

DML RACING

Job Applicant Privacy Notice

This Job Applicant Privacy Notice sets out what personal data we hold about you and how we collect and use it during and after the recruitment process. It applies to anyone who is applying to work for us whether as an employee or worker (contractors, agency workers, consultants, volunteers, partners and directors (together referred to as “Job Applicant” or “you”)).

Please note that we will not necessarily hold, use, share all of the types of personal data described in this privacy notice in relation to you. The specific types of data about you that we hold use and share will depend on the role for which you are applying, the nature of the recruitment process, how far you progress in the recruitment process and your individual circumstances.

We are required by data protection legislation to give you the information in this Privacy Notice.

It is important that you read this Privacy Notice carefully together with any other information we may give you from time to time about how we collect and use your personal data.

Should your application be successful, when you start work for us, we will provide you with another privacy notice that explains how we deal with your personal data when you are working for us.

This Privacy Notice applies from 25th May 2018, when the General Data Protection Regulations come into force.

It does not give you any contractual rights. We may update this Privacy Notice at any time.

Data Controller

Clare Loughnane is the data contractor for the purposes of data protection law. This means that we are responsible for deciding how we hold and use personal data about you.

The type of personal data we hold about you

Personal data means any information relating to a living individual who can be identified (directly or indirectly) in particular by reference to an identifier (e.g. name, NI number, employee number, email address, physical features). It can be factual (e.g. date of birth), an opinion about an individual’s actions or behaviour, or information that may otherwise impact that individual in a personal or business capacity.

Data protection law divides personal data into two categories: ordinary personal data and special category data. Any personal data that reveals racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health conditions, sexual life or sexual orientation, or biometric or generic information that is used to identify an individual is known as special category data. The rest is ordinary personal data.

What type of ordinary personal data do we hold about you and why?

At the initial stages of recruitment, we collect, hold and use the following types of ordinary personal data about you

- information contained in your application form, CV and covering letter or otherwise provided by you to us including your name, title, contact details, employment history, experience, skills, qualification training (including educational, vocational, driving licences where appropriate), referees' names and contact details, et cetera
- Publicly available information about you such as your business social media presence
- Selection information including correspondence, interview notes, internal notes, the results of any written, online or practical selection tests

If you are shortlisted for a position, or you receive a conditional offer of employment, we may collect, hold and use the following additional types of ordinary personal data about you

- Pre-employment check information including references and verification of qualifications
- Right to work checks and related documents

We hold and use this personal data so that we can

- Process your application and correspond with you about it
- Assess whether you have the required skills, experience, qualifications and training for a role within the company
- Make informed recruitment decisions
- Verify information provided by you
- Check and demonstrate that you have the legal right to work in the UK
- Keep appropriate records of our recruitment processes and decisions
- Comply with BHA rules regarding references

What are our legal grounds for using your ordinary personal data?

Data protection law specifies the legal grounds on which we can hold and use personal data.

We rely on one or more of the following legal grounds when we process your ordinary personal data:

- We need it to take steps in order to enter into a contract with you (**entry into a contract**) because by applying for a job with us you are effectively asking us to enter into a contract with you (whether this is an employment contract, a contract for services or another type of contract)
- Where we need it to comply with a legal obligation (**legal obligation**) e.g. the legal obligation not to discriminate during our recruitment process or the obligation not to employ someone who does not have the legal right to work in the UK.

It is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests (**legitimate interest**). For example, it is in our legitimate interests to review and consider your personal data (as listed above) so that we can select the most appropriate candidate for the job.

What type of special category personal data do we hold about you, why and on what legal grounds?

We will only collect, hold and use limited types of special category data about you during the recruitment process, as described below.

Since special category data is usually more sensitive than ordinary personal data, we need to have an additional legal ground (as well as the legal grounds set out in the section on ordinary personal data above) to collect, hold and use it. The additional legal grounds that we rely on to collect, hold and use your special category data are explained below for each type of special category data.

At the initial stages of recruitment, we collect, hold and use the following special category data about you:

Equal Opportunities Monitoring

Equal opportunities monitoring data which could include information about your race or ethnicity, religious beliefs, sexual orientation or health. We use this information to monitor the quality of opportunity and diversity in our recruitment processes. Our additional legal ground for using this information is that it is necessary in the public interest for the purposes of equal opportunities monitoring and it is in line with our data protection policy

Adjustments for disability/medical conditions

Information relevant to any request by you for adjustments to the recruitment process as a result of an underlying medical condition or disability. We use this information to enable us to carry out a fair, non-discriminatory recruitment process by considering/making reasonable adjustments to our process as appropriate. Our additional legal ground for using this information is that we need it to comply with a legal obligation/exercise a legal right in relation to employment namely the obligations not to discriminate, and to make reasonable adjustments to accommodate a disability and such use is in line with our data protection policy.

If you are shortlisted for a position or if you receive a conditional offer of employment, we may collect, hold and use the following additional type of special category personal data about you

Pre-employment health questionnaires/medicals

We collect information about your health in a pre-employment medical questionnaire and/or examination as well as any information about underlying medical conditions and adjustments that you have brought to our attention. We use this information to assess whether you are fit to do the job with adjustments, to consider/arrange suitable adjustments and to comply with health and safety requirements. Our additional legal ground for using this information are that we need it to comply with a legal obligation/exercise a legal right in relation to employment namely the obligation to make reasonable adjustments to accommodate a disability and such use is in line with our data protection policy and it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.

Criminal records

We may ask you for voluntary disclosure of criminal records and ask if you have ever been (i) known to any local authority as being a risk or a potential risk to young people and/or adults at risk and/or (ii) the subject of any disciplinary investigation and/or sanction by any organisation due to concerns about their behaviour towards young people and/or adults at risk. We use this information in connection with entering into a contract, our legal obligation with regard to safeguarding and for a legitimate interest to assess whether you are suitable to do the job in line with the British Horse Racing Authority's advice on safeguarding in racing. Our additional legal ground for using this information is that we need it to comply with a legal obligation to protect the health and safety of our employees.

How we collect your personal data

You provide us with most of the personal data about you that we hold and use, for example in your written or verbal application, by completing any assessments and during interviews.

Some of the personal data we hold and use about you is generated from internal sources during the recruitment process. For example, the person who interviews you may score your suitability for the role and we record the reasons for decisions made about whether your application is successful.

Some of the personal data about you that we hold, and use may come from external sources. If we offer you a role, we will carry out pre-employment checks such as taking up references from current and/or past employers or education providers and we may check your qualifications by contacting the awarding body.

We may ask an occupational health specialist to report to us on your fitness to do the job

In some circumstances we may ask the Home Office for information about your immigration status to verify your right to work in the UK.

For some roles we may also obtain information about you from publicly available sources such as media sources.

Who we share your personal data with

Recruitment agencies

If we engage a recruitment agency to provide us with details of suitable candidates for our available vacancies, we will need to share data in order to communicate with those candidates and to handle administration in connection with the recruitment process. If we have received your initial application details from a recruitment agency, we will share with them any of your personal data that is necessary to enable them to fulfil their functions for us. Our legal grounds for doing so are that it is necessary for entry into a contract and it is in our legitimate interest to engage service providers to assist us with the recruitment process.

Medical/occupational health professionals

We may share information relevant to any request for you for adjustments to the recruitment process as a result of an underlying medical condition or disability with medical/occupational health professionals to enable us to identify what, if any, adjustments are needed in the recruitment process and if you are successful, once you start work.

We may also share the details of disclosed medical conditions and/or answers to pre-employment health questionnaires with medical/occupational health professionals to seek a medical report about you to enable us to assess your fitness for the job and whether any adjustments are needed once you start work.

This information may also be used by medical/occupational health professionals to carry out assessments required by health and safety legislation.

Our legal grounds for sharing this personal data are that: it is necessary for entry into a contract; it is in our legitimate interests to consider adjustments to enable Job Applicants to participate fully in the recruitment process and to assess the fitness for work on Job

Applicants to whom we have offered jobs and it is necessary to comply with our legal obligations/exercise legal rights in the field of employment (obligations not to discriminate, to make reasonable adjustments, to comply with health and safety requirements).

Legal/professional advisers

We share any of your personal data that is relevant, where appropriate, with our legal and other professional advisers, in order to obtain legal or other professional advice about matters related to you or in the course of dealing with legal disputes with you or other job applicants. Our legal grounds for sharing this personal data are that: it is in our legitimate interest to seek advice to clarify our rights/obligations and appropriately defend ourselves from potential claim; it is necessary to comply with our legal obligations/exercise legal rights in the field of employment; and it is necessary to establish, exercise or defend legal claims.

Home Office

We may share your right to work documentation with the Home Office, when necessary to enable us to verify your right to work in the UK. Our legal grounds for sharing this personal data is to comply with our legal obligation not to employ someone who does not have the right to work in the UK

British Horseracing Authority

We may need to share your personal data with the British Horseracing Authority in order to establish there are no restrictions by them upon you working for us. Our legal ground for sharing this personal data is that it is in our legitimate interest to ensure that we do not employ someone who is not permitted to work in British horseracing by its regulatory body.

Consequences of not providing personal data

We only ask you to provide personal data that we need to enable us to make a decision about whether or not to offer you a role. If you do not provide particular information to us, then we will have to make a decision on whether or not to offer you a role without that information which in some cases could result in us deciding not to recruit you. For example, if we ask you to provide a certificate verifying a qualification and you do not, we will have to decide whether to recruit you without that information. If you do not provide us with names of references or a reference when asked, we will not usually be able to offer you the role. It is a BHA rule of racing that if you have previously worked in racing, we are required to make a reference application of your last employer in racing. In addition, some of the personal data you provide to us is required by law. For example, if you do not provide us with the documentation we need to check your right to work in the UK, then we cannot by law employ you.

How long we keep your personal data

We will keep your personal data throughout the recruitment process

If your application is successful, when you start work for us you will be issued with an employee privacy notice which will include information about what personal data we will keep from the recruitment process and how long we keep your personal data whilst you are working for us and after you have left.

If your application is unsuccessful, we will keep your personal data for up to 6 months from the date we notify you of that decision.

We may keep your personal data for longer than six months if you have asked us to consider you for future vacancies – see “will we keep your application on file?” below.

There may, however, be circumstances in which it is appropriate for us to keep particular items of your personal data for longer. We will base these decisions on relevant circumstances, taking into account the following criteria

- the amount, nature and sensitivity of the personal data
- the risk of harm from unauthorised use or disclosure,
- the purpose is for which we process your personal data and how long we need the particular data to achieve these purposes
- how long the personal data is likely to remain accurate and up-to-date
- for how long the personal data might be relevant to possible future legal claims
- any applicable legal, accounting, reporting or regulatory requirements that specify how long certain records must be kept

In all cases, we will not keep your personal data for longer than we need it for our legitimate purposes

Will we keep your application on file?

If you are unsuccessful for the role for which you have applied, or you sent us a speculative application then, if you have consented to us doing so, we will keep your personal data on file to identify if you might be suitable for any other vacancies that arise in the next 12 months and we will contact you if we believe this to be the case. We will not keep your personal data for this purpose for longer than 12 months. If during the period that we have your personal data on file, you wish to apply for any particular vacancy that we have open, please do contact us to make us aware of this – particularly if it is not a close match with your previous experience or is it a different area of our business from a vacancy you applied for previously, as we may not otherwise realise that the vacancy would be of interest to you.

When applying for a particular role, there is no obligation for you to consent to us keeping your personal data on file for consideration for other roles if you do not want to. Your application for the particular role you are putting yourself forward for will not be affected.

If you change your mind about us keeping your personal data on file you have the right to withdraw your consent at any time – see your rights below.

References if you give us details of referees, we require you to inform them what personal data of theirs you are giving us. You must also give them our contact details and let them know that they should contact us if they have any queries about how we will use their personal data.

Your rights

You have a number of legal rights relating to your personal data, which are outlined here:

- **The right to make a subject access request** This enables you to receive certain information about how we use your personal data, as well as to receive a copy of it and to check that we are lawfully processing it
- **The right to request that we correct incomplete or inaccurate personal data** that we hold about you
- **The right to request that we delete or remove personal data** that we hold about you 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
- **The right to object to our processing your personal data** where we are relying on our legitimate interest (or that of a third party) where we cannot show a compelling reason to continue the processing
- **The right to request that we restrict our 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 the accuracy or the reason for processing it.
- **The right to withdraw your consent to us using your personal data**
- We do not normally rely on your consent as the legal ground for using your personal data. However, if we are relying on your consent as the legal ground for using any of your personal data and you withdraw your consent, you also have the right to request that we delete or remove that data, if we do not have another good reason for continuing using it.
- **The right to request that we transfer your personal data** to you or to another party, in a structured format. This right applies in respect of data that you have provided where our legal ground for using the data is that it is necessary for the performance of a contract or that you have consented to us using it (this is known as the right to “data portability”).

If you would like to exercise any of the above rights, please contact Clare Loughnane in writing. Note that these rights are not absolute and in some circumstances, we may be entitled to refuse all or some of your request.

If you have any questions or concerns about how your personal data is being used by us, you can contact Clare Loughnane by email: info@dmlracing.co.uk .

Note too that you have the right to make a complaint at any time to the Information Commissioner's Office (ICO) the UK supervisory authority for data protection issues. Details of how to contact the ICO can be found on their website www.ico.org.uk