will give you information about this processing, introduce to you simple ways for you to request human intervention or challenge a decision, and carry out regular checks to ensure that our systems are working as intended.

Where consent has been given, you have **the right to withdraw your consent** at any time.

You have the **right to lodge a complaint** with a supervisory authority such as the Information Commissioner's Office or any other of our Regulators or Accreditors that may regulate or provide accreditations to us from time to time. We advise that you

exhaust our internal complaints procedure prior to referring the matter to any supervisory, regulatory or accrediting body. A copy of our complaints process is available from The Data Protection Officer at the contact information above.

Version History

Review Date	Review by	Review Reason & Notes
03/08/2018	Katherine Watson	Initial document. GDPR compliance. Based upon ELAS document SEC-024d, (undated) "Applicants Privacy Notice".