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LIBERTY

PRIVACY NOTICE FOR JOB APPLICANTS

Data controller: The National Council for Civil Liberties (**Liberty**)

1. Introduction

As part of any recruitment process, Liberty collects and processes personal information relating to job applicants. Liberty may hold this personal information on paper or in electronic format.

Liberty is committed to being transparent about how we handle your personal information, to protecting the privacy and security of your personal information and to meeting our data protection obligations under data protection laws, including the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.

The purpose of this privacy notice is to make you aware of how and why we will collect and use your personal information during the recruitment process. We are required under the UK GDPR to notify you of the information contained in this privacy notice.

This privacy notice applies to all job applicants, whether they apply for a role directly or indirectly through an employment agency. It is non-contractual.

If you have any questions about this privacy notice or about how we handle your personal information, please email us at: HR@libertyhumanrights.org.uk.

2. Data protection principles

Under the UK GDPR, there are six data protection principles that Liberty must comply with. These provide that the personal information we hold about you must be:

1. Processed lawfully, fairly and in a transparent manner

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2. Collected only for legitimate purposes that have been clearly explained to you and not further processed in a way that is incompatible with those purposes
3. Adequate, relevant and limited to what is necessary in relation to those purposes
4. Accurate and, where necessary, kept up to date
5. Kept in a form that permits your identification for no longer than is necessary for those purposes
6. Processed in a way that ensures appropriate security of the data

Liberty is responsible for, and must be able to demonstrate compliance with, these principles. This is called accountability.

3. What is personal information?

Personal information is any information about an individual from which that person can be directly or indirectly identified. It doesn't include anonymised data, i.e. where all identifying particulars have been removed.

There are also "special categories" of personal information, and personal information on criminal convictions and offences, which require a higher level of protection because they are of a more sensitive nature. Special categories of personal information comprise information about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life, sexual orientation and genetic and biometric data.

Criminal offence data means personal information relating to criminal convictions and offences and can include information about unproven allegations and information relating to the absence of convictions. It also covers related security measures, such as penalties and conditions or restrictions placed on an individual as part of the criminal justice process. Criminal offence data also require a higher level of protection.

4. What types of personal information do we collect about you?

Liberty collects, uses and processes a range of personal information about you during the recruitment process. This includes, as applicable:

- your contact details (including your name, address, telephone number and personal e-mail address)

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- your date of birth and age
- your gender
- application records, which may include personal information included in a CV, any application form, and cover letter
- interview scores and notes from interviews
- references
- information about your right to work in the UK and copies of proof of right to work documentation
- records confirming your right to work in the UK
- copies of ID documents, such as your passport or driving licence
- other background check documentation
- details of your skills, qualifications, experience and work history with previous employers
- information about your current salary level, including benefits and pension entitlements
- your professional memberships

Liberty may also collect, use and process the following special categories of your personal information:

- information about your health, including any allergies and whether you have a disability in respect of which Liberty needs to make reasonable adjustments
- information about your racial or ethnic origin, religious or philosophical beliefs and sexual orientation
- information about unspent criminal convictions and offences

5. How do we collect your personal information?

Liberty collects personal information about you during the recruitment process either directly from you or sometimes from a third party, such as an employment agency. We may also collect personal information from other external third parties, such as

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references from former employers, confirmation of your right to work in the UK from the external company that we use to undertake these checks, and criminal record checks from the Disclosure and Barring Service (**DBS**) (if applicable).

We will only seek personal information from third parties during the recruitment process once an offer of employment or engagement has been made to you and we will inform you that we are doing so.

6. What if you fail to provide personal information?

You are under no statutory or contractual obligation to provide personal information to Liberty during the recruitment process.

If you do not provide certain personal information when requested or required, we may not be able to make an offer of employment to you, or we may be prevented from complying with our legal obligations. For example, if you do not provide your bank details to us then we will not be able to pay you your salary.

7. Why and how do we use your personal information?

We will only use your personal information when necessary and when the law allows us to. These are known as the legal bases for processing.

We will use your personal information in one or more of the following circumstances:

- where we have your consent
- where we need to do so to take steps at your request prior to entering into a contract with you, or to enter into a contract with you
- where we need to comply with a legal obligation, such as checking you are legally entitled to work in the UK
- where it is necessary for our legitimate interests (or those of a third party), and your interests or your fundamental rights and freedoms do not override our interests – for example:
 - running the recruitment processes and assessing your suitability for employment or engagement by Liberty
 - communicating with you about the recruitment process

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- keeping records related to our hiring processes
- obtaining references from, or providing references to, a third party and conducting due diligence on employees, workers and contractor

8. Why and how do we use sensitive personal information?

We may collect and use sensitive personal information (special categories of personal information and information about criminal convictions and offences) to:

- assess your capacity for employment or engagement
- comply with statutory and/or regulatory requirements and obligations, e.g. carrying out criminal record checks
- comply with the duty to make reasonable adjustments for disabled employees and workers and with other obligations under the Equality Act 2010
- meet our obligations under health and safety laws
- monitor equal opportunities

When we use sensitive personal information in this way, we will usually rely on the following additional legal basis:

- it is needed in the public interest, including for equal opportunities monitoring and safeguarding purposes

We may sometimes ask for your explicit written consent to use sensitive personal information. In this case, we will first provide you with full details of the personal information we would like and the reason we need it, so that you can properly consider whether you wish to consent or not. It is entirely your choice whether to consent. Your consent can be withdrawn at any time.

Please note that we may process your personal information without your consent, in compliance with these rules, where this is required or permitted by law.

9. 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 data for an

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unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

10. Who has access to your personal information?

Your personal information may be shared internally within Liberty for the purposes of the recruitment exercise, including with members of the human resources team, members of the Operations team, managers in the department which has the vacancy and IT staff if access to your personal information is necessary for the performance of their roles.

Liberty will only share your personal information with third parties during the recruitment process once an offer of employment or engagement has been made to you. At that stage, we may also share your personal information with third parties and their designated agents, including:

- the DBS, to obtain a criminal record check
- former employers, to obtain references
- professional advisors, such as lawyers

We may also need to share your personal information with a regulator or to otherwise comply with the law.

11. How does Liberty protect your personal information?

Liberty has put in place measures to protect the security of your personal information.

Our internal policies, procedures and controls are in place to try and prevent your personal information from being accidentally lost or destroyed, altered, disclosed or used or accessed in an unauthorised way. This includes access restrictions to both electronic and hard copy HR files, confidential disposal of hard copy HR information that is no longer needed. In addition, we limit access to your personal information to those employees, workers, agents, contractors and other third parties who have a business need to know in order to perform their job duties and responsibilities.

Where your personal information is shared with third-party service providers, we require all third parties to take appropriate technical and organisational security measures to protect your personal information and to treat it subject to a duty of confidentiality and in accordance with data protection law. We only allow them to process your personal

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information for specified purposes and in accordance with our written instructions and we do not allow them to use your personal information for their own purposes.

We have in place procedures to deal with a suspected personal data breach and will notify the Information Commissioner's Office (or other applicable regulator) of a breach where we are legally required to do so. If there has been a high-risk data breach, you will be informed as soon as possible.

You can obtain further information about these measures from our Operations Director by emailing HR@libertyhumanrights.org.uk.

12. How long does Liberty keep your personal information for?

We will only retain your personal information for as long as is necessary to fulfil the purposes for which it was collected and processed.

If your application for employment or engagement is unsuccessful, Liberty will generally hold your personal information for six months after the end of the relevant recruitment exercise, but this is subject to:

- any minimum statutory or other legal, tax, health and safety, reporting or accounting requirements for particular data or records, and
- the retention of some types of personal information for up to six years to protect against legal risk, e.g., if they could be relevant to a possible legal claim.

If you have consented to Liberty keeping your personal information on file for in case there are future suitable employment opportunities with us, we will hold your personal information for a further two years after the end of the relevant recruitment exercise, or until you withdraw your consent, if earlier.

If your application for employment or engagement is successful, personal information gathered during the recruitment process will be retained for the duration of your employment or engagement and in accordance with our staff privacy notice.

Personal information which is no longer to be retained will be securely and effectively destroyed or permanently erased from our IT systems and we will also require third parties to destroy or erase such personal information where applicable.

In some circumstances we may anonymise your personal information so that it no longer

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permits your identification. In this case, we may retain such information for a longer period.

13. Your rights in connection with your personal information

You have the following statutory rights, some of which are subject to certain conditions and some of which only apply in specific circumstances:

- request access to your personal information - this is commonly known as making a data subject access request and it enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it
- request rectification of your personal information - this enables you to have any inaccurate or incomplete personal information we hold about you corrected
- request the erasure of your personal information - this enables you to ask us to delete or remove your personal information where there's no compelling reason for its continued use, e.g. it's no longer necessary in relation to the purpose for which it was originally collected
- restrict the processing of your personal information - this enables you to ask us to suspend the processing of your personal information, e.g. if you contest its accuracy and so want us to verify its accuracy
- object to the processing of your personal information - this enables you to ask us to stop processing your personal information where we are relying on legitimate interests as our legal basis
- data portability – this gives you the right to request the transfer of your personal information to another party so that you can reuse it across different services for your own purposes.

If you wish to exercise any of these rights, please contact HR@libertyhumanrights.org.uk.

We may need to ask for additional information to verify your identity. This is a security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

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In the limited circumstances where you have provided your consent to the processing of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. This will not, however, affect the lawfulness of processing based on your consent before its withdrawal.

If you wish to withdraw your consent, please contact our HR team at HR@libertyhumanrights.org.uk. Once we have received notification that you have withdrawn your consent, we will no longer process your personal information for the purpose you originally agreed to, unless we have another legal basis for processing.

You have the right to make a complaint at any time to the [Information Commissioner's Office \(ICO\)](#).

14. Transferring personal information outside the European Economic Area

Liberty will not transfer your personal information obtained during the course of your employment to countries outside the UK.

15. Automated decision making

Automated decision making occurs when an electronic system uses your personal information to make a decision without human intervention.

Recruitment decisions will not be taken about you based solely on automated decision making, including profiling.

16. Changes to this privacy notice

Liberty may update or amend this privacy notice at any time, including where Liberty intends to further process your personal information for a purpose other than that for which the personal information was collected or where we intend to process new types of personal information. We will issue you with a new privacy notice when we make significant updates or amendments. We may also notify you about the processing of your personal information in other ways.

17. Contact

If you have any questions about this privacy notice or how we handle your personal information, please contact the Operations Director or write to HR@libertyhumanrights.org.uk please contact us at HR@libertyhumanrights.org.uk.