

## **Data protection privacy notice (recruitment)**

This notice explains what personal data (information) we will hold about you, how we collect it, and how we will use and may share data about you during the application process. We are required to notify you of this information, under data protection legislation. Please ensure that you read this notice (sometimes referred to as a 'privacy notice') and any other similar notice we may provide to you from time to time when we collect or process personal data about you.

### **Who collects the data**

Berkson Family Law Solicitors is a 'controller' of personal data and gathers and uses certain data about you. We are not required to appoint a statutory Data Protection Officer. Responsibility for data protection compliance sits with our Data Protection Manager.

### **Data protection principles**

We will comply with the data protection principles when gathering and using personal data, as set out in our *Data protection policy*.

### **About the data we collect and hold**

The table set out in Part A of The Schedule below summarises the data we collect and hold up to and including the shortlisting stage of the recruitment process, how and why we do so, how we use it and with whom it may be shared.

The table in Part B of The Schedule below summarises the additional data we collect before making a final decision to recruit, i.e. before making an offer of employment unconditional, how and why we do so, how we use it and with whom it may be shared.

We seek to ensure that our data collection and processing is always proportionate. We will notify you of any changes to data we collect or to the purposes for which we collect and process it.

### **Where data may be held**

Some of our IT systems and service providers may be located outside the United Kingdom. Where personal data is transferred outside the UK, appropriate safeguards are in place, such as adequacy decisions or approved contractual safeguards, to ensure compliance with UK GDPR.

### **How long we keep your data**

We keep the personal data that we obtain about you during the recruitment process for no longer than is necessary for the purposes for which it is processed. How long we keep your data will depend on whether your application is successful and you become employed by us, the nature of the data concerned and the purposes for which it is processed.

We will keep recruitment data (including interview notes) for no longer than is reasonable, taking into account the limitation periods for potential claims such as race or sex discrimination (as extended to take account of early conciliation), after which they will be destroyed. If there is a clear business reason for keeping recruitment records for longer than the recruitment period, we may do so but will first consider whether the records can be pseudonymised, and the longer period for which they will be kept. Further information about retention periods is set out in the Company's Retention and Disposal Policy.

## Data protection privacy notice (recruitment)

If your application is successful, we will keep only the recruitment data that is necessary in relation to your employment. For further information, see *our data protection privacy notice (employment)*.

### Your rights in relation to your personal data

Where our processing of your data is based solely on our legitimate interests (or those of a third party), you have the right to object to that processing if you give us specific reasons why you are objecting, which are based on your particular situation. If you object, we can no longer process your data unless we can demonstrate legitimate grounds for the processing, which override your interests, rights and freedoms, or the processing is for the establishment, exercise or defence of legal claims.

Please contact **Adele Schofield, COLP**, email [a.schofield@berksonglobe.com](mailto:a.schofield@berksonglobe.com) or **Carole Pattinson**, Practice director, email [c.pattinson@berksonglobe.com](mailto:c.pattinson@berksonglobe.com).

### Your rights to correct and access your data and to ask for it to be erased

Please contact **Adele Schofield, COLP**, email [a.schofield@berksonglobe.com](mailto:a.schofield@berksonglobe.com) or **Carole Pattinson**, Practice director, email [c.pattinson@berksonglobe.com](mailto:c.pattinson@berksonglobe.com) if you would like to correct or request access to data that we hold relating to you or if you have any questions about this notice. You also have the right to ask Adele Schofield or Carole Pattinson for some but not all of the data we hold and process to be erased (the 'right to be forgotten') in certain circumstances.

In addition, you may have the right to:

- restrict how we process your personal data in certain circumstances;
- object to processing based on legitimate interests;
- request the transfer of your personal data to another organisation or to you, where applicable (data portability); and
- withdraw consent at any time, where processing is based on consent.

These rights are not absolute and may be subject to legal limitations.

### Keeping your personal data secure

We have appropriate security measures in place to prevent personal data from being accidentally lost or used or accessed in an unauthorised way. We limit access to your personal data to those who have a genuine business need to know it. Those processing your data will do so only in an authorised manner and are subject to a duty of confidentiality.

We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.

### How to complain

We hope that our Adele Schofield or Carole Pattinson can resolve any query or concern you raise about our use of your data. If not, contact the Information Commissioner at <https://ico.org.uk/concerns/> or telephone: 0303 123 1113 for further information about your rights and how to make a formal complaint.

### Automated Decision-Making

We do not carry out automated decision-making or profiling as part of our recruitment process

## Data protection privacy notice (recruitment)

### THE SCHEDULE ABOUT THE DATA WE COLLECT AND HOLD

#### Part A Up to and including the shortlisting stage

The data we collect	How we collect the data	Why we collect the data (purpose)	Legal basis for processing	How we may share the data
Your name and contact details (i.e. address, home and mobile phone numbers, personal email address)	From you	So that we can contact you by letter, email, or phone where necessary to progress your application, arrange interviews and inform you of the outcome at all stages  To inform the relevant manager or department of your application	Legitimate interest: to carry out a fair recruitment process  Legitimate interest: to progress your application, arrange interviews and inform you of the outcome at all stages	With HR
Details of your qualifications, experience, employment history (including job titles , salary and working hours) and interests	From you, in the completed application form and interview notes (if relevant)	So that we can make an informed decision about which candidates to shortlist for interview and ultimately recruit	Legitimate interest: to carry out a fair recruitment process  Legitimate interest: to make an informed decision to shortlist for interview and (if relevant) to recruit	The person making the shortlisting decision
Details of your referees	From your completed application form	To obtain a reference about you, so that we can make an informed decision about your recruitment  To comply with legal/regulatory obligations	Legitimate interest: to carry out a fair recruitment process  In the regulated sector, to comply with our legal obligations to obtain regulatory references	Data shared with HR

## Data protection privacy notice (recruitment)

If your application is unsuccessful at this stage, we will keep your data, in pseudonymised form, for the purpose of establishing, exercising and/or defending any legal claims, in accordance with our legitimate interests.

### Part B Before making a final decision to recruit

The data we collect	How we collect the data	Why we collect the data (purpose)	Legal basis for processing	How we may share the data
<b>Information regarding your academic and professional qualifications</b>	From you, from your education provider, from the relevant professional body	To make an informed recruitment decision	Legitimate interest: to verify the qualifications information provided by you	Information shared with HR
<b>Data regarding your criminal record, in a criminal records certificate (CRC) or enhanced criminal records certificates (ECRC) as appropriate</b>	From you and from the Disclosure and Barring Service (DBS)	To make an informed recruitment decision  To perform the employment contract  To carry out statutory checks in accordance with our legal obligations	Legitimate interest: to verify the criminal records data provided by you  For reasons of substantial public interest (preventing or detecting unlawful acts, suspicion of terrorist financing or money laundering in the regulated sector and protecting the public against dishonesty)	Information shared with DBS and other regulatory authorities as required  For further information, see * below
<b>Your nationality and immigration status and data from related documents, such as your passport or other identification and immigration information</b>	From you and, where necessary, the Home Office	To enter into/perform the employment contract  To carry out right to work checks in accordance with our legal obligations	Legitimate interest: to maintain employment records  To carry out obligations and exercise rights in employment law  For reasons of substantial public interest (preventing or detecting unlawful acts)	Information may be shared with the Home Office

## **Data protection privacy notice (recruitment)**

If your application is unsuccessful at this stage, we will keep your data, in pseudonymised form, for the purpose of establishing, exercising and/or defending any legal claims, in accordance with our legitimate interests.

You are required (by law or in order to enter into your contract of employment) to provide categories of data listed above to us to enable us to verify your right to work and suitability for the position.