

# Candidate privacy notice



## WHAT IS THE PURPOSE OF THIS DOCUMENT?

Clare Pryke, acting as a sole trader under the name of Hampton Childcare Agency, 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 jobs we are recruiting for on behalf of our clients. 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. It provides you with certain information that must be provided under the General Data Protection Regulation ((EU) 2016/679) (GDPR).

GDPR is a new regulation which replaces the Data Protection Regulation (Directive 95/46/EC) The Regulation aims to harmonise data protection legislation across EU member states, enhancing privacy rights for individuals and providing a strict framework within which commercial organisations can legally operate.

Please read the following carefully to understand our views and practices regarding your personal data and how we will treat it.

## WHO WE ARE AND WHAT WE DO

We are a recruitment agency and recruitment business as defined in the Employment Agencies and Employment Businesses Regulations 2003 (**our business**). We collect the personal data on prospective and placed candidates for permanent or temporary roles to allow us to undertake our business.

## DATA PROTECTION PRINCIPLES

We will comply with data protection law and principles, which means that your data will be:

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

## THE KIND OF INFORMATION WE HOLD ABOUT YOU

In connection with your application for a job or jobs with us, we will collect, store, and use the following categories of personal information about you:

- The information you have provided to us in your curriculum vitae and covering letter.
- The information you have provided on our application form, including name, title, address, telephone number, personal email address, date of birth, gender, employment history, and qualifications.
- Any information you provide to us during an interview.
- The information you have provided to us in your background documents, including but not limited to, passport,

driving licence, first aid certificate, right to work visa etc.

- Information provided to us about you as a result of collecting and reviewing references.

We 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.

We will only process the above personal information in order to assess your working capacity and to protect your interests. We will not disclose such information to any third party unless you expressly confirm we are able to. All such information shall be kept strictly confidential.

## **HOW IS YOUR PERSONAL INFORMATION COLLECTED?**

We collect personal information about candidates from the following sources:

- You, the candidate.
- Disclosure and Barring Service in respect of criminal convictions.
- Your named referees, from whom we collect the following categories of data: details of previous employment, conduct, health and sickness records. You will need to tell us that you have their authority for us to contact them before we collect any such information from them.

## **HOW WE WILL USE INFORMATION ABOUT YOU**

We will use the personal information we collect about you to:

- Assess your skills, qualifications, and suitability for the any positions we currently have available and may be of interest to you.
- Carry out background and reference checks, where applicable.
- Communicate with you about the recruitment process.
- Communicate with potential employers looking to hire candidates such as you
- Keep records related to our hiring processes.
- Comply with legal or regulatory requirements.

It is in our legitimate interests to decide whether to put you forward for a role, which we will discuss fully with you before submitting your details to a potential employer looking to appoint someone to a particular role.

### **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 DBS 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.

## **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 the interview as well as during employment.
- 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.

## **INFORMATION ABOUT CRIMINAL CONVICTIONS**

We envisage that we will process information about criminal convictions.

If an employer wishes to offer you a role, we will collect information about your criminal convictions (conditional on checks and any other conditions, such as references, being satisfactory). We are required to carry out a criminal records check in order to satisfy ourselves that there is nothing in your criminal convictions history which makes you unsuitable for the role. In particular:

- The role of a nanny is one which is listed on the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (*SI 1975/1023*) and is also specified in the Police Act 1997 (Criminal Records) Regulations (*SI 2002/233*) so is eligible for an enhanced check from the Disclosure and Barring Service.
- The role of a nanny requires a high degree of trust and integrity since it involves dealing with children and so we would like to ask you to seek a basic disclosure of your criminal records history.

## **AUTOMATED DECISION-MAKING**

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

## **DATA SHARING**

### **Why might you share my personal information with third parties?**

We will share your information to potential employers for the purpose of securing you a job as set out in our terms of representation.

We will only share your personal information with the following third parties for the purposes of processing your application: Disclosure and Barring Service, job boards, partner agencies, regulatory authorities and any other body as required by law. 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.

## **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.

## **DATA RETENTION**

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

We will retain your personal information for a period of 24 months after we have processed your information for the purpose of finding you a role. 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. After this period, we will securely destroy your personal information in accordance with applicable laws and regulations.

If we wish to retain your personal information on file beyond 24 months, 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 further fixed period on that basis.

## **RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION**

### **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 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 [clare@hamptonchildcareagency.co.uk](mailto:clare@hamptonchildcareagency.co.uk) in writing.

## **RIGHT TO WITHDRAW CONSENT**

When you apply for any vacancy through Hampton Childcare Agency, you will have provided consent to us processing your personal information for the purposes of the recruitment exercise. You have the right to withdraw your consent for processing for that purpose at any time. To withdraw your consent, please contact [clare@hamptonchildcareagency.co.uk](mailto:clare@hamptonchildcareagency.co.uk). Once we have received notification that you have withdrawn your consent, we will no longer process your data and will refrain from submitting your data to any potential employers and, subject to our retention policy, we will dispose of your personal data securely.