



JOB APPLICANT PRIVACY NOTICE

Gist Limited – Job Applicant Privacy Notice

1.0 INTRODUCTION

Gist Limited 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 when you apply for employment with us, in accordance with the UK data protection rules.

It applies to all potential employees, workers and self-employed consultants and contractors.

In relation to self-employed consultants and contractors, references to 'employer' and employment related activities should be construed as referring to Gist Limited and its activities as the business with which the self-employed consultant or contractor is contracted to carry out work, in so far as those activities relate to the arrangements entered into between the self-employed consultant or contractor and Gist Limited. Personal data will only be collected where it is relevant to the proposed contractual arrangements between Gist Limited and the contracted individual or company. Nothing in this agreement shall affect the status of a self-employed consultant or contractor or shall render them a potential employee, worker, agent or partner of Gist Limited.

Gist Limited is a “data controller”. This means that we are responsible for deciding how we hold and use personal information about you. You are being sent a copy of this privacy notice because you are applying for work with us (whether as an employee, worker, self-employed consultant or contractor). It makes you aware of how and why your personal data will be used, namely for the purposes of the recruitment exercise, and how long it will usually be retained for. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to anyone who applies to work at Gist, whether as an employee, worker, self-employed consultant or contractor. This notice does not form part of any contract of employment or other contract to provide services. We may update this notice at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information and what your rights are under the data protection legislation.

2.0 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

3.0 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 (anonymised data).

There are “special categories” of more sensitive personal data which require a higher level of protection, such as information about a person’s health or sexual orientation. Information about criminal convictions also warrants this higher level of protection.

In connection with your application for work with us, we may collect, store, and use the following categories of personal information about you:

- Any information you have provided to us in your curriculum vitae and covering letter.
- Any information you have provided on our application form whether directly or via a recruitment agency or our online provider, including your name, title, address, telephone number, personal email address, date of birth, gender, employment history, qualifications, willingness to work at our locations, driving licence details and any further information that you submit.
- Any information you provide to us during an interview (whether conducted in person, via telephone or via video call) and our assessment of your performance during interviews. This may include recordings of any video interview held on any video interviewing platform service used by us during the application process.
- Any information you provide to us during any assessment centre that you attend, including our assessment of your performance during the assessment centre.
- Any information we collect from you during general recruitment activity, such as careers fairs.
- Any information you provide to us during the course of online aptitude and other assessments, including our assessment of your performance of these assessments.
- Information about your right to work in the UK

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

- Information about your race or ethnicity.
- Information about your health, including any medical condition, health and sickness records
- Information about criminal convictions and offences

4.0 HOW IS YOUR PERSONAL INFORMATION COLLECTED?

We typically collect personal information about potential employees, workers and contractors through the application and recruitment process. This may be collected from one or more of the following:

- directly from candidates
- a recruitment agency
- an online job search provider
- disclosure and barring service in respect of criminal convictions where applicable
- our health check provider (in respect of pre-employment health checks)
- an apprenticeship learning provider

- your named referees
- government bodies (for example, DVLA to verify licence credentials)
- information made publicly available from a publicly accessible source (e.g. Social media profiles)

We may sometimes collect additional information from third parties including former employers, credit reference agencies or other background check agencies and your education or training provider, where applicable.

References are generally requested with the referee assured of a general expectation of confidentiality as defined under Schedule 2 section 24 of the Data Protection Act 2018.

5.0 HOW WILL BE 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:

- assess your skills, qualifications and suitability for a role
- conduct background, criminal records and reference checks
- to communicate with you about the recruitment process
- conduct right to work checks
- maintain records relating to our hiring process
- comply with legal or regulatory obligations

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

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

5.1 Situation in which we will use your information

It is in our legitimate interests to process this personal data to enable us to decide whether to appoint you to work for the organisation.

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

Having received the information you have provided to us as part of the application process, we will then process that information to assess 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 or assessment centre or online testing tool. If we call you for an interview or an assessment, we will use the information you provide to us at the interview and any assessment centre or online testing to decide whether to offer you the role. If we offer you a role, we will then take up references, carry out a criminal record check if applicable and carry out any other pre-recruitment activities we need to do before confirming your appointment

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

5.2 If you fail to provide personal information

If you fail to provide information when requested, which is necessary for us to consider your application (such as evidence of qualifications or work history), we will not be able to process your application successfully. For example, if we require a driving licence check or references for this role and you fail to provide us with relevant details, we will not be able to take your application further.

6.0 HOW WE USE PARTICULARLY SENSITIVE PERSONAL INFORMATION

"Special categories" of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information.

We have in place an appropriate policy document and safeguards which are required by law to maintain when processing such data. Please see the Gist Data Protection Policy for more details.

We may process special categories of personal information in the following circumstances:

- We may use information about your disability status to consider whether we need to provide reasonable adjustments during the recruitment process, for example whether adjustments need to be made during a test or interview or at any other stage in the process.
- We may use information about your race or national or ethnic origin to ensure meaningful equal opportunity monitoring and reporting.

Less commonly, we 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.

7.0 INFORMATION ABOUT CRIMINAL CONVICTIONS

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations.

We envisage that we will process information about criminal convictions for specific job roles for specific contracts. We will notify the individuals concerned where this is required. We are allowed to use your personal information in this way to carry out our legal obligations regarding safeguarding, to comply with legal and contractual requirements of those we do business for and to ensure the safety of the public. We have in place an appropriate policy and safeguards which we are required by law to maintain when processing such data.

8.0 AUTOMATED DECISION MAKING

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

We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

9.0 DATA SHARING

We may have to share your data with third parties, including third-party service providers and other entities in the group.

We will only use third parties who have formally accepted all terms and conditions that are required under the UK Data Protection Law and will therefore respect the security of your data and to treat it in accordance with the law.

We may transfer your personal information outside the UK. If we do, it will only be where a comparative degree of protection in respect of your personal information will be provided.

9.1 Why might you share my personal information with third parties?

We will only share your personal information with third parties for the purposes of processing your application. The following activities are carried out by third-party service providers: DBS checks, Driving Licence Verification checks, recruitment / candidate assessment, and the provision of IT services.

9.2 Which third-party service providers process my personal information?

"Third parties" includes third-party service providers (including contractors and designated agents) and other entities within our group. Our online application provider, video platform provider, Disclosure & Barring Service, your recruitment agency and other companies in the group. 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.

10.0 DATA SECURITY

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. 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.

We have 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 we are legally required to do so.

11.0 DATA RETENTION

We 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.

For the purposes of recruitment, we will usually retain your personal information for a period of 1 year after we have made the relevant appointment, subject to any additional legal obligations and in accordance with any legitimate interests of the company. We retain your personal information for that period so that we can:

- Show, in the event of a legal claim, that we have not discriminated against candidates on prohibited grounds and that we have conducted the recruitment exercise in a fair and transparent way;
- Retain records of unsuccessful candidates or speculative candidates, to be considered for future job opportunities, which we may pro-actively contact candidates for;
- Retain records of unsuccessful candidates, so that we can identify those candidates that have previously applied to work for the company in future application processes.

After this period, we will securely destroy your personal information in accordance with applicable laws and regulations.

Any data you submit via a third party or online application system will be held in accordance with the separate Privacy Notice provided to you by that provider.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case it will no longer be subject the UK Data Protection Laws and we may use such information without further notice to you.

12.0 RIGHTS OF ACCESS, CORRECTION, ERASURE AND RESTRICTION

12.1 Your rights 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 enables 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 the 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 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.
- Request the restriction of processing of your personal information. This enables 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 Gist Data Protection Lead.

12.2 No fee usually required

Under normal circumstances, 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 considered manifestly unfounded or manifestly excessive. Alternatively, under such circumstances, we may refuse to comply with the request.

12.3 What we may need from you

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

13.0 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 Data Protection Lead. 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.

14.0 DATA PROTECTION LEAD AND RIGHT TO COMPLAIN

14.1 Data Protection Lead

We have appointed a data protection lead (DPL) 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 DPL at DPL@Gistworld.com

14.1 Right to Complain

Should you wish to make a complaint about our use of your information we would welcome the opportunity to resolve any issues. Notwithstanding this, you have the right to make a complaint at any time to the Information Commissioner's Office (ICO). If you have a complaint about our use of your information, you can contact the Information Commissioner's Office via their website at www.ico.org.uk/concerns or write to them at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

15.0 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.