



## GDPR FAIR PROCESSING NOTICE FOR RECRUITMENT

### **Purpose**

Puffin Produce Ltd is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about you during the recruitment process, in accordance with the General Data Protection Regulation (GDPR).

It applies to all candidates.

Puffin Produce Ltd is a 'Data Controller'. This means that we are responsible for deciding how we hold and use personal information about you. We are required under the data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to candidates applying for a role within Puffin Produce Ltd. We may update this notice at any time.

It is important that you read this notice, so that you are aware of how and why we are using such information.

### **Data protection principles**

We will comply with data protection law. This says that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up-to-date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

### **The kind of information we hold about you**

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.

We will collect, store, and use the following categories of personal information about you:

- Personal contact details such as name, title, addresses, telephone numbers and personal e-mail addresses.
- Date of birth and gender.
- Recruitment information (including copies of right to work documentation, references and other information included in a CV, application form or cover letter or as part of the application process).



- Previous employment records (including job titles, work history, qualifications, working hours, training records and professional memberships).

We may also collect, store and use the following 'special categories' of more sensitive personal information:

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

### **How is your personal information collected?**

We collect personal information about candidates through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. We will collect additional personal information in the course of job-related activities throughout the period of you working for us, should you be employed by Puffin Produce Ltd.

### **How we will use information about you**

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

1. Where we need to perform the contract, we may enter into with you.
2. Where we need to comply with a legal obligation.
3. Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
4. Where we need to assess your skills, qualifications and suitability for the work.
5. Where we need to communicate with you about the recruitment process.
6. Where we need to keep records of our recruitment process.
7. to carry out background and reference checks, where applicable.

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

1. Where we need to protect your interests (or someone else's interests).
2. Where it is needed in the public interest (or for official purposes).

It is in our legitimate interests to decide whether to appoint you to the role since it would be beneficial to our business to do so.

We also need to process your personal information to decide whether to enter into a contract of employment with you.

Having received your CV, covering letter **or** your application form, we will then process that information to decide whether you meet the basic requirements to be shortlisted for the role. If you do, we will decide whether your application is strong enough to invite you for an interview. If we decide to call you for an interview, we will use the information you provide to us at the interview to



decide whether to offer you the role. If we decide to offer you the role, we will then take up references before confirming your appointment.

### **Situations in which we will use your personal information**

We need all the categories of information in the list above (see 'The kind of information we hold about you') primarily to allow us to perform our contract with you [\*] and to enable us to comply with legal obligations [\*\*]. In some cases, we may use your personal information to pursue legitimate interests of our own or those of third parties [\*\*\*], provided your interests and fundamental rights do not override those interests. The situations in which we will process your personal information are listed below. We have indicated by asterisks the purpose or purposes for which we are processing or will process your personal information, as well as indicating which categories of data are involved.

- Making a decision about your recruitment or appointment [\*\*\*].
- Determining the terms on which you work for us [\*]
- Checking you are legally entitled to work in the UK [\*\*]
- Administering the contract, we have entered into with you [\*].
- Making decisions about salary reviews and compensation [\*\*\*].
- Assessing qualifications for a particular job or task, including decisions about promotions [\*\*\*].
- To prevent fraud [\*\*\*].

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

### **If you fail to provide personal information**

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers). **How we use particularly sensitive personal information**

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

- We will use information about your disability status to consider whether we need to provide appropriate adjustments during the recruitment process, for example whether adjustments need to be made during an interview.
- 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.

### **Automated decision-making**

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making.



## **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 information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

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

## **Do we need your consent?**

We do not need your consent if we use special categories of your personal information in accordance with our written policy to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

## **Data Sharing**

We will only share your personal information with the following third parties for the purposes of processing your application: other entities within the group and our legal advisers. All our 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 our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

We will not transfer your personal information outside the UK or EU.

## **Data security**

We have put in place measures to protect the security of your information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit 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 our instructions and they are subject to a duty of confidentiality. Details of these measures are available upon request.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.



## Data Retention

### How long will you use my information for?

We will only retain your personal information for as long as necessary after we have communicated to you our decision about whether to appoint you to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. After this period, we will securely destroy your personal information in accordance with our data retention policy. Details of retention periods for different aspects of your personal information are available in our retention policy which is available from the HR Department. To determine the appropriate retention period for personal data, we consider the amount, nature and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purpose for which we process your personal data and whether we can achieve those purposes through other means and the applicable legal requirements.

If we wish to retain your personal information on file, on the basis that a further opportunity may arise in future and we may wish to consider you for that, we will write to you separately, seeking your explicit consent to retain your personal information for a fixed period on that basis.

## Right of access, correction, erasure, and restriction

### Your right in connection with personal information

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a 'data subject access request'). This enable you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your 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.
- **Request the restriction of processing** of your personal information. This enable you to ask us to suspend the processing of personal information about you, for example if you want us 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 we transfer a copy of your personal information to another party, please contact the HR Department in writing.



### **No fee usually required**

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

### **What we may need from you**

We may need to request specific information from you to help us 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.

### **Right to withdraw consent**

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 HR Department. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

### **Data Protection Officer**

We have appointed a Data Protection Officer (DPO) to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO, Michelle Ashley. You have the right to make a complaint at anytime to the Information Commissioners Office (ICO) the UK supervisory authority for data protection issues.

### **Changes to this privacy notice**

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We 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 notice, please contact Michelle Ashley, Head of People and DPO on 01437 766 716.**