
Data Privacy Notice - for job applicants

1— Introduction

Capital (the Company) is committed to being transparent about how it handles your personal information, to protecting the privacy and security of your personal information and to meeting its data protection obligations under the General Data Protection Regulation (GDPR).

As part of any recruitment process, the Company collects and processes personal information, or personal data, relating to job applicants.

The purpose of this privacy notice is to make you aware of how and why we will collect and use your personal information during the recruitment process.

The Company includes the following entities. Each is a “data controller” in their own right.

- Capital Law Limited
- Capital Law & People Limited
- Capital People Consultants Limited

This privacy notice applies to all job applicants, whether they apply for a role directly or indirectly through an employment agency. It is non-contractual. We may update or amend this notice at any time. A new privacy notice will be issued when we make significant updates or amendments.

2— Data protection principles

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

- 1) Processed lawfully, fairly and in a transparent way
- 2) Collected only for specified, explicit and legitimate purposes and not further processed in a way that is incompatible with those purposes
- 3) Adequate, relevant and limited to what is necessary in relation to those purposes
- 4) Accurate and, where necessary, kept up to date
- 5) Kept in a form which permits your identification for no longer than is necessary for those purposes
- 6) Processed in a way that ensures appropriate security of the personal data.

3— Types of personal information we collect about you

Personal information is any information about an individual from which that person can be identified. It does not include anonymised data, i.e. where all identifying particulars have been removed. There are “special categories” of more sensitive personal information which require a higher level of protection.

We may collect, use, process and store a range of personal information about you during the recruitment process. This includes (as applicable):

- Personal contact details including your name, address, telephone numbers, and personal email address
- Personal information included in a CV, any application form, cover letter, interview notes or as part of the application process.
- References
- Information about your right to work in the UK and copies of proof of right to work documentation
- Copies of qualification certificates
- Copy of driving licence
- Other background check documentation
- Details of your skills, qualifications, experience and work history with current and previous employers
- Information about your current salary level, including benefits and pension entitlements
- Professional memberships

We may also collect, use, process and store the following "special categories" of more sensitive personal information during the recruitment process:

- Whether or not you have a disability for which the Company needs to make reasonable adjustments during the recruitment process
- Information about your race or ethnicity, religious or philosophical beliefs and sexual orientation
- Information about criminal convictions and offences.

4– How do we collect your personal information?

We collect personal information about you during the recruitment process either directly from you or sometimes from a third party such as an employment agency. We may also collect personal information from other external third parties, such as references from current and former employers, information from background check providers, information from credit reference agencies and criminal record checks from the Disclosure and Barring Service (DBS).

You are under no statutory or contractual obligation to provide personal information to the Company during the recruitment process.

Your personal information may be stored in different places, including on your application record, in the Company's HR system and in other IT systems, such as the email system.

5– Why and how do we use your personal information?

We will only use your personal information when the law allows us to. We will use your personal information in one or more of the following circumstances:

- Where we need to do so to take steps at your request prior to entering into a contract with you, or to enter into a contract with you
- Where we need to comply with a legal obligation
- 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 those interests.

We need all the types of personal information listed above (at section 3), primarily to enable us to take steps at your request to enter into a contract with you, or to enter into a contract with you, and to enable us to comply with our legal obligations. In some cases, we may also use your personal information where it is necessary to pursue our legitimate interests (or those of a third party), provided that your interests or your fundamental rights and freedoms do not override those interests.

The purposes for which we are processing, or will process, your personal information are to:

- Manage the recruitment process and assess your suitability for employment or engagement
- Decide to whom to offer a job
- Comply with statutory and/or regulatory requirements and obligations, e.g. checking your right to work in the UK
- Comply with the duty to make reasonable adjustments for disabled job applicants and with other disability discrimination obligations
- Monitor equal opportunities
- Ensure effective HR management and business administration
- Enable us to establish, exercise or defend possible legal claims.

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

We may process your personal information without your consent, in compliance with these rules, where this is required or permitted by law.

6– If you fail to provide personal information

If you fail to provide certain information when requested, we may not be able to process your application for employment or engagement, we may not be able to enter into a contract with you, or we may be prevented from complying with our legal obligations.

7— Why and how we use your sensitive personal information?

We will only collect and use your sensitive personal information, which includes special categories of personal information and information about criminal convictions and offences, when the law allows us to.

Some special categories of personal information, i.e. information about your health, and information about criminal convictions and offences, is processed so that we can perform or exercise our obligations or rights under employment law and in line with our data protection policy.

The purposes for which we are processing, or will process, health information and information about any criminal convictions and offences, are to:

- Assess your suitability for employment or engagement
- Comply with statutory and/or regulatory requirements and obligations, e.g. carrying out criminal record checks
- Comply with the duty to make reasonable adjustments for disabled job applicants and with other disability discrimination obligations
- Ascertain your fitness to work
- Monitor equal opportunities
- Ensure effective HR management and business administration.

Where the Company processes other special categories of personal information, i.e. information about your race or ethnic origin, religious or philosophical beliefs and sexual orientation, this is done only for the purpose of equal opportunities monitoring in recruitment and in line with our data protection policy. Personal information that the Company uses for these purposes is either anonymised or is collected with your explicit written consent, which can be withdrawn at any time. It is entirely your choice whether to provide such personal information.

We may also occasionally use your special categories of personal information, and information about any criminal convictions and offences, where it is needed for the establishment, exercise or defence of legal claims.

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 or not. It is entirely your choice whether to consent. Your consent can be withdrawn at any time.

8— Change of purpose

We will only use your personal information for the purposes for which we collected it, i.e. for the recruitment exercise for which you have applied.

However, if your job application is unsuccessful, we may wish to keep your personal information on file in case there are future suitable employment opportunities with us. We will ask for your consent before we keep your personal information on file for this purpose. Your consent can be withdrawn at any time.

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

9— Who has access to your personal information?

Your personal information may be shared internally within the Company for the purposes of the recruitment exercise, including with members of the HR department and recruitment team, managers in the department which has the vacancy and IT staff, if access to your personal information is necessary for them to carry out their duties.

We will not share your personal information with third parties during the recruitment process unless your job application is successful and we make you an offer of employment or engagement. At that stage, we may also share your personal information with third parties (and their designated agents), including:

- External background check providers for the purpose of conducting background checks
- The Disclosure and Barring Service (DBS), to obtain a criminal record check
- Credit reference agencies, to obtain a credit check
- Current and former employers, to obtain references

We may also need to share your personal information with a regulator or to otherwise comply with the law.

We may share your personal information with third parties where it is necessary to take steps at your request to enter into a contract with you, or to enter into a contract with you, where we need to comply with a legal obligation, or where it is necessary for our legitimate interests (or those of a third party).

10— Protecting your personal information

We have put in place measures to protect the security of your personal information. Further information about these measures is available on request.

We have internal policies, procedures and controls in place to try and prevent your personal information from being accidentally lost or destroyed, altered, disclosed or used or accessed in an unauthorised way. In addition, we limit access to your personal information to those employees, workers, agents, contractors and other third parties who have a business need to know to perform their duties and responsibilities. They will only process your personal information on our instructions, and they are subject to a duty of confidentiality.

Where your personal information is shared with third parties, we require them to take appropriate security measures to protect your personal information and to treat it subject to a duty of confidentiality and in accordance with data protection law. We do not allow them 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 also have in place procedures to deal with any suspected data security breach and will notify you and any applicable authority or regulator of a suspected breach where we are legally required to do so.

11— How long does the Company keep your personal information?

We will only retain your personal information for as long as is necessary to fulfil the purposes for which it was collected and processed.

If your application for employment or engagement is unsuccessful, we will generally hold your personal information for one year after the end of the relevant recruitment exercise but this is subject to: (a) any minimum statutory or other legal, tax, and health and safety, reporting or accounting requirements for particular data or records, and (b) the retention of some types of personal information for up to six years to protect against legal risk. If you have consented to the Company keeping your personal information on file for in case there are future suitable opportunities with us, we will hold your personal information for a further six months after the end of the relevant recruitment exercise, or until you withdraw your consent if earlier.

If your application for employment or engagement is successful, personal information gathered during the recruitment process will be retained for the duration of your employment or engagement and in accordance with the privacy notice for employees, workers and contractors and the HR data retention guidelines.

In some circumstances we may anonymise your personal information so that it no longer permits your identification. In this case, we may retain such information for a longer period without further notification to you.

Personal information which is no longer to be retained will be securely destroyed.

12— Your rights in connection with your 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")
- Request correction of any incomplete or inaccurate information we hold about you
- Request the erasure of your personal information where there is no good reason for its continued processing
- Request the restriction of processing of your personal information. For example, if you believe the data we hold is incorrect, you may ask us to suspend the processing of the data (whilst still holding it) until the accuracy of such data has been verified.
- Object to processing of your personal information where we are relying on the legitimate interests of the business (or those of a third party) as our lawful basis for processing and there is something relating to your particular situation which makes you decide to object to processing on this ground.
- Request the transfer of your personal information to another party so that you can reuse it across different services for your own purposes.

If you wish to exercise any of these rights, you should put your request in writing to us (using our contact details below). We may need to request specific information from you to verify your identity and check your right to access the personal information or to exercise any of your other rights. This is a security measure to ensure that your personal information is not disclosed to any person who has no right to receive it.

13— Right to withdraw consent

In the limited circumstances where you may have provided your consent to processing 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, you should put your request in writing to us (using our contact details below). Once we have received notification that you have withdrawn your consent, we will no longer process your personal information for the purpose or purposes you originally agreed to, unless we have another lawful basis for processing.

14— ICO

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO). The ICO is the UK supervisory authority for data protection issues.

15— Support

If you have any questions about this privacy notice, or how we handle your personal information, please contact us, using the details below.

16— Contact Us

You can contact us at:

Address: Capital Law Limited, Capital Building, Tyndall Street, Cardiff, CF10 4AZ
Email: info@capitallaw.co.uk
Mobile: 02920 474400