# Job Applicant Privacy Notice

This Job Applicant Privacy Notice sets out what personal data MJCA hold about you and how we collect and use it during and after the recruitment process. It applies to anyone who is applying to work for us, whether as an **employee, contractor, intern or work placement volunteer*
**Referred to as 'you'.*

Please note that we will not necessarily hold, use or share *all* of the types of personal data described in this Privacy Notice in relation to you. The specific types of data about you that we will hold, use and share will depend on the role for which you are applying and how far you progress in the recruitment process.

We are required by the UK General Data Protection Regulation (UK GDPR) 2021 to provide you with this Privacy Notice. It is important that you read the Privacy Notice carefully to understand how we collect and use your personal data. Should your application be successful we will provide you with an employee privacy notice to explains how we deal with your personal data when you start work for us.

**Definitions**

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| **Personal data** *(also referred to as ordinary personal data)* | means any information relating to an identifiable natural person (also known as a 'data subject') who can be identified (directly or indirectly) in particular by reference to an identifier such as a name, NI number, employee number, email address. Individuals whose personal data that MJCA will need to process will include employees, clients, members of the public, business contacts (regulators, contractors and suppliers). |
| **Processing** | means any activity that involves the use of personal data *i.e. obtaining, recording or holding the data, amending, retrieving, using, disclosing, sharing, erasing or destroying.* It also includes sending or transferring personal data to third parties. |
| **Data subject** | Refers to any person whose personal data is being processed. |
| **Special Category personal data** | any personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health, gender reassignment (transgender, gender identity, non-binary, gender expression) or data concerning sex life or sexual orientation is known as Special Category personal data (any other data is classed as ordinary personal data) |

**Who is the data controller?**
MJCA is the "data controller" for the purposes of data protection law and is responsible for deciding how we hold and use your personal data.

MJCA's registered business address is Baddesley Colliery Offices, Main Road, Baxterley, Atherstone, Warwickshire, CV9 2LE.

MJCA are on the register of data controllers held by the Information Commissioners Office.

**What type of ordinary personal data do we hold about you and why?**
**At the initial stages of recruitment** we may collect, hold and use the following types of ordinary personal data about you:

- Information contained in your CV and covering letter / email, including your name, title, contact details, photograph if you have chosen to include in your application *(please note that photographs are not requested by MJCA during the application process),* employment history, experience, skills, qualifications / training, driving licence information, referees' names and contact details.
- Publicly available information about you such as your business social media presence.
- Selection information including correspondence and interview notes.

**<u>If you are shortlisted for a position, or you receive a conditional offer of employment</u>** we may collect, hold and use the following additional types of ordinary personal data about you:

- Pre-employment information check including references and verification of qualifications.
- Right to work checks and related documents.

We hold and use this personal data so that we can:

- process your application and correspond with you about it.
- assess whether you have the required skills, experience, qualifications and training for a role at MJCA.
- make informed recruitment decisions.
- verify information provided by you.
- check and demonstrate that you have the legal right to work in the UK.
- keep appropriate records of our recruitment process and decisions.

**Why is data being collected and used**

Data protection law specifies the legal bases that MJCA can collect, hold and use your personal information. We may rely on one or more of the following legal grounds to process your personal data:

| Legal Basis | Examples of reasons for processing personal data |
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| **Contractual obligations** | We need personal data to enter into a contract. By applying for a job with us you are effectively asking us to enter into a contract with you. |
| **Legal Obligations** | Processing personal data is necessary for MJCA to comply with a legal obligation e.g. the obligation not to discriminate during our recruitment process or the obligation not to employ someone who does not have the legal right to work in the UK. |
| **Legitimate interests** | It is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests. For example it is in our legitimate interests to review and consider personal data to select the most appropriate candidate for the job. |
| **Vital interests** | Where processing information is necessary for Health and Safety purposes (i.e. information relating to allergies, medical conditions, next of kin information). |
| **Consent** | a clear record of consent is in place for MJCA to process personal data for a specific purpose. |

**What type of special category personal data do we hold about you, why, and on what legal grounds?**

We will only collect, hold and use limited types of special category data about you during the recruitment process, as described below.

Special category data is more sensitive than ordinary personal data and we need to have an additional legal grounds other than those detailed above to collect, hold and use it. The additional legal grounds that we rely on to collect, hold and use your special category data are explained below for each type of special category data.

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| **Equal opportunities monitoring** | Equal opportunities monitoring data includes information about your race or ethnicity, religious beliefs or sexual orientation. We use this to monitor equality of opportunity and diversity. This information is collected on an anonymous basis and voluntary basis. |
| **Disability / medical conditions** | Information relevant to any request by you for adjustments to the recruitment process as a result of an underlying medical condition or disability. We use this information to enable us to carry out a fair, non-discriminatory recruitment process by considering / making reasonable adjustments to our process as appropriate. |
| **<u>If you are shortlisted for a position, or you receive a conditional offer of employment, we may collect, hold and use the following additional types of special category personal data about you:</u>** | |
| **Health questionnaires / medicals** | Information about underlying medical conditions and adjustments are used to assess if you are fit to do the job with adjustments to consider / arrange suitable adjustments, to comply with health and safety requirements to make sure we do not discriminate. |

**Who do we share your personal data with?**

We may share your ordinary personal data with a select number of staff at MJCA. This enables them to input into the recruitment process and approve decisions. Our legal grounds for doing so is that it is necessary for entry into a contract and it is in our legitimate interests.

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| **Recruitment agencies** | We engage recruitment agencies to provide details of candidates and to communicate with candidates. If you are using a recruitment agency MJCA will share with them personal data that is necessary to enable them to fulfil their functions for us. Our legal grounds for doing so are that it is necessary for entry into a **contract** and it is in our **legitimate interest** to engage service providers to assist us with the recruitment process. |
| **Medical / occupational health professionals** | For any declared underlying medical condition or disability it is in our **legitimate interests** for us to liaise with medical / occupational health professionals to enable us to identify what, if any, adjustments are needed during the recruitment process and if you start working for us. |
| **Legal / professional advisers** | We may share relevant personal data with legal and other professional advisers to obtain advice about matters related to you or when dealing with legal disputes with you or other Job Applicants. It is in our **legitimate interests** to seek advice to clarify our rights and obligations and to appropriately defend ourselves from potential claims. |
| **Home Office** | Right to work documentation will be shared with the Home Office and your passport details with HMRC to verify your right to work in the UK and comply with our **legal obligation** not to employ someone who does not have the right to work in the UK. |

**Consequences of not providing personal data**

Refusal to provide information to us could mean that we make a decisions on whether or not to offer you a role without that information that we requested. In some cases this could result in us deciding not to recruit you. For example if we ask you for a *certificate verifying a qualification* and you are unable to do so then we will have to decide whether to recruit you without that information. If you do not provide us with names of referees when asked we may not be able to offer you the role. If you are unable to provide us with personal data required by law then we cannot by law employ you.

If you choose not to provide us with personal data requested we will tell you about the implications of any such decision at the relevant time.

**How long will we keep your personal data?**

We will keep your personal data throughout the recruitment process.

If your application is successful and you start work for us you we will retain your interview notes for the duration of your employment with us. You will be issued with an Employee Privacy Notice which includes information about what personal data we keep from the recruitment process and how long we keep your personal data whilst you are working for us and after you have left.

If your application is unsuccessful we will keep your personal data for 12 months from the date we notify you of our decision. We may keep your personal data for longer than 12 months if you have asked us to consider you for future vacancies and you have agreed to us retaining these details on file**.** In all cases we will not keep your personal data for longer than we need it for our legitimate purposes.

If your application is unsuccessful you do not have to consent to MJCA keeping your personal data on file for consideration for other roles if you do not want to. You also have the right to withdraw your consent at any time.

**References**

If you provide us details of referees we do require you to inform them what personal data of theirs you are given to us. You must provide them our contact details so that they know how to contact us if they have any queries about how we process their personal data.

**Right of Access by data subject**

Under the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR) 2021 data subjects have the following rights:

- **The right to make a subject access request.** This enables the data subject to receive information about how we use personal data as well as to receive a copy of it and to check that we are lawfully processing it.
- **The right to request that we correct incomplete or inaccurate** personal data that we hold about the data subject.
- **The right to request that we delete or remove** personal data that we hold about the data subject where there is no good reason for us continuing to process it. It also includes the right to ask us to delete or remove personal data where the data subject has exercised the right to object to processing (see below).
- **The right to object to our processing** of personal data where we are relying on our legitimate interest (or those of a third party) and where there is no compelling reason to continue the processing
- **The right to request that we restrict our processing** of personal data. This enables the data subject to ask us to suspend the processing of personal data.
- **The right to request that we transfer** the data subjects personal data to another party.
- **The right not to have decisions made about you solely on the basis of automated decision making processes where there is no human intervention.** MJCA does not make any decisions based on such processes.

**Complaints / Queries**

If you have any questions regarding this privacy notice or are dissatisfied with how we are using your personal information or you wish to complain about how we have handled a request then please contact MJCA's HR Department at the MJCA office address so that we can resolve any issues you may have.

You have the right to complain at any time to the Information Commissioner's Office, which is the UK statutory regulator for data protection law. Details of how to contact the ICO can be found on their website **https://ico.org.uk**

**Changes to our job applicant privacy notice**

MJCA will keep this privacy notice under regular review. An updated copy of our job applicant privacy notice will be available on our MJCA website.