

Red Kite Privacy Notice – Applicants

Identity of Controller

Red Kite Limited is a controller of personal information for the purposes of the General Data Protection Regulation ('GDPR').¹

Introduction

Your privacy is important to us. We only collect the information we need and will only use it for the purposes we say we will use it for. We will not share it with anyone other than who we tell you or we are legally obliged to share it with.

This Privacy Notice tells you the purposes for which we may process your personal information and the legal basis for the processing ('processing' includes us just keeping your personal information).

This notice applies to those applying to Red Kite for employment **or volunteering**. This notice does not form part of any contract of employment or other contract to provide services. We may update this notice at any time.

Why we collect personal information and where we get it from

We 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. We may sometimes collect additional information from third parties including former employers.

We process personal data around staff for the following reasons

- a. making a decision about your recruitment or appointment
- b. checking you are legally entitled to work in the UK;
- c. complying with health and safety obligations;
- d. to prevent fraud
- e. equal opportunities monitoring.

What information we collect

We only collect the information we need to enable us to make a decision about your application for employment. This is limited to the information we need – we don't collect information we don't need or just in case we may need it in the future. We will collect, store, and use the following categories of personal information about you:

- Personal contact details such as name, title, address, telephone numbers, personal email addresses;
- Location of employment or workplace;
- Copy of driving licence;
- Employment history and experience
- Training history
- Education
- Proof of right to work
- Proof of legal ability to drive (if you are required to drive as a condition of your employment)
- Proof of car ownership and insurance (if you are required to drive as a condition of your employment)
- Relevant criminal convictions

- Referees

Like many employers, we may also collect, store and use Special Categories of Personal Dataⁱⁱ when you apply for a job with us. This includes:

- Information about your race, or ethnicity, religious beliefs, sexual orientation and political opinions;
- Information about your health, including any medical condition, health and sickness records;
- Information about criminal convictions and offences.

If you fail to provide personal information

If you fail to provide certain information when requested, we may not be able to progress with your application for employment.

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 below rules, where this is required or permitted by law.

Legal basis for processing

Most commonly, we will rely on the following legal bases for processing your personal data.

Firstly, where it is necessary for the purposes of the legitimate interests pursued by Red Kite or by a third party to process your information. We can do that so long as your fundamental rights or freedoms do not override those interests.

Secondly, where we need to perform the contract we have entered into with you.

Thirdly, where we need to comply with a legal obligation.

The other reasons we may rely upon to process your personal information under GDPR are as follows:

- Where the processing is needed in the public interest; or,
- Where we need to protect the vital interests (i.e. the health and safety) of you or another person.

Special Categories of Personal Data

"Special categories" of particularly sensitive personal information 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 usually only ask for Special Categories of Personal Data if there is a specific reason for this and you provide explicit written consent to us collecting and using this. One example is if you ask for an adaptation to your working environment for health or disability reasons, we

may need you to provide some information about your health to make the appropriate adaptations – but only information that is relevant to the adaptation. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

The other grounds we may rely upon to process special categories of personal data are:

- Where we need to carry out our legal obligations or exercise rights in connection with employment;
- Where we need to protect the vital interests (i.e. the health and safety) of you or another person and you are not capable of giving your consent;
- Where you have already made your personal information public;
- Where we or another person needs to bring or defend legal claims; and/or

Where the processing is needed in the public interest, such as for equal opportunities monitoring or in relation to our occupational pension scheme. We will use your particularly sensitive personal information in the following ways:

- We will use information about your physical or mental health, or disability status, to assess your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits.

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.

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary 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.

We envisage that we will hold information about criminal convictions when these are relevant to particular roles.

We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so. Where appropriate, we will collect information about criminal convictions as part of the recruitment process or we may be notified of such information directly by you in the course of you working for us. We will use information about criminal convictions and offences to determine if you are suitable for the role and as part of any investigation into your conduct at work where necessary.

We are allowed to use your personal information in this way to carry out our obligations. We have in place an appropriate policy and safeguards which we are required by law to maintain when processing such data.

Automated decision-making

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

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.

Who we share data with and why

We only share your details to allow us to make sure that we can assess your suitability and legal status for employment. We will share limited information with your referees with your consent.

All our third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies.

Where we need your consent

We will not share your data for anything other than to ensure we can fulfil our requirements as a good employer (see above) without your consent.

How we store your data

We store all our data in our offices or on our servers which are in the UK or Ireland. We do not store or transfer data outside of the European Economic Area. We ensure everyone we share information with also stores any information they hold about you within the European Economic Area.

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, 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.

We will only hold your personal information for as long as necessary to fulfil the purposes for which we collected it, including to allow us to meet our legal obligations including resolving any follow up issues between us.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you.

We have a separate privacy notice that explains how we will be compliant in processing staff and volunteers' data.

Data protection officer

We have appointed a Voluntary Data Protection Officer to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO.

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.

Your rights under the GDPR

You have a number of rights under the GDPR:

Access to personal information

Under the GDPR, you have a right to ask us what personal information we hold about you, and to request a copy of your information. This is known as a 'subject access request' (SAR). SARs need to be made in writing and we ask that your written request is accompanied by proof of your identity. We have one calendar month within which to provide you with the information you've asked for (although we will try to provide this to you as promptly as possible).

Following your SAR, we will provide you with a copy of the information we hold that relates to you.

Rectification

If you need us to correct any mistakes contained in the information we hold about you, you can let us know by contacting us using the contact details below.

Erasure ('right to be forgotten')

You have the right to ask us to delete personal information we hold about you. You can do this where:

- the information is no longer necessary in relation to the purpose for which we originally collected/processed it
- where you withdraw consent
- where you object to the processing and there is no overriding legitimate interest for us continuing the processing
- where we unlawfully processed the information
- the personal information has to be erased in order to comply with a legal obligation

We can refuse to erase your personal information where the personal information is processed for the following reasons:

- to exercise the right of freedom of expression and information;
- to enable functions designed to protect the public to be achieved e.g. government or regulatory functions
- to comply with a legal obligation or for the performance of a public interest task or exercise of official authority;
- for public health purposes in the public interest;
- archiving purposes in the public interest, scientific research historical research or statistical purposes;
- the exercise or defence of legal claims; or

- where we have an overriding legitimate interest for continuing with the processing

Restriction on processing

You have the right to require us to stop processing your personal information. When processing is restricted, we are allowed to store the information, but not do anything with it. You can do this where:

- You challenge the accuracy of the information (we must restrict processing until we have verified its accuracy)
- You challenge whether we have a legitimate interest in using the information
- If the processing is a breach of the GDPR or otherwise unlawful
- If we no longer need the personal data but you need the information to establish, exercise or defend a legal claim.

If we have disclosed your personal information to third parties, we must inform them about the restriction on processing, unless it is impossible or involves disproportionate effort to do so.

We must inform you when we decide to remove the restriction giving the reasons why.

Objection to processing

You have the right to object to processing where we say it is in our legitimate business interests. We must stop using the information unless we can show there is a compelling legitimate reason for the processing, which override your interests and rights or the processing is necessary for us or someone else to bring or defend legal claims.

Withdrawal of consent

You have the right to withdraw your consent to us processing your information at any time. If the basis on which we are using your personal information is your consent, then we must stop using the information. We can refuse if we can rely on another reason to process the information such as our legitimate interests.

Right to data portability

The right to data portability allows us to obtain and reuse your personal data across different services. It allows us to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way. The right only applies to personal data you have provided to us where the reason we are relying on to use the information is either your consent or for the performance of a contract. It also only applies when processing is carried out by us using automated means.

Who to contact and further information

For further information on how to request your personal information and how and why we process your information, you can contact us using the details below:

By email:

dataprotection@redkithousing.org.uk

By post:

Data Protection Officer

Red Kite Community Housing

Windsor Court

Kingsmead Business Park

Fredericks Place

High Wycombe

HP11 1JU

The Information Commissioner (ICO) is also a source of further information about your data protection rights. The ICO is an independent official body, and one of their primary functions is to administer the provisions of the GDPR.

You have the right to complain to the ICO if you think we have breached the GDPR. You can contact the ICO at:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

0303 123 1113 / [http://www.ico.org.uk/](http://www.ico.org.uk)

ⁱ By this we mean the Regulation as supplemented and amended by the Data Protection Act 2018

ⁱⁱ Special categories of personal data is defined within the GDPR and covers racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a person's sex life or sexual orientation