

# GUIDANCE NOTES – Recruitment Specific privacy

## Instructions

These guidance notes are provided to assist in your understanding of the content and explain some key provisions. Please note that this guidance contains commercial information and therefore should not be issued to data subjects.

## Scope and use

This Privacy Notice is intended for use by organisations undertaking recruitment activity. It addresses general use of data for recruitment purposes and is intended to comply with the requirements of the General Data Protection Regulation, as applicable in the UK ('GDPR').

The GDPR gives data subject a right to be informed of prescribed information relating to processing activity at the point data is collected, or in the case of data from a third-party source either within 1 month of the data being received, or at the point the data is used to communicate with the data subject or is disclosed to a third party, if sooner. This privacy notice is intended to be used as a mechanism to 'inform' the data subject.

The information contained within this notice should be carefully considered, along with the reasons why you collect, use, transfer or otherwise process personal data, in order to ensure that it fully matches your activity. If there are reasons why you process data which are not set out within this agreement, for example which are different from standard practice then amendment will be required, or data subjects will need a separate notification. This privacy notice uses terminology and content primarily directed at recruitment companies. In the event that you wish to use this privacy notice for alternative services, please contact Lawspeed in order that we can assist with any adjustments required.

Please note, this Privacy Notice is licensed for use by the specific company named within this section. If an additional company, including any group company, also wishes to rely upon this Privacy Notice, the licence will need to be extended by agreement with Lawspeed

## Amendments

When any adjustments have been made following a review of these instructions and notes, please make a new clean copy, being the version for use on your system. Make sure all optional clauses (i.e. wording in red square brackets) are completed in accordance with your policy, or where applicable text deleted, and all square brackets have been removed before issue.

## Latest Updates

The latest version has some small refinements and clarifications, specifically so that

- to make express reference to gender as information that may be held on a Candidate
- to include protection of a client's reputation as a potential legitimate interest
- to include an option for information to be provided regarding your processing of criminal record data

The latest update has also been refined in places so as to reduce the number of areas where text needs to be inserted, for example regarding responsible persons and group companies.

Section/Definition/Clause	
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<p><b>Group Companies</b></p>	<p>The first paragraph on page 1 allows the option of extending the application of the privacy notice to connected companies, this is useful when collected data is processed by shared systems and administration.</p>
<p><b>Responsible person/DPO</b></p>	<p>The GDPR sets out at Articles 37 -39 the circumstances in which an organisation is required to have an appointed Data Protection Officer (“DPO”). If you are required appoint such a person, it is a requirement that a data subject be informed who that person is. Even if you are not required to formally appoint a DPO, there still exists an obligation to provide a data subject with the contact details of a responsible person the controller.</p> <p>Delete insert and type in the name of the responsible person using the first option if a DPO is not required and the second option is this person is a DPO, in either case inserting the contact details also.</p>
<p><b>Section 1</b></p>	
<p><b>Overview</b></p>	<p>This section is designed to apply to existing Candidates and contractors or any person applying for a role either with you or in order that they be placed with a Client, setting out information specific to this relationship.</p>
<p><b>Information obtained, sources and use of personal data</b></p>	<p>Each part of section 1 has been tailored to reflect recruitment processes addressing the information that is commonly collected, key sources of information and reason for using data.</p> <p>This notice includes information that you may potentially collect so does not need to be specifically tailored to a particular individual. The list that we have provided are non-exhaustive and can be added to if you feel that there are likely to be alternative information, sources or use commonly in play.</p> <p>We would further suggest that caution is exercised in removing any of the bullet points unless you are certain that this will never be a type of information processed, a source of information or reason for processing.</p>
<p><b>Why we process your personal data</b></p>	<p>Personal data may only be processed where one or more permitted reason exists (‘Lawful Basis), and the data subject must be informed of the Lawful Basis. This section therefore sets out in further detail the reasons why Candidate personal data is processed.</p> <p>This section focuses on the most common reasons for processing of data, which include</p> <ul style="list-style-type: none"> <li>• <b>Entering into a contract</b> with a candidate (as required by the Conduct of Employment Agencies and Employment Businesses Regulations 2003 (‘Conduct Regulations’)</li> </ul>

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	<ul style="list-style-type: none"> <li>• <b>Compliance with legal obligations</b>, for example, the Conduct Regulations, tax requirements or even the GDPR.</li> <li>• <b>Necessary processing in furtherance of a legitimate interests</b>. This basis is subject to balancing these interests against the rights and freedoms of the data subject, but does cover matters which are neither legal obligations, nor contractual requirements, for example, best practice, or compliance with requirements in a hirer’s contract. It is a requirement of the GDPR that where legitimate interest is relied upon, an individual be informed what that interest is. Therefore, if there are other legitimate interests that you have, these should be added within this section.</li> <li>• <b>Consent of the data subject</b>, that is with the express or implied agreement of the data subject.</li> </ul>
<p><b>Obtaining data from a third party</b></p>	<p>Article 14(2)(f) of the GDPR requires that where personal data is obtained from a third-party source i.e. not directly from the data subject, the individual is entitled to be informed of the source from which the data has been obtained and whether this source is publicly accessible. Although this Privacy Notice has general information regarding potential sources, and you can include other potential sources within it, the reality is that the individual is entitled to be informed of the actual source. Accordingly, you must let the individual know the source of the information and whether it is publicly accessible in addition to issuing this Privacy Notice.</p>
<p><b>Sensitive Personal Data (SPD)</b></p>	<p>Sensitive personal data has a specific category of protection under the GDPR, requiring more specific reasons than personal data generally, which may include those specified in this section.</p> <p>Note that there are in some cases additional steps that are need when processing personal data, for example if it is for compliance with a legal obligation, an additional policy may be required. For further advice contact Lawspeed on 01273 236 236.</p>
<p><b>Criminal Record Data</b></p>	<p>This is optional wording for use in the event that you wish to include information in this document relating to your processing/sharing of information relating to criminal convictions. Note that the Data Protection Act 2018 includes an additional obligation on an organisation to have a specific policy on this processing activity.</p> <p>If you do not wish to include this information in the privacy notice, then please delete the section.</p>
<p><b>Sharing personal data</b></p>	<p>This first section lists examples of the categories of organisation to which data may be transferred.</p>

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	<p>If there are other persons with whom you envisage you may share personal data with, delete insert in the final bullet point and type in the details, otherwise the final bullet.</p> <p>The second section is optional depending upon whether it is likely that you will engage with any third-party processors. If so, please retain the wording and amend as appropriate, otherwise please delete the wording in square brackets.</p>
<p><b>Automated decisions</b></p>	<p>Please choose the applicable wording depending on whether or not your business uses automated decision making. In the event that your business does undertake automated decision making, the second option addresses the type of automated processing that a recruitment business might undertake, however, if there are any other automated processing being undertaken it should be addressed here.</p>
<p><b>Section 2</b></p>	<p>This section is intended to apply to personal data of persons other than Candidates. This may for example be individuals who work for hirers or suppliers.</p>
<p><b>Information obtained, sources and use of personal data</b></p>	<p>Each part of section 2 has been tailored to reflect general relationships addressing the information that is commonly collected, key sources of information and reason for using data.</p> <p>This notice includes information that you may potentially collect so does not need to be specifically tailored to a particular individual. The list that we have provided are non-exhaustive and can be added to if you feel that there are likely to be alternative information, sources or use commonly in play.</p> <p>We would further suggest that caution is exercised in removing any of the bullet points unless you are certain that this will never be a type of information processed, a source of information or reason for processing.</p>
<p><b>Why personal data is processed</b></p>	<p>The reasons set out here are very similar to the reasons why data of candidates is processed and are linked to the provision of your Recruitment Services. Please review the reasons and ensure that (i) they fit your business reasons and (ii) there are no other reasons you process data that we have not already stated.</p>
<p><b>Sensitive Personal Data (SPD)</b></p>	<p>This section may be included solely in the section referring to Candidates on the basis that a recruiter is unlikely to hold SPD of a Client or third-party individual. However, as a belt-and-braces approach, it is included here to cover remote scenarios such as a record being retained of a client’s representative’s political belief or health.</p>

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<p><b>Who you share personal data with</b></p>	<p>This first section lists examples of the categories of organisation to which data may be transferred. If there are other persons with whom you envisage you may share personal data with, delete insert in the final bullet point and type in the details, otherwise the final bullet.</p> <p>The second section is optional depending upon whether it is likely that you will engage with any third-party processors. If so, please retain the wording and amend as appropriate, otherwise please delete the wording in square brackets.</p>
<p><b>Section 3</b></p>	<p>This section applies to all personal data whether Candidate or any other individuals.</p>
<p><b>Transfer of data to other jurisdictions</b></p>	<p>Where data is to be transferred outside of the UK or European Economic Area ('EEA'), certain safeguard must be in place. it is a requirement that individuals be advised if data will be so transferred and the safeguards that are in place.</p> <p>A privacy notice can really only address these matters generally. We have therefore included wording in order that further or country specific information can be obtained from the Responsible Person.</p>
<p><b>If you do not wish to provide us with the necessary data</b></p>	<p>It is a requirement under GDPR that where data is collected as necessary for compliance with statutory or contractual obligations, the individual be advised of the consequences of not providing that information. This section addresses the fact that should information not be provided you may be unable to provide your work-finding services.</p>
<p><b>Group Companies</b></p>	<p>This wording should be retained if you have indicated at the start of the notice that the notice is applicable to group companies also, otherwise this wording can be deleted.</p>
<p><b>Transfer</b></p>	<p>Wording has been included to address a situation, were the organisation to be the subject to a sale or merger etc resulting in the transfer of personal data to a third party.</p>
<p><b>Data Security and Confidentiality</b></p>	<p>This is a simple statement designed to offer confidence to the data subject as regards their personal data, it reflects the minimum standards of the GDPR so should be something that every organisation adheres to.</p>
<p><b>Cookies</b></p>	<p>Organisations are responsible for providing clear information about the way they use cookies and ensuring that they give people using their website the right choices. Basic information has been included; however, it is for each individual organisation to specify what cookies are used and their purposes.</p>

	<p>Please contact your website provider for more information regarding the sue of cookies.</p> <p>There are two wording options included, depending upon whether you use or do not use cookies, please select as appropriate deleting the option that is not used.</p>
<b>Retaining your data</b>	<p>Data subjects have a right to be informed of the periods for which data will be stored or the factors that will be taken into consideration in determining this period. This section refers to 6 year and sets out the likely reasons that exist for retention after a 6-year period. However, if as a result of your data cleanse or spring clean of existing data, you have other factors that need to be considered, the same should be included here.</p>
<b>Changes to the Privacy Notice</b>	<p>In the event that there is a change in the information within this Privacy Notice, or the reason why you are processing data changes, the Privacy Notice should be updated, and a revised copy provided to all affected data subjects.</p>
<b>Section 4</b>	<p>Data subjects must be specifically advised of their rights and to whom complaints may be made, including the ICO.</p>

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