



## Applicant Privacy Statement

This Privacy Statement sets out what data we collect about job applicants, what we collect it for, how we share data and your rights in relation to your personal data. This notice is non-contractual and can be amended at any time.

ITOPF is a “data controller”. This means that ITOPF is responsible for deciding how to hold and use personal information about you. ITOPF’s registered address is 1 Oliver’s Yard, 55 City Road, London, EC1Y 1DT.

ITOPF will comply with the data protection principles set out in the law when handling your personal information. For further information on the data protection principles and the security measures put in place to protect your personal information, please see ITOPF’s Data Protection Policy available from HR.

Dr Karen Purnell, Managing Director, has overall responsibility for monitoring compliance with data protection.

### **1. *On what basis does ITOPF process your information?***

- 1.1 We will only use your personal information when the law allows us to. These are known as the legal bases for processing. Most commonly, ITOPF will use your personal information in the following circumstances:
  - where we need to take steps prior to entering into an employment contract with you;
  - where we need to comply with a legal obligation; and
  - 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.
- 1.2 Our legitimate interests include:
  - managing the recruitment process;
  - recruiting the best candidate for any vacancy; and
  - pursuing our business by employing/engaging individuals.
- 1.3 ITOPF may also process ‘special categories’ of sensitive information in the following circumstances:
  - Where it is necessary to comply with employment law;
  - Where it is necessary to establish, exercise or defend legal claims; and
  - In limited circumstances, with your explicit written consent.

### **2. *What personal information about you is processed by ITOPF?***

- 2.1 Please see the appendix at the end of this Privacy Statement for further information.

### **3. *How do we collect your personal information?***

- 3.1 ITOPF may collect personal information about applicants in a variety of ways. It is collected during the application and recruitment processes, either directly from you or sometimes from a third party such as an employment agency and/or references from former employers.

- 3.2 We may sometimes collect additional information from publicly available sources, such as social media sites.

#### **4. *Why and how do we use your personal information?***

4.1 ITOPF will use your personal information in the following ways (this list is not exhaustive) to:

- run recruitment processes and assess your suitability for employment or engagement;
- comply with statutory and/or regulatory requirements and obligations, e.g. checking your right to work in the UK;
- make decisions on recruitment strategy looking at external candidate market trends; and
- ensure compliance with legal requirements.

#### **5. *Why and how do we use your special category personal information?***

5.1 ITOPF will use your 'special categories' of sensitive personal information in the following ways (this list is not exhaustive):

- We will use information about your nationality to check that you have the right to work in the UK.
- Where relevant, we will use information about criminal convictions to assess your suitability for the role.
- We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.
- Where an offer of employment has been made we will use information about your physical or mental health, or disability status to ensure your health and safety in the workplace, to assess your fitness to work and to provide appropriate workplace adjustments.

#### **6. *What if you fail to provide personal information?***

6.1 Where the provision of your personal data is required for ITOPF to enter into an employment contract with you, or is a statutory requirement, refusal to provide this personal information will prevent ITOPF from being able to offer you employment or a contract to work for ITOPF.

#### **7. *Who has access to your personal information?***

7.1 Your personal information may be shared internally within ITOPF and will be accessed by authorised staff, including with members of the HR department, recruiting manager and IT staff if access to your personal information is necessary for the performance of their roles.

7.2 ITOPF may also share your personal information with third-party service providers (and their designated agents) where required by law or where we have another legitimate interest in doing so. The following activities are carried out by third-party service providers:

external organisations for the purposes of conducting pre-employment reference and employment background checks.

- external organisations for the purposes of undertaking pre-employment medical checks, once an offer of employment has been made.

7.3 ITOPF requires third parties to respect the security of your data, to take appropriate security measures and to treat it in accordance with the law. ITOPF only permits third parties to process your personal data for specified purposes and in accordance with its instructions.

## **8. *How long does ITOPF keep your personal information?***

8.1 If your application for employment is unsuccessful, ITOPF will hold your data on file for two years after the end of the relevant recruitment process in case you wish to be considered for other vacancies (except for criminal conviction information that will be deleted following the recruitment process unless it is assessed as relevant to any ongoing employment relationship).

8.2 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/engagement. You will be provided with the Staff Privacy Notice which contains details on retention.

## **9. *Transferring personal information outside the UK***

9.1 No personal information will be transferred to a third party located outside of the UK unless we are certain that an adequate level of protection exists.

## **10. *Automated decision making***

10.1 You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making unless ITOPF has a lawful basis for doing so and it has notified you.

## **11. *Your rights in connection with your personal information***

11.1 As a data subject, you have a number of statutory rights. Subject to certain conditions, and in certain circumstances, you have the right to:

- request access to your personal information;
- request correction of your personal information;
- request the erasure of your personal information;
- restrict the processing of your personal;
- object to the processing of your personal information;
- request the transfer of your personal information to a third party.

11.2 Some of these rights are not automatic, and ITOPF reserves the right to discuss with you why it might not comply with a request. If you wish to exercise any of these rights, please contact HR.

11.3 Please see the Data Protection Policy for further information on your rights and specific information that ITOPF may require from you.

11.4 In the limited circumstances where you have provided your consent to the processing of your personal information, you have the right to withdraw your consent 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 HR. 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.

**12. *Who can you contact if you have concerns about ITOPF's use of your personal information?***

12.1 If you have any concerns or queries about ITOPF's use of your personal data, please contact HR at ITOPF.

12.2 If you believe that ITOPF has not complied with your data protection rights, you have the right to make a complaint to the Information Commissioner's Office (ICO) at any time. The ICO is the UK supervisory authority for data protection issues.

### Appendix - What personal information does ITOPF process?

Type of personal information	Legal basis for processing
Name, title, address, marital status, personal contact details, personal email address, date of birth, gender	To take steps prior to entering into an employment contract To comply with a legal obligation
Right to work documentation, qualifications, references and other information included in a CV or cover letter or as part of the application process, education/job history, training and interview notes	To take steps prior to entering into an employment contract To comply with a legal obligation
Any correspondence relating to the outcome of the recruitment process (either successful or unsuccessful)	To take steps prior to entering into an employment contract Legitimate interests
Where relevant, information on unspent criminal convictions	To comply with a legal obligation Legitimate interests Explicit consent
Ethnic group, religion, sexual orientation race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life	To comply with a legal obligation To comply with employment law