

# Privacy notice for recruitment

**PENDINE IS COMMITTED TO PROTECTING THE PRIVACY AND SECURITY OF YOUR PERSONAL INFORMATION. THIS PRIVACY NOTICE DESCRIBES HOW AND WHY WE COLLECT AND USE PERSONAL INFORMATION ABOUT YOU DURING A RECRUITMENT EXERCISE AND HOW LONG IT WILL USUALLY BE RETAINED FOR, IN ACCORDANCE WITH THE GENERAL DATA PROTECTIONREGULATION (GDPR).**

In this notice, whenever you see the words ‘we’, ‘us’, ‘our’ and ‘Pendine’, it refers to Pendine Park Care Organisation Ltd (our ICO registration number is Z2840886), and its subsidiary companies, which includes the training company Pendine Academy of Social Care Ltd (ICO registration number ZB549159), which also trades under the brand name Smartcare Training. Whenever you see the words ‘you’ and ‘your’, it refers to anyone who applies to work with us – whether as an employee, worker or contractor, and whether they are successful in their application or not.

This, and all current Pendine Privacy Notices are available on our website, at [www.pendinepark.com/privacy.html](http://www.pendinepark.com/privacy.html)

[This notice only refers to recruitment - if you are successful in your work application and start to work with us, please then refer to the ‘Privacy Notice for Personnel’.]

## 1. Our Responsibilities and Data Protection Principles

Pendine is a “data controller”. This means that we are responsible for deciding how we hold and use personal information about you.

We will comply with data protection law. This says that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in anyway that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

## 2. The kind of information we hold on you...

Personal data, or personal information, means any information about an individual that can identify that individual. It does not include data where the identity has been removed (anonymous data). There are “special categories” of more sensitive personal data which require a higher level of protection.

In connection with your application to work with us, we will collect, store, and use the following categories of personal information about you:

CATEGORY	DATA TYPES
<b>Curriculum Vitae &amp; Covering Letter</b>	Any information you have provided on a CV and covering letter
<b>All information on our Job Application Form</b>	<ul style="list-style-type: none"> <li>• Name, title, address, telephone numbers and personal email address</li> <li>• Qualifications gained, education and training history</li> <li>• Employment history (including explanation for any gaps in employment), explanations for reasons why you left any employment regarding vulnerable adults or children</li> <li>• NMC PIN Number and expiry date</li> <li>• Hobbies and interests, Welsh language ability, whether you have a full driving licence, salary expectations and reasons for applying for the work</li> <li>• Names and contact details of two referees</li> </ul>
<b>Interview Process</b>	Any information you provide us during an interview
<b>Any information provided by your employment referee</b>	Duration and type of employment you held when working with the referee, your sickness and absence record, their subjective appraisal of your work / character and whether they would re-employ you
<b>Any information provided by your character referee</b>	Duration and type of relationship you hold with the referee, their subjective appraisal of your work / character and any other comment

We also collect, store, and use the following “special categories” of more sensitive personal information:

CATEGORY	DATA TYPES
<b>Sensitive data</b>	Nationality when providing us with information to check your eligibility to work in the UK (note only asked for once a conditional job offer has been made)
	Information/results of checks about criminal convictions and offences (note only asked for once a conditional job offer has been made)
	Vaccine status for Covid-19 to enable us to comply with our legal obligations and mitigate against risk of harm.
	If you require assistance to attend any interview

### 3. How we collect your personal information

We collect personal information about applicants from the following sources:

- You, the applicant
- Recruitment Agencies in respect of your CV forwarded to us in relation to a job vacancy
- Our staff (during the interview process)
- Your named referees in respect of the categories of data listed in point 2 above
- The government's Disclosure and Barring Service in respect of criminal convictions
- The government's Employer Checking Service (if applicable) in respect of eligibility to work in the UK
- Data from third parties that is publicly accessible including social media

### 4. How we will use information about you

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information, as listed above in point 2, in the following circumstances:

1. Where we need to comply with a legal obligation or regulatory requirement.
2. Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

### 5. Situations in which we will use your personal information

The situations in which we will process your personal information are listed below.

- Assessing your skills, qualifications, and suitability for the vacant role/position
- Carry out reference checks
- Communicate with you about the recruitment process
- Keep records related to our hiring processes
- Comply with legal and regulatory requirements regarding employment and working in Health and Social Care
- Checking you are legally entitled to work in the UK and within Health and Social Care
- Complying with health and safety obligations to ensure you are able to attend an interview
- To prevent fraud

It is in our legitimate interests to decide whether to appoint you to a vacant role/position since it would be beneficial to our business to appoint someone to the vacant role/position. We also need to process your personal information to decide whether to enter into a contract of employment or similar contract (for contractors) with you.

Having received your completed **Pendine Job Application Form**, we will then process that information to decide:

- Whether you meet the basic requirements to be shortlisted (this may include a factfinding telephone call).
- If you meet the basic requirements, we will decide whether your application is strong enough to invite you for an interview.
- 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 vacant role or decide to further interview at this stage.
- If we decide to offer you the role, we will then ask you to provide relevant identification documents to check your eligibility to work in the UK, carry out Disclosure Barring Service checks in relation to criminal and conviction records to ascertain your eligibility to work in the health and social care sector and take up references with the names of the referees you have provided before confirming your appointment.

## 6. If you fail to provide personal information

If you fail to provide certain information when requested, which is necessary for us to consider your application (such as evidence of qualifications or work history), we will not be able to process your application successfully, and we will not be able to take your application further.

## 7. How we will use particularly sensitive personal information

We will use your particularly sensitive personal information in the following ways:

- We will ask you if you require any assistance to attend an interview with us, so we can decide if we need to make any adjustments to enable you to attend (NOTE: we do not ask for the nature of any medical or health condition that might be the reason for you requiring assistance)
- We will ask you for your nationality when checking your eligibility to work in the UK (NOTE: we only ask for this information after we have made a conditional job offer)
- To assess and mitigate against any risks to the health and safety of employees and residents when providing care and support, and to comply with our legal obligations.

## 8. 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.

Due to the nature of our business, we access to information about your criminal convictions history if we would like to offer you the job role. We are entitled to carry out a criminal records check in order to satisfy ourselves that there is nothing in your criminal convictions history which makes you unsuitable for the role.

In particular, all job roles at Pendine are concerned with the provision of health and social care services to vulnerable adults. These job roles are listed on the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 so are eligible for an Enhanced Disclosure Check from the Disclosure and Barring Service.

Job roles involving “hands-on health or social care” such as Nurses, Care Practitioners and Hairdressers (where the criteria for the frequency of such contact is met), are also specified on the Police Act 1997 (Criminal Records) Regulations and so are eligible for an Enhanced Disclosure and Barred List Check from the Disclosure and Barring Service. We use a registered umbrella company to carry out the checks with the Disclosure and Barring Service on our behalf.

## 9. Automated decision-making

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We do not envisage that any decisions will be taken about you using automated means.

## 10. Data sharing

For the purposes of processing your application, we will only share your personal information, after a conditional offer of employment, with a registered umbrella company and the government’s Disclosure Barring Service in relation to processing DBS checks and, only if required, the Government Employer Checking Service in relation to processing any eligibility to work in the UK checks. We may also share your personal information for legal advice relating to Human Resource and Employment matters.

All our third-party service providers are required to take appropriate security measures to protect your personal information 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 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, contractors 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 (i.e., the ICO) of a suspected breach where we are legally required to do so.

## 12. Data retention – how long will you use my information for?

For those applicants who are successful, the personal information gained through the recruitment process forms part of your personnel file. We have written a separate Privacy Notice for all Personnel (employees, workers, and contractors) and this will apply if you are successful in your application with us.

For those applicants who are not successful in their application for work with us, we will retain your personal information for six months after we have communicated our decision about not appointing you to the vacant role. We retain your personal information for that period as part of our equal opportunities approach, so that we can show, in the event of a legal claim, that we havenot 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 information in accordance with applicable laws and regulations.

If we wish to retain your personal information on file, on the basis that a further opportunity may arise in the future and we may wish to consider you for that, we will write to you separately, seeking your explicit consent to retain your personal information for a fixed period on that basis.

### 13. Your rights of access, correction, erasure, and restriction

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

- **Request access** to your personal information (commonly known as a “data subject accessrequest”). This enables you to receive a copy of the personal information we hold about you and check that we are lawfully processing it.
- **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.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information 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 information where you haveexercised your right to object to processing.
- **Object to processing** of your personal information 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 information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables you to askusto suspend the processing of personal information about you, for example if you want us toestablish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct, or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the Personnel Department at Pendine in writing (details below).

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances. We may need to request specific information from you to help us confirm your identity and ensureyour right to access the information (or to exercise any of your 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.

#### **14. Your right to withdraw consent**

When you applied for a vacant role with Pendine, you provided consent on that date to us to process your personal information for the purposes of the recruitment exercise. You have the right to withdraw your consent for that specific processing at any time. To withdraw consent, please contact the Personnel Department at Pendine (details below). Once we have received notification that you have withdrawn your consent, we will no longer process your application and, subject to our retention policy, we will dispose of your personal data securely.

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If you have any questions about this Privacy Notice, please contact the Personnel Department at

**Bromfield House, Ellice Way, Wrexham LL13 7YW**

**or telephone: 01978 720242**

**or email: [personnel@pendinepark.com](mailto:personnel@pendinepark.com)**