

Friends of the Earth Scotland Job Applicant Data Policy

This document sets out the Friends of the Earth Scotland’s policy on the protection of information relating to job applicants. Protecting the confidentiality and integrity of personal data is a critical responsibility that the Friends of the Earth Scotland takes seriously at all times. The Friends of the Earth Scotland will ensure that data is always processed in accordance with the provisions of relevant data protection legislation, including the General Data Protection Regulation (GDPR).

KEY DEFINITIONS

Data processing

Data processing is any activity that involves the use of personal data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transmitting or transferring personal data to third parties.

Personal data

Personal data is any information identifying a data subject (a living person to whom the data relates). It includes information relating to a data subject that can be identified (directly or indirectly) from that data alone or in combination with other identifiers the Friends of the Earth Scotland possesses or can reasonably access. Personal data can be factual (for example, a name, email address, location or date of birth) or an opinion about that person’s actions or behaviour.

Sensitive personal data

Sensitive personal data is a special category of information which relates to a data subject’s racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health conditions, sexual life, sexual orientation, biometric or genetic data. It also includes personal data relating to criminal offences and convictions.

PRIVACY NOTICE

This policy, together with the information contained in the table of applicant data appended to the policy, constitutes a privacy notice setting out the information the Friends of the Earth Scotland holds about applicants, the purpose for which this data is held and the lawful basis on which it is held. The Friends of the Earth Scotland may process personal information without applicants’ knowledge or consent, in compliance with this policy, where this is required or permitted by law.

If the purpose for processing any piece of data about applicants should change, the Friends of the Earth Scotland will update the table of applicant data with the new purpose and the lawful basis for processing the data and will notify applicants.

FAIR PROCESSING OF DATA

Fair processing principles

In processing applicants’ data the following principles will be adhered to. Personal data will be:

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

Lawful processing of personal data

Personal information will only be processed when there is a lawful basis for doing so. Most commonly, the Friends of the Earth Scotland will use personal information in the following circumstances:

- when it is needed to comply with a legal obligation; or
- when it is necessary for the Friends of the Earth Scotland's legitimate interests (or those of a third party) and applicants' interests and fundamental rights do not override those interests.

Lawful processing of sensitive personal data

The Friends of the Earth Scotland may process special categories of personal information in the following circumstances:

- when it is needed in the public interest, such as for equal opportunities monitoring; or
- when it is needed to assess working capacity on health grounds, subject to appropriate confidentiality safeguards.

Less commonly, the Friends of the Earth Scotland may process this type of information where it is needed in relation to legal claims or where it is needed to protect an applicant's interests (or someone else's interests) and the applicant is not capable of giving consent, or where an applicant has already made the information public. The Friends of the Earth Scotland may use particularly sensitive personal information in the following ways:

- information about applicants' physical or mental health, or disability status, may be used to provide appropriate adjustments during recruitment process;
- information about race or national or ethnic origin, religious, philosophical or moral beliefs, or sexual life or sexual orientation, may be used to ensure meaningful equal opportunity monitoring and reporting; and

Lawful processing of information about criminal convictions

The Friends of the Earth Scotland envisages that it will hold information about criminal convictions. Friends of the Earth Scotland will only use this information where it has a legal basis for processing the information. This will usually be where such processing is necessary to carry out the Friends of the Earth Scotland's obligations. Less commonly, the Friends of the Earth Scotland may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect an applicant's interests (or someone else's interests) and the applicant is not capable of giving consent, or where the applicant has already made the information public.

Consent to data processing

The Friends of the Earth Scotland does not require consent from applicants to process most types of applicant data. In addition, the Friends of the Earth Scotland will not usually need consent to use special categories of personal information in order to carry out legal obligations or exercise specific rights in the field of employment law.

In limited circumstances, applicants may be asked for written consent to process sensitive data. In those circumstances, applicants will be provided with full details of the information that sought and the reason it is needed, so that applicants can carefully consider whether to consent.

Where applicants have provided consent to the collection, processing and transfer of personal information for a specific purpose, they have the right to withdraw consent for that specific processing at any time. Once the Friends of the Earth Scotland has received notification of withdrawal of consent it will no longer process information for the purpose or purposes originally agreed to, unless it has another legitimate basis for doing so in law.

Automated decision making

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. The Friends of the Earth Scotland does not envisage that any

decisions will be taken about applicants using automated means, however applicants will be notified if this position changes.

COLLECTION AND RETENTION OF DATA

Collection of data

The Friends of the Earth Scotland will collect personal information about applicants through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. The Friends of the Earth Scotland may sometimes collect additional information from third parties including former employers.

From time to time, the Friends of the Earth Scotland may collect additional personal information from an applicant. If the Friends of the Earth Scotland requires to obtain additional personal information this policy will be updated or applicants will receive a separate privacy notice setting out the purpose and lawful basis for processing the data.

Retention of data

The Friends of the Earth Scotland will only retain applicants' personal information for as long as necessary to fulfil the purposes it was collected it for. Details of retention periods for different aspects of personal information are set out in the table of applicant data appended to this policy.

When determining the appropriate retention period for personal data, the Friends of the Earth Scotland will consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of personal data, the purposes for which the personal data is processed, whether the Friends of the Earth Scotland can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances the Friends of the Earth Scotland may anonymise personal information so that it can no longer be associated with individual applicants, in which case the Friends of the Earth Scotland may use such information without further notice to applicants. After the data retention period has expired, the Friends of the Earth Scotland will securely destroy applicants' personal information.

DATA SECURITY AND SHARING

Data security

The Friends of the Earth Scotland has put in place appropriate security measures to prevent personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

Data sharing

The Friends of the Earth Scotland may share personal information with third parties. The Friends of the Earth Scotland requires third parties to respect the security of applicant data and to treat it in accordance with the law.

APPLICANT RIGHTS

Under certain circumstances, applicants have the right to:

- **Request access** to personal information (commonly known as a "data subject access request").
- **Request erasure** of personal information.
- **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.
- **Object to processing** of personal information where the Friends of the Earth Scotland is relying on a legitimate interest (or those of a third party) to lawfully process it.
- **Request the restriction of processing** of personal information.
- **Request the transfer** of personal information to another party.

If an applicant wishes to make a request on any of the above grounds, they should contact [POSITION] in writing. Please note that, depending on the nature of the request, the Friends of the Earth Scotland may

have good grounds for refusing to comply. If that is the case, the applicant will be given an explanation by the Friends of the Earth Scotland.

Data subject access requests

Applicants will not normally have to pay a fee to access personal information (or to exercise any of the other rights). However, the Friends of the Earth Scotland may charge a reasonable fee if the request for access is clearly unfounded or excessive. Alternatively, the Friends of the Earth Scotland may refuse to comply with the request in such circumstances.

The Friends of the Earth Scotland may need to request specific information from the applicant to help confirm their identity and ensure the right to access the information (or to exercise any of the other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

COMPLIANCE WITH THIS POLICY

The Friends of the Earth Scotland's responsibility for compliance

The Membership and Office Manager is tasked with overseeing compliance with this policy. If applicants have any questions about this policy or how the Friends of the Earth Scotland handles personal information, they should contact the Membership and Office Manager on 0131 243 2700. Applicants 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.

Data security breaches

The Friends of the Earth Scotland has put in place procedures to deal with any data security breach and will notify applicants and any applicable regulator of a suspected breach where legally required to do so.

Applicant Data Privacy Notice

| Type of personal data | Sensitive data? | Purpose of processing | Potential transfer to third parties | Lawful basis for processing | Grounds for processing sensitive personal data | Retention period |
|--|-----------------|---|-------------------------------------|---|--|---------------------------|
| Contact details | No | Contacting applicants | Professional advisors | Legitimate interests | N/A | 6 months post-application |
| Date of birth | No | Equal opportunities monitoring | N/A | Legitimate interests | N/A | 6 months post-application |
| Gender | Yes | Equal opportunities monitoring | Professional advisors | Legal obligation / Legitimate interests | employment purposes / statistics / conduct of legal claims | 6 months post-application |
| Marital status | Yes | Equal opportunities monitoring | N/A | Legal obligation / Legitimate interests | employment purposes / statistics / conduct of legal claims | 6 months post-application |
| Information about race | Yes | Equal opportunities monitoring | Professional advisors | Legal obligation / Legitimate interests | employment purposes / statistics / conduct of legal claims | 6 months post-application |
| Information about ethnicity | Yes | Equal opportunities monitoring | Professional advisors | Legal obligation / Legitimate interests | employment purposes / statistics / conduct of legal claims | 6 months post-application |
| Information about religious beliefs | Yes | Equal opportunities monitoring | Professional advisors | Legal obligation / Legitimate interests | employment purposes / statistics / conduct of legal claims | 6 months post-application |
| Information about sexual orientation | Yes | Equal opportunities monitoring | Professional advisors | Legal obligation / Legitimate interests | employment purposes / statistics / conduct of legal claims | 6 months post-application |
| Information about political affiliations | Yes | Equal opportunities monitoring | N/A | Legal obligation / Legitimate interests | employment purposes / statistics / conduct of legal claims | 6 months post-application |
| Driving license | No | Making recruitment decisions / ascertaining ability to work | N/A | Legal obligation / Legitimate interests | N/A | 6 months post-application |
| CV | No | Making recruitment decisions / ascertaining ability to work | N/A | Legal obligation / Legitimate interests | N/A | 6 months post-application |
| Right to work documents | Yes | Checking right to work in the UK | Professional advisors | Legal obligation / Legitimate interests | employment purposes / conduct of legal claims | 6 months post-application |
| Qualifications | No | Making recruitment decisions / ascertaining ability to work | Professional advisors | Legal obligation / Legitimate interests | N/A | 6 months post-application |
| Employment history | No | Making recruitment decisions / ascertaining ability to work | N/A | Legal obligation / Legitimate interests | N/A | 6 months post-application |
| Information about disability | Yes | Health and safety requirements / ascertaining fitness to work | Professional advisors | Legal obligation / Legitimate interests | employment purposes / statistics / conduct of legal claims | 6 months post-application |
| Professional memberships | No | Education, training and development requirements | N/A | Legal obligation / Legitimate interests | N/A | 6 months post-application |
| Criminal convictions and offences | Yes | Making decisions about recruitment | Professional advisors | Legal obligation / Legitimate interests | employment purposes / conduct of legal claims | 6 months post-application |