

Data controller: Birketts LLP

Data protection officer: Risk and Compliance Director

As part of any recruitment process, the Firm collects and processes personal data relating to job applicants. The Firm is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

What Information Does the Firm Collect?

The Firm collects a range of information about you. This includes:

- your name, address and contact details, including email address and telephone number;
- details of your qualifications, skills, experience and employment history;
- information about your current level of remuneration, including benefit entitlements;
- whether or not you have a disability for which the organisation needs to make reasonable adjustments during the recruitment process;
- information about your entitlement to work in the UK; and
- equality and diversity information (voluntary)

The Firm may collect this information in a variety of ways. For example, data might be contained in application forms, CVs or resumes, obtained from your passport or other identity documents, or collected through interviews or other forms of assessment, including online tests.

The Firm may also collect personal data about you from third parties, such as references supplied by former employers, information from employment background check providers and information from criminal records checks. The Firm will seek information from third parties only once a job offer to you has been made and will inform you that it is doing so.

Data will be stored in a range of different places, including on your application record, in HR management systems and on other IT systems (including email).

Why Does the Firm Process Personal Data?

The Firm needs to process data to take steps at your request prior to entering into a contract with you. It may also need to process your data to enter into a contract with you.

In some cases, the Firm needs to process data to ensure that it is complying with its legal obligations. For example, it is required to check a successful applicant's eligibility to work in the UK before employment starts.

The Firm has a legitimate interest in processing personal data during the recruitment process and for keeping records of the process. Processing data from job applicants allows the Firm to manage the recruitment process, assess and confirm a candidate's suitability for employment and decide to whom to offer a job. The Firm may also need to process data from job applicants to respond to and defend against legal claims.

The Firm may process special categories of data, such as information about ethnic origin, sexual orientation or religion or belief, to monitor recruitment statistics. It may also collect information about whether or not applicants are disabled to make reasonable adjustments for candidates who have a disability. The Firm processes such information to carry out its obligations and exercise specific rights in relation to employment.

For some roles, the Firm is obliged to seek information about criminal convictions and offences. Where the Firm seeks this information, it does so because it is necessary for it to carry out its obligations and exercise specific rights in relation to employment.

If your application is unsuccessful, the Firm may keep your personal data on file in case there are future employment opportunities for which you may be suited. The Firm will ask for your consent before it keeps your data for this purpose and you are free to withdraw your consent at any time.

Who Has Access to Data?

Your information may be shared internally for the purposes of the recruitment exercise. This includes members of the HR and recruitment team, interviewers involved in the recruitment process, managers in the business area with a vacancy and IT staff if access to the data is necessary for the performance of their roles.

The Firm will not share your data with third parties, unless your application for employment is successful and it makes you an offer of employment. The Firm will then share your data with former employers to obtain references for you, employment background check providers to obtain necessary background checks and the Disclosure and Barring Service to obtain necessary criminal records checks.

The Firm will not transfer your data outside the European Economic Area.

How Does the Firm Protect Data?

The Firm takes the security of your data seriously. It has internal policies and controls in place to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by our employees in the proper performance of their duties. More information can be found in our Confidentiality Agreement and Information Technology and Communications Policy.

For How Long Does the Firm Keep Data?

If you have applied for a graduate role and your application for employment is unsuccessful, the Firm will hold your data on file for 2 years after the end of the relevant recruitment process. If you agree to allow the Firm to keep your personal data on file, the Firm will hold your data on file for a further 12 months for consideration for future employment opportunities. At the end of that period or once you withdraw your consent; your data is deleted or destroyed.

If your application for employment for any other role is unsuccessful, the Firm will hold your data on file for 6 months after the end of the relevant recruitment process. If you agree to allow the Firm to keep your personal data on file, the Firm will hold your data on file for a further 12 months for consideration for future employment opportunities. At the end of that period or once you withdraw your consent; your data is deleted or destroyed.

If your application has been received through a third party and it is unsuccessful, the Firm will delete or destroy your data immediately after the end of the relevant recruitment process.

If your application for employment is successful, personal data gathered during the recruitment process will be transferred to your personnel file and retained during your employment. The periods for which your data will be held will be provided to you in a new privacy notice.

Your Rights

As a data subject, you have a number of rights. You can:

- access and obtain a copy of your data on request;
- require the Firm to change incorrect or incomplete data;
- require the Firm to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing; and
- object to the processing of your data where the Firm is relying on its legitimate interests as the legal ground for processing.

If you would like to exercise any of these rights, please contact humanresources@birketts.co.uk.

If you believe that the Firm has not complied with your data protection rights, you can complain to the Information Commissioner.

What if You Do Not Provide Personal Data?

You are under no statutory or contractual obligation to provide data to the Firm during the recruitment process. However, if you do not provide the information, the Firm may not be able to process your application properly or at all.