



1. **Overview**

Welcome to our candidate privacy notice. We respect your privacy and are committed to protecting your personal data.

This privacy notice will inform you as to how we look after your personal data and tell you about your privacy rights and how the law protects you.

Mermaids is a charity incorporated and registered in England and Wales with charity number 1160575, whose registered office is at Princes Exchange, 2 Princess Street, Leeds, LS1 4HY (collectively referred to as “the Charity”, “we”, “us”, “our” in this privacy notice).

As the Charity is a "data controller", it is responsible for deciding how its holds and uses personal information about you. It is required under data protection legislation to notify you of the information contained in this privacy notice (Notice).

The Charity is committed to protecting the privacy and security of your personal information. Further, it is also committed to being clear and transparent about how it collects and use that data and to meeting its data protection obligations.

You are being sent a copy of this Notice because you are applying for work with us (whether as an employee, worker or contractor). This Notice will make 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 UK General Data Protection Regulation (UK GDPR).

It is important that you read and retain 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.

1. **Data protection manager**

We have appointed a data protection manager (DPM) to oversee compliance with this notice. If you have any questions about this notice or how we handle your personal information, please contact the DPM, currently, Liam O’Brien as follows:

by post: Mermaids, Princes Exchange, 2 Princess Street, Leeds, LS1 4HY;

by email on: liam@mermaidsuk.org.uk; or

by telephone on: (+44) 07877461943.

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues (www.ico.org.uk). We would, however, appreciate the chance to deal with your concerns before you approach the ICO, so we ask that you please contact the DPM in the first instance.

1. **Data protection principles**

We will comply with data protection law, which means that your data will 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.
7. **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 (anonymous data).

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

1. Personal contact details such as name, title, pronouns, addresses, telephone numbers, and personal email addresses.
2. The information you have provided to us in your, curriculum vitae and/or covering letter.
3. The information you have provided on our application form including date of birth, gender, qualifications, skills, experience, employment history, references etc.
4. Any information you provide to us during an interview.
5. Performance information, details of any disciplinary in which you have been involved in your previous employment, including any warnings issued to you.
6. Information about your current level of remuneration, including benefit entitlements.
7. Information about your entitlement to work in the UK.

We may also collect, store and use the following more sensitive types of personal information:

1. Information about your race or ethnicity, religious beliefs, sexual orientation.
2. Information about criminal convictions and offences which was provided in our application forms.
3. **Information about criminal convictions and offences. How is your personal information collected?**

We collect your personal information in a variety of ways. For example, directly from you, from data contained in our application forms, your CV or covering letters, information obtained from your passport or other identity documents, or collected through interviews or other forms of assessment, including online tests.

We will also collect personal data about you from third parties, such as recruitment agencies, named referees from whom we collect references regarding your employment history, information from employment background check providers and information from the Disclosure and Barring Service in respect of criminal convictions.

Certain information from third parties will only be applied for once a job offer to you has been made and will inform you that it is doing so.

Data will be stored in a range of different places, including on your application record, in HR management systems and on other IT systems (including email).

1. **How we will use information about you**

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

1. Assess your skills, qualifications, and suitability for the role.
2. Carry out background, criminal and reference checks, where applicable.
3. Communicate with you about the recruitment process.
4. Keep records related to our hiring processes.
5. Comply with legal or regulatory requirements.

We need to process data to take steps at your request prior to entering into a contract with you. We also need to process your data to enter into a contract with you. In some cases, we need to process data to ensure that we are complying with our legal obligations. For example, it is required to check a successful applicant's eligibility to work in the UK before employment starts.

Having received your CV and covering letter or your application form, we will then process that information to decide 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 initial telephone interview. If we decide to call you for an interview, we will use the information you provide to us at the interview to decide whether to take you forward to a second interview, either face to face or over zoom. We may take up references before this interview if you have indicated your permission for us to do so. If we decide to offer you the role, we will then take up references if they have not been sought previously and carry out a criminal record check before confirming your appointment.

We have a legitimate interest in processing personal data during the recruitment process and for keeping records of the process. Processing data from job applicants allows us to manage the recruitment process, assess and confirm a candidate's suitability for employment and decide to whom to offer a job. We may also need to process data from job applicants to respond to and defend against legal claims.

Where we rely on legitimate interests as a reason for processing data, we have considered whether or not those interests are overridden by the rights and freedoms of job applicants, employees or workers and has concluded that they are not.

Where the organisation processes other special categories of data, such as information about ethnic origin, sexual orientation, health, religion or belief, age, gender or marital status, this is done for the purposes of equal opportunities monitoring with the explicit consent of job applicants, which can be withdrawn at any time by contacting the DPM.

For some roles we are obliged to seek information about criminal convictions and offences. Where we seek this information, we do so because it is necessary for us to carry out our obligations and exercise specific rights in relation to employment/comply with a regulatory requirement to establish whether or not an individual has committed an unlawful act or been involved in dishonesty or other improper conduct.

Once we review the information provided as part of the recruitment process, we will process that information to decide 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. If we decide to call you for an interview, we will use the information you provide to us at the interview to decide whether to offer you the role. If we decide to offer you the role, we will then take up references and/or carry out a criminal record check before confirming your appointment.

If your application is unsuccessful, we will keep your personal data on file in case there are future employment opportunities for which you may be suited. We will ask for your consent before we keep your data for this purpose, and you are free to withdraw your consent at any time by contacting the DPM.

1. **Change of purpose**

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

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

1. **How we use particularly sensitive personal information**

“Special categories" of particularly sensitive personal information, such as information about your health, racial or ethnic origin, sexual orientation or trade union membership, 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 we are required by law to maintain when processing such data.

We will use your particularly sensitive personal information in the following ways:

1. 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 a test or interview.
2. We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual orientation, 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.

1. **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 and provided we do so in line with our data protection policy.

We envisage that we will process information about criminal convictions. We will collect information about your criminal convictions history during our interview process and we will ask for details of this in our application form.

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

* We are legally required by Charity Commission to carry out criminal record checks for those carrying out work for us.
* If the role 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), it will be eligible for an enhanced check from the Disclosure and Barring Service.
* The role will require a high degree of trust and integrity since it involves dealing with families and children and so we would like to ask you to seek a basic disclosure of your criminal records history.

We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data.

1. **Automated decision-making**

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.

1. **Who has access to data?**

Your information will be shared internally for the purposes of the recruitment exercise. This includes members of the HR and recruitment team, interviewers involved in the recruitment process, managers in the business area with a vacancy and IT staff if access to the data is necessary for the performance of their roles.

For the majority of the initial recruitment process we will not share your data with third parties, unless your application for employment is successful and we make you an offer of employment. We will then share your data with former employers to obtain references for you, employment background check providers to obtain necessary background checks and the Disclosure and Barring Service to obtain necessary criminal records checks. However, we may share your personal information with our external HR Consultant in order to process your application.

All our third-party service providers 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.

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

Mermaids uses Google Drive for the safe storage of data. Google Drive is located outside the European Economic Area (EEA). Mermaids only uses providers that protect personal data with appropriate security measures, and we prohibit them from using your data other than as instructed by Mermaids. Please contact the DPM should you wish to examine a copy of the Standard Contractual Clauses or the privacy shield certification.

Except as stated above, we do not envisage transferring data outside of the EU, however, we may do so. Should this be the case, you can expect a similar degree of protection in respect of your personal information.

**How do we protect data?**

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.

1. **Data retention**

We will retain your personal information for a period of 10 months after we have communicated to you our decision about whether to appoint you. 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, 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 fixed period on that basis.

If your application for employment is successful, personal data gathered during the recruitment process will be transferred to your personnel file and retained during your employment. The periods for which your data will be held will be provided to you in a new privacy notice.

1. **What if you do not provide personal data?**

You are under no statutory or contractual obligation to provide us with data during the recruitment process. However, if you do not provide the information, which is necessary for us to consider your application, we will not be able to process your application successfully. For example, if we require a criminal record 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.

If your application is successful, it will be a condition of any job offer that you provide evidence of your right to work in the UK and satisfactory references. Further, we will apply for an enhanced criminal record check.

You are under no obligation to provide information for equal opportunities monitoring purposes and there are no consequences for your application if you choose not to provide such information.

1. **Rights of access, correction, erasure and restriction**

 **Your rights in connection with personal information**

Under certain circumstances, by law you have the right to:

1. **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.
2. **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.
3. **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).
4. **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.
5. **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.
6. **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 DPM in writing.

1. **Right to withdraw consent**

When you apply to work with us you be required to provided consent to us processing your personal information for the purposes of the recruitment exercise. By signing this Notice, you agree to such processing.

However, you have the right to withdraw your consent for processing for that purpose at any time. To withdraw your consent, please contact the DPM. Once we have received notification that you have withdrawn your consent, we will no longer process your application and, subject to our retention policy, we will dispose of your personal data securely.

1. **No fee usually required**

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 clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

1. **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.

**If you have any questions about this Notice, please contact the DPM.**

 **I acknowledge receipt of the Notice and confirm that I have read and understood it.**

| Signed: | Dated: |
| --- | --- |
| Print name: |