



**Privacy Policy Statement
for Job Applicants wishing to join
Heritage Care Limited**

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Heritage Care Applicant Privacy Policy Statement

NOTE: The wording in this document reflects the requirements of the General Data Protection Regulation (GDPR), which will come into effect in the UK on 25 May 2018.

Data Controller: Heritage Care Limited

Data Protection Officer: dataprotection@heritagecare.co.uk

Does this notice apply to you?

This Privacy Policy Statement applies to all applicants that are not currently staff members of Heritage Care Limited ('Heritage Care'). If you are applying for a promotion or another job in the organisation and are already employed by Heritage Care, please refer to the Privacy Policy Statement for employees.

What is the purpose of this document?

As part of any recruitment process, Heritage Care collects and processes personal data relating to job applicants. Heritage Care is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations, and to the protection and security of your personal information.

This Privacy Policy Statement describes how Heritage Care collects and uses personal information about you during and after the application process with Heritage Care, in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018, and any national laws, regulations and secondary legislation, as amended or updated from time to time, in the United Kingdom, and any other territory which implements the GDPR.

Heritage Care will be your data controller. This means that Heritage Care is responsible for deciding how to hold and use personal information about you.

It is important that you read this notice, together with any other Privacy Policy Statement Heritage Care may provide on specific occasions when collecting or processing personal information about you, so that you are aware of how and why Heritage Care is using such information.

Data protection principles

Heritage Care will comply with data protection law. This says that the personal information held about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that Heritage Care has clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes Heritage Care has told you about and limited only to those purposes.
- Accurate and kept up-to-date.
- Kept only as long as necessary for the purposes Heritage Care has told you about.
- Kept securely.

What information does Heritage Care collect?

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are “special categories” of more sensitive personal data which require a higher level of protection.

Heritage Care collects and processes a range of information about you. The bullet points below outline the type of data we collect.

- Your name, address and contact details, including email address and telephone numbers.
- Date of birth.
- Gender.
- Family including marital status and dependants.
- National Insurance number.
- Copy of driving licence.
- References for candidates that are offered employment with us.
- Information in a CV or cover letter as part of the application process.
- Details of your qualifications, skills, experience and employment history (including job titles and professional memberships).
- Information about your current level of pay, including benefit entitlements.
- Whether or not you have a disability for which Heritage Care needs to make reasonable adjustments during the recruitment process.
- Information about your entitlement to work in the UK such as passports, visas or national identity cards.
- Diversity monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief.

Heritage Care may also collect, store and use the following “special categories” of more sensitive personal information:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions.
- Information about your health, including any medical condition, health and sickness records.
- Information about criminal convictions and offences.

Heritage Care collects this information about applicants in a variety of ways. For example, data is collected through the application process either directly from candidates or sometimes from an employment agency or background check provider. For example from application forms, CVs, your passport or other identity documents, or collected through interviews or other forms of assessment, including online tests.

Heritage Care will also collect personal data about you from third parties, such as references supplied by former employers, and information from criminal records checks. Heritage Care will seek information from third parties only once a job offer to you has been made and will inform you that it is doing so.

Data is stored in a range of different places, including on your application record, or in Heritage Care's HR management system and on other IT systems (including Heritage Care's email system).

Why does Heritage Care process personal data?

Heritage Care will only use your personal information when the law allows it. Most commonly, your personal information will be used in the following circumstances:

- Where Heritage Care needs to comply with a legal obligation, such as providing information to respond to requests from courts, law enforcement agencies and other public and government authorities.
- Where it is necessary for Heritage Care's legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

Heritage Care may also use your personal information in the following situations, which are likely to be rare:

- Where Heritage Care needs to protect your interests (or someone else's interests);
- Where it is needed in the public interest or for official purposes.

Heritage Care needs to process data to take steps at your request prior to entering into a contract with you. It also needs to process your data to enter into a contract with you.

In some cases, Heritage Care needs to process data to ensure that it is complying with its legal obligations. For example, Heritage Care is required to check a successful applicant's eligibility to work in the UK before employment starts.

Heritage Care has a legitimate interest in processing personal data during the recruitment process and for keeping records of the process. Processing data from job applicants allows Heritage Care to manage the recruitment process, assess and confirm a candidate's suitability for employment and decide to whom to offer a job. Heritage Care may also need to process data from job applicants to respond to and defend against legal claims.

Processing your data allows Heritage Care to:

- Make a decision about your recruitment or appointment.
- Determine the terms on which you may work for Heritage Care.
- Check you are legally entitled to work in the work location in which you will be based.
- Assess qualifications for a particular job or task.
- Assess education, training and development requirements.
- Deal with legal disputes involving you.
- Ascertain your fitness to work.
- Comply with health and safety obligations.
- Prevent fraud.
- Conduct equal opportunities monitoring.
- Create talent pools in case you are suitable for other positions with Heritage Care.

Where Heritage Care relies on legitimate interests as a reason for processing data, it has considered whether or not those interests are overridden by the rights and freedoms of employees or workers and has concluded that they are not.

The legitimate interests Heritage Care have identified which require processing of your data are as follows:

to recruit and retain a skilled workforce to support the work of the charity Heritage Care, including where appropriate assessing individuals for safeguarding risks in light of the vulnerability of the people we support.

Heritage Care will only use your personal information for the purposes for which it is collected, unless Heritage Care reasonably considers that it is needed for another reason and that reason is compatible with the original purpose. If Heritage Care needs to use your personal information for an unrelated purpose, you will be notified and the legal basis which allows Heritage Care to do so will be explained.

Please note that Heritage Care may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

"Special categories" of particularly sensitive personal information require higher levels of protection. Heritage Care needs to have further justification for collecting, storing and using this type of personal information. Heritage Care may process special categories of personal information in the following circumstances:

- In limited circumstances, with your explicit written consent. If Heritage Care needs your consent you will be contacted separately about this.
- Where Heritage Care needs to carry out a legal obligation and in line with Heritage Care's Data Protection Policy.
- Where it is needed in the public interest, such as for equal opportunities monitoring, and in line with Heritage Care's Data Protection policy (BA10) and Equal Opportunities in Employment policy (D2).
- Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.

Less commonly, Heritage Care may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

Heritage Care will use your particularly sensitive personal information in the following ways:

- Information about your physical or mental health, or disability status, will be used to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments.
- Information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation and disability status, will be used to ensure meaningful equal opportunity monitoring and reporting and to comply with employment and other laws, for example if you raise concerns which relate to a protected characteristic.

Heritage Care does not need your consent if using special categories of your personal information in accordance with Heritage Care's written policy to carry out its legal obligations or exercise specific rights in the field of employment law. In limited circumstances, Heritage Care may approach you for your written consent to allow it to process certain particularly sensitive data. If Heritage Care does so, you will be provided with full details of the information that Heritage Care would like and the reason it is needed, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of being employed by Heritage Care that you agree to any request for consent.

Information about criminal convictions

Heritage Care may only use information relating to criminal convictions where the law allows it to do so. This will usually be where such processing is necessary to carry out Heritage Care's obligations and provided it does so in line with the Data Protection policy (BA10).

Less commonly, Heritage Care may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

Heritage Care does not envisage that it will hold information about criminal convictions.

Heritage Care will only collect information about criminal convictions if it is appropriate given the nature of the role applied for and where it is legally able to do so. Where appropriate, Heritage Care will collect information about criminal convictions as part of the recruitment process or it may be notified of such information directly by you in the course of the application process. It will use information about criminal convictions and offences in the following ways:

- Assessment for initial hiring.

Automated decision-making

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention.

Heritage Care does not envisage that any decisions will be taken about you using automated means, however, it will notify you in writing if this position changes.

Who has access to data?

Your information will be shared internally for the purposes of the recruitment exercise. This includes members of the HR and Recruitment team, interviewers involved in the recruitment process, managers of Heritage Care with a vacancy and IT staff, but only if access to the data is necessary for the performance of their roles.

Heritage Care shares your data with third parties in order to:

- Obtain pre-employment references from other employers;
- Obtain employment background checks from third-party providers;
- Obtain necessary criminal records checks from the Disclosure and Barring Service.

Heritage Care also shares your data with third parties that process data on its behalf in connection with:

- Northgate (Resourcelink);
- The provision of occupational health services;
- The National Minimum Data Set (NMDS);
- The Charity Learning Consortium;
- Apprenticeship Levy;
- Training Providers;
- Job Boards; and
- Care Quality Commission (CQC).

Heritage Care will share your personal information with third parties where required by law, where it is necessary to administer the application process or where it has another legitimate interest in doing so.

The following activities are carried out by third-party service providers: former employers to obtain references for you, to occupational health providers for medical screening, and the Disclosure and Barring Service to obtain necessary criminal record checks.

All third-party service providers and other entities in the group are required to take appropriate security measures to protect your personal information in line with Heritage Care's policies. Heritage Care does not allow third-party service providers to use your personal data for their own purposes. Heritage Care only permits them to process your personal data for specified purposes and in accordance with Heritage Care's instructions.

Heritage Care will share your personal information with other entities in the group as part of regular reporting activities on company performance, in the context of a business reorganisation or group restructuring exercise, for system maintenance support and hosting of data.

Heritage Care may share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business. Heritage Care may also need to share your personal information with a regulator or to otherwise comply with the law.

The organisation will not transfer your data to countries outside the European Economic Area.

How does Heritage Care protect data?

Heritage Care takes the security of your data seriously. It has internal policies and controls in place to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by our employees in the proper performance of their duties.

Refer to Heritage Care's policies on Record Keeping & Access to Records (BA2) and Data Protection (BA10) which are available on request.

Where Heritage Care engages third parties to process personal data on its behalf, they are obliged to implement appropriate technical and organisational measures to ensure the security of data, in order to comply with the General Data Protection Regulations (GDPR).

In addition, Heritage Care limits access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on Heritage Care's instructions and they are subject to a duty of confidentiality.

Heritage Care has 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 Heritage Care is legally required to do so.

For how long does Heritage Care keep data?

Heritage Care will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.. The periods for which your data is held after the end of employment are set out in the Record Keeping & Access to Records Policy (BA2) which is available on request.

To determine the appropriate retention period for personal data, Heritage Care considers the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which Heritage Care processes your

personal data and whether Heritage Care can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances Heritage Care may anonymise your personal information so that it can no longer be associated with you, in which case Heritage Care may use such information without further notice to you. Once you have completed the recruitment process and have been unsuccessful, Heritage Care will retain and securely destroy your personal information in accordance with the Data Protection policy (BA10).

If your application for employment is successful, personal data gathered during the recruitment process will be transferred to your personnel file and retained during your employment. You will also be issued with a new Employee Privacy Policy Statement.

Your rights

As a job applicant applying for a job within Heritage Care, you have a number of rights. You can:

- Access and obtain a copy of your data on request (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information Heritage Care holds about you and to check that it is lawfully processing it;
- Require Heritage Care to change incorrect or incomplete data;
- Require Heritage Care to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing or there is no good reason for Heritage Care to process it. You also have the right to ask Heritage Care to delete or remove your personal information where you have exercised your right to object to processing;
- Object to the processing of your data where Heritage Care is relying on its legitimate interests (or those of a third party) as the legal ground for processing and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes;
- Ask Heritage Care to stop processing data for a period if data is inaccurate or there is a dispute about whether or not your interests override Heritage Care’s legitimate grounds for processing data. This enables you to ask Heritage Care to suspend the processing of personal information about you, for example if you want Heritage Care to establish its accuracy or the reason for processing it;
- Request the transfer of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that Heritage Care transfers a copy of your personal information to another party, please contact your local HR Department in writing.

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, Heritage Care may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, Heritage Care may refuse to comply with the request in such circumstances.

Heritage Care may need to request specific information from you to help it to confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to

withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the local HR Department. Once Heritage Care has received notification that you have withdrawn your consent, it will no longer process your information for the purpose or purposes you originally agreed to, unless it has another legitimate basis for doing so in law.

If you believe that Heritage Care has not complied with your data protection rights, you can do the following:

- 1) Speak to the recruiter;
- 2) Speak to a member of either the HR or Recruitment teams;
- 3) Contact dataprotection@heritagecare.co.uk ;
- 4) Contact the Information Commissioner's Office: www.ico.org.uk

What if you do not provide personal data?

You are under no statutory or contractual obligation to provide data to Heritage Care during the recruitment process. However, if you do not provide the information, Heritage Care may not be able to process your application properly or at all.

Data Protection Officer

Heritage Care has appointed a Data Protection Officer (DPO) to oversee compliance with this Privacy Policy Statement. If you have any questions about this Privacy Policy Statement or how Heritage Care handles your personal information, please contact the DPO. You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

Changes to this Privacy Policy Statement

Heritage Care reserves the right to update this Privacy Policy Statement at any time, and will provide you with a new Privacy Policy Statement when it makes any substantial updates while you are still taking part in the application process. This Privacy Policy Statement was last reviewed in May 2018. Heritage Care may also notify you in other ways from time to time about the processing of your personal information.

If you have any questions about this Privacy Policy Statement, please contact your local HR Department.