CANDIDATE PRIVACY NOTICE

1. What is the purpose of this document

Payne Hicks Beach is a "data controller". This means that we are responsible for deciding how we hold and use personal data about you. You are being sent a copy of this privacy notice because you are applying for work with us or you have been offered an interview with us to attend a role we have advertised directly or via a recruiter (whether as an employee, partner, worker, contractor or consultant). It makes 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 ((EU) 2016/679) (**UK GDPR**) to include the Data Protection Act 2018 (**DPA 2018**).

2. Data protection principles

We will comply with data protection law and principles, which means that your data will be:

2.1 used lawfully, fairly and in a transparent way;

2.2 collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes;

2.3 relevant to the purposes we have told you about and limited only to those purposes;

2.4 accurate and kept up to date;

2.5 kept only as long as necessary for the purposes we have told you about; and

2.6 kept securely.

3. The kind of personal data we hold about you

3.1 In connection with your application for work with us, we will collect, store, and use the following categories of personal data about you, such data is not an exhaustive list and is not limited to the information below:

3.1(a) the information you have provided to us in your curriculum vitae (CV) and covering letter;

3.1(b) the information you have provided on our application form, including name, title, address, telephone number, personal email address, date of birth, gender, employment history, qualifications;

3.1(c) any information you provide to us during an interview; and

3.1(d) any projects or presentations that you have provided to us as part of our interview process; and

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

3.2(a) information about your race or ethnicity, religious beliefs, sexual orientation and political opinions;

3.2(b) information about your health, including any medical condition, health and sickness records; and

3.2(c) information about criminal convictions and offences.

4. How is your personal data collected

4.1 We may collect personal data about candidates from the following sources:

4.1(a) you, the candidate;

4.1(b) any recruitment agency, from which we collect the following categories of data: name, title, address, telephone number, personal email address, date of birth, gender, employment history, qualifications;

4.1(c) any background check provider, from which we collect the following categories of data: name, title, address, telephone number, personal email address, date of birth, gender, employment history, qualifications;

4.1(d) any credit reference agency, from which we collect the following categories of data: title, address, telephone number, personal email address, date of birth, gender, employment history, qualifications;

4.1(e) the Disclosure and Barring Service in respect of criminal convictions data, we currently use Atlanta Data to conduct criminal record checks; and

4.1(f) your named referees, from whom we collect a reference that confirms your personal name, start date, previous job, and all personal data for such reference to be provided.

4.2 Data from third parties or a publicly accessible source such as online searches or social media sources.

5. How we will use data about you

5.1 We will use the personal data we collect about you to:

5.1(a) assess your skills, qualifications, and suitability for the work or a role that we have;

5.1(b) carry out background and reference checks, where applicable;

5.1(c) communicate with you about the recruitment process;

5.1(d) keep records related to our hiring processes; and

5.1(e) comply with legal or regulatory requirements.

5.2 It is in our legitimate interests to decide whether to appoint you to your position, since it would be beneficial to our business to appoint someone to that position.

5.3 We also need to process your personal data to decide whether to enter into a contract of employment with you.

5.4 Having received your CV and covering letter and your application form, and the results from any test which you may be asked to take when applying or during our interview process, we will then process that information to decide whether you meet the basic requirements to be shortlisted for a role. We will use this information to progress with your application for a role during the interview process with us. We will decide whether your application is strong enough to invite you for an interview. An interview may be conducted face to face or online or could be a combination of both methods. 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 position. If we decide to offer you the position, we will then take up references and if required we shall carry out a criminal record check before confirming your appointment.

6. If you fail to provide personal information

If you fail to provide information when requested, which is necessary for us to consider your application (such as evidence of your qualifications or work history), we will not be able to process your application successfully. For example, if we require a credit check or references for the role and you fail to provide us with relevant details, we will not be able to take your application further.

7. How we use your special categories of personal data

We will use your special categories of personal data in the following ways:

7.1 we will use information about your disability status to consider whether we need to provide appropriate adjustments during the recruitment process, for example whether any adjustments need to be made during a test or our interview process;

7.2 we will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting is conducted; and

7.3 in accordance with our appropriate policy document that is available upon request.

8. Information about criminal convictions data

8.1 We envisage that we will process information about criminal convictions data on a case by case basis.

8.2 If you are offered a position with the firm which you indicate you would like to accept we will conduct a criminal record/DBS check. We are required to carry out a criminal records/DBS check in order to satisfy ourselves that there is nothing in your criminal convictions history or past which makes you unsuitable for the role. In particular:

8.2(a) we are regulated by the Solicitors Regulation Authority and are required in certain circumstances to carry out criminal record checks for those carrying out the role of a solicitor or when a trainee solicitor is admitted to the roll of solicitors with the Solicitors Regulation Authority;

8.2(b) certain roles are listed on the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (SI 1975/1023)can also be specified in the Police Act 1997 (Criminal Records) Regulations (SI 2002/233). This is eligible for a standard check from the Disclosure and Barring Service; and

8.2(c) all of our roles in this firm require a high degree of trust and integrity since they involve dealing with confidential and special categories of personal data and in certain aspects of the firm, including the trust and accounts department, high value client money and so we would like to ask you to seek a basic disclosure of your criminal records history.

8.3 We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing special categories of personal data and criminal convictions data.

9. Automated decision-making

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making.

10. Data sharing

Why might you share my personal data with third parties?

We will only share your personal data with certain third parties for the purposes of processing your application within Payne Hicks Beach. All our third-party service providers and other entities are required to take appropriate security measures to protect your personal data 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.

11. Data security

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, partners, agents, contractors and other third parties who have a business need-to-know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality. Details of these measures may be obtained from our Data Protection Officer (**DPO**).

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.

12. Data retention

How long will we use your information for?

If your application is unsuccessful, or you do not accept an offer of employment, we will retain your personal data for a period of 1 year after we have communicated to you

our decision to you or you have declined our offer. This is 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 data in accordance with our privacy standard, data retention policy and/or applicable laws and regulations as required. If you accept a position with the firm on joining you will receive a copy of our Privacy Policy for employees, workers and consultants and your personal data will be stored in accordance with that Policy.

If we wish to retain your personal data 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 data for a fixed period on that basis.

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

Your rights in connection with personal data

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

13.1(a) **Request access** to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.

13.1(b) **Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.

13.1(c) **Request erasure** of your personal data. This enables you to ask us to delete or remove personal data 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 data where you have exercised your right to object to processing (see below).

13.1(d) **Object to processing** of your personal data 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 data for direct marketing purposes.

13.1(e) **Request the restriction of processing** of your personal data. This enables you to ask us to suspend the processing of personal data about you, for example if you want us to establish its accuracy or the reason for processing it.

13.1(f) **Request the transfer** of your personal data to another party.

If you want to review, verify, correct or request erasure of your personal data, object to the processing of your personal data, or request that we transfer a copy of your personal data to another party, please contact our DPO in writing.

14. **Data protection officer**

We have appointed Jonathan Sewell, as our DPO who can be contacted by e-mailing: jsewell@phb.co.uk to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal data, please contact our DPO. You have the right to make a complaint at any time to the Information Commission, the UK supervisory authority for data protection issues. We would, however, appreciate the opportunity to address your concern in the first instance, so please do contact us.

You also have the right to seek a judicial remedy.

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