

## **Museums Association job applicant privacy notice**

As an organisation, we are aware of our obligations under the General Data Protection Regulation (GDPR) and we are committed to processing your data securely and transparently. This privacy notice sets out, in line with GDPR, the types of data that we hold on you as a job applicant to the organisation. It also sets out how we use that information, how long we keep it for and other relevant information about your data.

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.

If you are offered employment with us, you should also refer to the separate workforce privacy notice.

### **Data controller**

The organisation is a data controller, meaning that it determines the processes to be used when using your personal data. Our contact details are available on our website.

### **Data protection principles**

In relation to your personal data, we will:

- process it fairly, lawfully and in a clear, transparent way
- collect your data only for reasons that we find proper for the course of your job application and in ways that have been explained to you
- only use it in the way that we have told you about
- ensure it is correct and up to date
- keep your data for only as long as we need it
- keep it securely.

### **Types of data we process**

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.

There are 'special categories' of more sensitive personal data which require a higher level of protection.

We may hold many types of data about you, including:

- your personal details including your name, address, date of birth, email address, phone numbers
- gender
- marital or civil partnership status, or your designation
- whether or not you have a disability and information about your health for work capacity reasons
- information included on your CV including references, education history and employment history
- documentation relating to your right to work in the UK.

## How we collect your data

We collect data about you in a variety of ways including the information you would normally include in a CV or a job application cover letter, or notes made by our recruiting officers during a recruitment interview. Further information will be collected directly from you when you complete forms if you are offered employment, for example, your bank and next of kin details. Other details may be collected directly from you in the form of official documentation such as your driving licence, passport or other right to work evidence.

In some cases, we will collect data about you from third parties, such as employment agencies, former employers when gathering references or credit reference agencies.

Personal data is kept in personnel files or within the organisation's HR and IT systems. It will also be stored on other IT systems such as email.

## Why we process your data

The law on data protection allows us to process your data for certain reasons only:

- in order to perform the employment contract that we are party to
- in order to carry out legally required duties
- in order for us to carry out our legitimate interests (or those of a third party)
- to protect your interests and
- where something is done in the public interest
- where you have given your consent.

All of the processing carried out by us falls into one of the permitted reasons.

We need to collect your data to ensure we are complying with **legal requirements** such as:

- carrying out checks in relation to your right to work in the UK and
- making reasonable adjustments for disabled job applicants.

We also collect data so that we can carry out activities which are in the **legitimate interests of the organisation**. We have set out examples of these below:

- making decisions about who to offer employment to
- making decisions about salary and other benefits
- assessing training needs
- dealing with legal claims made against us.

## Special categories of data

Special categories of data include data relating to your:

- health
- sexual orientation
- race
- ethnic origin
- religion

We will use your special category data:

- for the purposes of equal opportunities monitoring, in which case we will seek your explicit consent.
- to determine reasonable adjustments for the selection process and for employment, in which case we seek the information to comply with the law.

As with all cases of seeking consent from you, you will have full control over your decision to give or withhold consent and there will be no consequences where consent is withheld. Consent, once given, may be withdrawn at any time. There will be no consequences where consent is withdrawn.

### **Criminal conviction data**

We will only collect criminal conviction data where the law permits us, ie 'unspent' convictions, to assess whether they are applicable to the role for which you are applying. This data will usually be collected at the recruitment stage, however, may also be collected during your employment should you be successful in obtaining employment.

### **If you do not provide your data to us**

One of the reasons for processing your data is to allow us to carry out an effective recruitment process.

We may be prevented from confirming, or continuing with, your employment with us in relation to our legal obligations if you do not provide us with information eg confirming your right to work in the UK.

### **Sharing your data**

Your data will be shared with colleagues within the organisation where it is necessary for them to undertake their duties with regard to recruitment. This includes, for example, those responsible for HR administration, those in the department where the vacancy is who responsible for screening your application and interviewing you, those responsible for IT where you require access to our systems to undertake any assessments requiring IT equipment.

In some cases, we will collect data about you from third parties, such as employment agencies. We may also share information with these agencies, such as notifying them that a job offer has or has not been made.

Your data will be shared with third parties if you are successful in your job application. In these circumstances, we will share your data in order to obtain references. We will share your name, the capacity (job title) in which you worked at the former employer and the dates of employment that you gave us, in order to enable the former employer to identify you. We may also share your data with others such as our payroll provider or external HR advisers.

Our reference checking may include seeking references outside of the EEA, if that is where you lived and worked previously.

It is in our legitimate interests to share the data for pre-employment purposes, in order to ensure we offer the job to most appropriate candidate.

Apart from any employment checks indicated above, we do not share your data with bodies outside of the European Economic Area.

### **Protecting your data**

We are aware of the requirement to ensure your data is protected against accidental loss or disclosure, destruction and abuse. We have implemented processes to guard against such instances and these are outlined in our Information Security Policy.

Where we share your data with third parties, we provide written instructions to them to ensure that your data are held securely and in line with GDPR requirements. Third parties must implement appropriate technical and organisational measures to ensure the security of your data. 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.

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

In line with data protection principles, we only keep your data for as long as we need it for and this will depend on whether or not you are successful in obtaining employment with us.

If you are unsuccessful in obtaining employment, your data will not be used for any reason other than in relation to the specific application you have made. We will retain your data normally for six months and for up to 12 months, in order to follow up any queries or legal claims that may arise.

However, we may seek your consent to retaining your data for up to 24 months for a secondary reason, which is in case other suitable job vacancies arise in the organisation for which we think you may wish to apply. You are free to withhold your consent to this and you will not be treated less favourably for having withheld your consent.

If your application is successful, your data will be kept and transferred to the systems we administer for employees. We will normally retain your data until 6 years after you leave our employment. Please refer to our separate workforce privacy notice.

### **Automated decision making**

No decision will be made about you solely on the basis of automated decision making (where a decision is taken about you using an electronic system without human involvement) which has a significant impact on you.

### **Your rights in relation to your data**

The law on data protection gives you certain rights in relation to the data we hold on you. These are:

- **the right to be informed.** This means that we must tell you how we use your data, and this is the purpose of this privacy notice.
- **the right of access.** You have the right to access the data that we hold on you. To do so, you should make a subject access request by writing to us.
- **the right for any inaccuracies to be corrected.** If any data that we hold about you is incomplete or inaccurate, you are able to require us to correct it.

- **the right to have information deleted.** If you would like us to stop processing your data, you have the right to ask us to delete it from our systems where you believe there is no reason for us to continue processing it.
- **the right to restrict the processing of the data.** For example, if you believe the data we hold is incorrect, we will stop processing the data (whilst still holding it) until we have ensured that the data is correct.
- **the right to portability.** You may transfer the data that we hold on you for your own purposes.
- **the right to object to the inclusion of any information.** You have the right to object to the way we use your data where we are using it for our legitimate interests.
- **the right to regulate any automated decision-making** and profiling of personal data. You have a right not to be subject to automated decision making in way that adversely affects your legal rights.

Where you have provided consent to our use of your data, you also have the unrestricted right to withdraw that consent at any time. Withdrawing your consent means that we will stop processing the data that you had previously given us consent to use. There will be no consequences for withdrawing your consent. However, in some cases, we may continue to use the data where so permitted by having a legitimate reason for doing so.

If you wish to exercise any of the rights explained above, please speak with the recruiting manager in the first instance. There may be circumstances where we do not agree, for example to a request to have your information deleted and if this is the case, we will explain why.

### **Making a complaint**

The supervisory authority in the UK for data protection matters is the Information Commissioner (ICO). If you think your data protection rights have been breached in any way by us, you are able to make a complaint to the ICO.

If you have a concern or complaint, you are strongly encouraged to contact the Head of Finance and Resources in the first instance.

### **Data Privacy Responsibility**

Neil Mackay, Head of Finance and Resources has responsibility for Data Privacy at the MA. Please email [info@museumsassociation.org](mailto:info@museumsassociation.org) if you have any queries.