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| <p><b>Name of Policy: Privacy Notice - Recruitment</b><br/> <b>Category of Policy: Data Protection</b><br/> <b>Status:</b><br/> <b>Approved by:</b><br/> <b>Date: August 2021</b><br/> <b>Review date: August 2022</b></p> |  |
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**Introduction**

Evolve Counselling is committed to ensuring that your personal information is protected and that we are being transparent about the information we hold about you. This Privacy Notice applies to the personal information we collect and hold about individuals that apply for employment with us, such details may come directly from you.

In this Privacy Notice, when we refer to "**Evolve Counselling**", "**us**", "**we**" or "**our**", we mean the Evolve Counselling organisation which is responsible for processing your personal data.

**Principles of Data Protection**

When using the term "personal data" or "personal information" in this Privacy Notice, we mean information (including opinions) that relates to you and from which you could be identified, either directly or in combination with other information which we may have in our possession.

To help you understand how we handle your personal information more clearly, below is a summary of the data protection principles which guide how we use your personal information. These principles provide that personal data should 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, and
- Kept securely.

We have put policies and procedures in place to seek to adopt these principles in our everyday processing activities set out in this Privacy Notice.

**Sources of Personal Data**

We may collect personal data about you when:

- The personal data is provided by you (e.g., when you apply for a role and register with us, including additional communications via email, telephone or Skype/Zoom),
- The personal data is collected in the normal course of our relationship with you (e.g., in an interview),
- The personal data is collected from your named referees,
- The personal data is received by us from third parties, including to verify information you have provided (e.g., recruitment agencies, your former employer, law enforcement agencies, disclosure and barring service checks),
- The personal data is received from our business partners and suppliers (e.g., Trustees, marketing partners, IT support services, careers portal operator),
- The personal data is collected when you visit our website or use any features or resources available on or through the website, some of which may be personal data, or
- The personal data may be created by us, such as records of your communications with us or reports from your job interviews.

## Personal Data Collected

The following sets out the types of personal data we collect:

**Personal Details:** title, full name, address, telephone numbers, email address, qualifications, experience, skills, preferences, subscriptions and pastimes

- **Career History:** business activities, work history, employment roles, experience and referees, work address, work telephone number, former and current names and contact details of employers, work-related social media profile details.
- **Qualification, Training and Education History:** schools and universities attended, qualifications obtained, additional training obtained.
- **Consents:** consents, permissions, or preferences that you have specified, or when you agree to the terms and conditions for submitting your application for employment.
- **Interview Details:** interview responses, opinions of interviewers.
- **Special Category Personal Data:** health and medical information.
- **Criminal Convictions Data:** information about criminal convictions and offences, including civil offer barring information.
- **Website Access Details:** your computer's unique identifier (e.g., IP Address), the date and time you accessed the website, passwords to access alerts preferences.
- **Correspondence:** responses, comments, views and opinions when you communicate to us for instance when making a complaint and record a video interview.

## Purposes and use of Personal Data

The main purpose for using your personal information is to support and progress your applications for employment with Evolve Counselling.

We use information held about you in the following ways:

- To assess your application and determine whether a certain job/contract/role is suitable for you;
- To contact you, for instance, to arrange an interview or to discuss a particular role/contract,
- To obtain references from your referees,
- To verify details you have provided to us,
- To ensure business policies are adhered to e.g., Policies covering recruitment practices, etc.

## Legal basis for using your Personal Information

Data protection and privacy laws requires us to have a "legal basis" or "lawful ground" to collect and use your personal information. We will only collect, use and share your personal information where we are satisfied that we have an appropriate legal basis to do this. This may include:

- We have obtained your prior consent, for instance when you sign up to receive job alerts,
- We need to use your personal information in connection with the performance of a contract with you or to take steps at your request prior to entering into a contract with us,
- We need to use your personal information to comply with a relevant legal or regulatory obligation that we have,
- Where it is necessary for our legitimate interests (or those of a third party) as a commercial organisation (to the extent that your interests and fundamental rights do not override those interests), such as:
  - Maintaining adequate applicant records,
  - To assess suitability for a role including contacting references for verification purposes,
  - Vetting candidates for relevant roles,
  - To detect and protect against fraud;
  - To contact you about other employment opportunities at Evolve Counselling,
  - To make sure we are following our own internal procedures so we can deliver a quality service,
  - Establishing, exercising or defending our legal rights in the event of a claim,
  - In connection with compliance, regulatory and investigative purposes, as necessary.

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 have any queries about our legal basis for using your personal information, please contact us via the details set out below.

### **When is special category and criminal offence personal data collected and used?**

Special categories of personal data are particularly sensitive and require higher levels of protection. They include information about your health status, racial or ethnic origin, political views, religious or similar beliefs, sex life or sexual orientation, genetic or biometric identifiers and trade union membership. We need to have further justification for collecting, storing and using this type of personal information, in addition to having one of the general bases set out in Section 6 above. Where required by applicable laws, we will take steps to have in place an appropriate Notice document and safeguards relating to the processing of such personal information.

We may from time-to-time request that you provide special category information in relation to a job application, such as medical information or personal attributes such as nationality, religion and sexual orientation. Where we do collect and handle special category personal information, we will only handle that information in accordance with applicable law, including where:

- Where we have your explicit consent,
- Where we need to carry out our legal obligations or exercise rights in connection with your employment,
- The processing is necessary for establishment, exercise or defence of legal claims,
- Where it is needed for a substantial public interest, such as for equal opportunities monitoring.

We will consider that you have given us your consent to hold your special category data where you have voluntarily provided such information in your communications with us or provided information we have marked as optional. For the avoidance of doubt, Evolve Counselling will only use the information for the purpose for which it was received unless otherwise required by applicable law.

Less commonly, we may process this type of information where it is needed in relation to legal claims, legal obligations or where it is needed to protect your vital interests (or someone else's vital interests) and you are not capable of giving your consent, or where you have already made the information public.

### **Equality and Diversity**

We may collect special categories of information (such as your ethnicity, religious beliefs, sexual orientation and your health as regards any disability) to promote diversity and monitor equal opportunities within our workforce. However, these questions are not mandatory and will not affect your application if you choose not to provide this information.

### **Information about Criminal Convictions**

We may be required to carry out vetting if you apply for a designated role which is conditional on such checks. This might involve the collection and use of sensitive information obtained from criminal records checks such as offences or alleged offence including any past or ongoing criminal proceedings. We carry out criminal records checks for the following purposes:

- To comply with our legal obligation to ensure an individual is eligible to work in the UK, and
- For our legitimate interest or that of a third party and as necessary to exercise our rights as an employer to carry out pre-employment screening including a full background and criminal records check, depending on the role to establish whether an applicant has committed an unlawful act or been involved in dishonesty, malpractice or other seriously improper conduct.

## Security of Your Personal Information

Evolve Counselling takes precautions including administrative, technical and physical measures to safeguard your personal information against loss, theft and misuse, as well as against unauthorised access, modification, disclosure, alteration and destruction. We protect electronic data using a variety of security measures including (but not limited to):

- Password access,
- Data back-up,
- Encryption,
- Firewalls,
- Multifactor authentication,
- Placing confidentiality requirements on employees and service providers and providing training to ensure that your personal data is handled correctly,; and
- Pseudonymisation of personal information when deemed appropriate.

## How long do we keep your personal information?

Evolve Counselling will only retain your personal information for the period necessary to fulfil the purposes outlined in this Privacy Notice and as otherwise needed to comply with applicable law and internal company policies. Where your personal information is no longer needed, we will ensure that it is disposed of in a secure manner. Below are the general criteria we use to determine how long we will keep your personal information, where upon we will either delete or anonymise the data:

- **Successful job applicants:** If successful, we will keep your job application data as part of your employment record in line with Evolve Counselling Employee Personal Data Retention Guide. A copy is available upon request.
- **Unsuccessful applications:** subject to the above, we will generally retain other information about an unsuccessful applicant in relation to a specific job application or interview e.g., notes of interview responses, hard copies of CVs, for a period of 6 years from the date the position was filled.

In some circumstances we may store your personal information for longer periods of time where we are required to do so in accordance with legal or regulatory requirements or so that we have an accurate record of your dealings with us in the event of any complaints or challenges, or if we reasonably believe there is a prospect of litigation relating to your personal information or dealings.

## Your Legal Rights

You have legal 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 (commonly known as the "right to be forgotten"). This enables you to ask us to delete or remove personal information in limited circumstances, where: (i) it is no longer needed for the purposes for which it was collected; (ii) you have withdrawn your consent (where the data processing was based on consent); (iii) following a successful right to object (see Object to processing); (iv) it has been processed unlawfully; or (v) to comply with a legal obligation to which the Organisation is subject. We are not required to comply with your request to erase personal information if the processing of your personal information is necessary for a number of reasons, including: (i) for compliance with a legal obligation; or (ii) for the establishment, exercise or defence of legal claims.
- **Object to processing** of your personal information by us or on our behalf which has our legitimate interests as its legal basis for that processing if you believe your fundamental rights and freedoms outweigh our legitimate interests. If you raise an objection, we have an opportunity to demonstrate that we have compelling legitimate interests which override your rights and freedoms. You can also

object at any time to your personal information being processed for direct marketing, profiling or automated decision-making.

- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, but only where: (i) its accuracy is contested, to allow us to verify its accuracy; (ii) the processing is unlawful, but you do not want it erased; (iii) it is no longer needed for the purposes for which it was collected, but we still need it to establish, exercise or defend legal claims; or (iv) you have exercised the right to object, and verification of overriding grounds is pending. We can continue to use your personal information following a request for restriction, where: (i) we have your consent; (ii) to establish, exercise or defend legal claims; or (iii) to protect the rights of another natural or legal person.
- **Request the transfer** of your personal information. You can ask us to provide your personal information to you in a structured, commonly used, machine-readable format, or you can ask to have it transferred directly to another data controller, but in each case only where: (i) the processing is based on your consent or on the performance of a contract with you; and (ii) the processing is carried out by automated means.
- **Withdraw consent** to processing where the legal basis for processing is solely justified on the grounds of consent.

If you want to exercise any of these rights, please submit your request in writing to our us via the contact details below. Please note, to ensure security of personal information, we may ask you to verify your identity before proceeding with any such request.

We reserve the right to charge a fee where permitted by law, for instance if your request is manifestly unfounded or excessive.

We may not always be able to fully address your request, for example if it would impact the duty of confidentiality we owe to others, or if we are legally entitled to deal with the request in a different way.

#### **How to contact us**

If you have any questions about this Privacy Notice or how we handle your personal information, please address these to:

Evolve Counselling  
c/o Bulley Davey  
6 North Street  
Oundle  
Peterborough PE8 4AL

Alternatively, please email [admin@evolvecounselling.org.uk](mailto:admin@evolvecounselling.org.uk)

However, you have a right to contact your local supervisory authority at any time and lodge a complaint (which in the UK is the Information Commissioner's Officer). The supervisory authority will then investigate your complaint accordingly.

#### **Changes to this Privacy Notice**

This Privacy Notice was last reviewed and updated in March 2021. We may amend this Privacy Notice from time to time to keep it up to date with legal requirements and the way we operate our business.