



# Privacy Notice

## Job Applicants

### 1. Introduction

Portsmouth Naval Base Property Trust are committed to protecting the privacy and security of your personal information. This privacy notice describes how we collect and use personal information about you during the recruitment process in accordance with the General Data Protection Regulation (GDPR).

The Trust is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to applicants for job vacancies with the Trust, both direct applicants and those received via a recruitment agency engaged by the Trust. 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.

It is important that you read this notice so that you are informed of how and why we are using such information.

### 2. Data Protection Principles

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

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

### 3. The Information We Hold About You

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 (anonymous data).

We may collect, store, and use the following categories of personal information about you:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
- Date of birth.
- Gender.
- Start date.
- Location of employment or workplace.
- Copy of driving license – for relevant staff.
- Recruitment information (including copies of right to work documentation, references, pre-employment medical questionnaire and other information included in a CV/application form and cover letter).

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

- Information about your race or ethnicity.
- Information about your health, including any medical condition and sickness records.
- Information about the commission of or alleged commission of any criminal offence and the outcome of any associated legal proceedings.

#### **4. How We Collect Your Personal Information**

We typically collect personal information about applicants through the application and recruitment or engagement processes, either directly from individuals or sometimes from an employment agency or background check provider. We may sometimes collect additional information from third parties including former employers, or medical professionals.

We will collect additional work-related information throughout the period of you working for us.

#### **5. Lawful Basis for Holding Data**

Whenever you complete documentation requiring your personal information, you will be advised of why it is required and the legal basis for processing it. We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

1. 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.
2. Where we need to perform the contract we have entered into with you.
3. Where we need to comply with a legal obligation.

We may also use your personal information in the following situations, which are likely to be rare:

1. Where we need to protect your interests (or someone else's interests).
2. Where it is needed in the public interest or for official purposes.

## **6. How We Will Use Your Personal Information**

We need all the categories of information listed in section 3 above primarily to allow us to undertake effective and lawful recruitment and selection activity and to undertake security vetting in conjunction with the Ministry of Defence, who operate security vetting and issue ID badges and car parking passes for the Naval Base and Portsmouth Historic Dockyard site. This is in the legitimate business interests of the Trust. The types of situations in which we will process your personal information are listed below:

- Making a decision about your engagement, appointment or promotion.
- Determining the terms on which you work for us.
- Checking you are legally entitled to work in the UK.
- Assessing qualifications for a particular job.
- Dealing with legal disputes in relation to recruitment activity.
- Ascertaining your fitness for the position offered to you.
- Complying with health and safety obligations.
- To undertake data analysis on recruitment statistics in order to inform strategic decisions about the Trust's staffing resource and recruitment strategies.
- Equal opportunities monitoring.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

### **6.1 Change of purpose**

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so. Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

### **6.2 How we use particularly sensitive personal information**

Special categories of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information for the following reasons:

1. In limited circumstances, with your explicit written consent.
2. Where we need to carry out our legal obligations and in line with our privacy standards.
3. Where it is needed in the public interest, such as for equal opportunities.

4. Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

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

- We will use information about your physical or mental health, or disability status, to assess your fitness to work in any vacancy offered to you and to obtain medical advice on any appropriate workplace adjustments.
- We may use information about your age, disability status, race or national or ethnic origin, religion, gender status or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.

### **6.3 Do we need your consent?**

We do not need your consent if we use special categories of your personal information in accordance with our written policy to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

## **7. 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 and provided we do so in line with our privacy standard. Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so. Where appropriate, we will collect information about criminal convictions as part of the recruitment process.

## **8. Data Sharing**

We may share your personal information with third parties where we have a legitimate interest in doing so. In the context of recruitment this may be:

- In order to obtain employment references.

- To obtain advice on fitness to work from the Trust's Occupational Health advisors.
- In defense of any legal claim in relation to recruitment activity, where the Trust engages legal advisors.

The Trust's HR & Payroll Data Processing Record sets out details of data sharing with third parties.

### **8.1 How secure is my information with third-parties**

All our third-party service providers are required to take appropriate security measures to protect your personal information under the general law or 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.

## **9. Data Retention**

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal or reporting requirements. Recruitment records are retained for six months from the date an appointment is made. At the end of the retention period data will be destroyed securely.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you.

## **10. Rights of Access, Correction, Erasure, and Restriction**

### **10.1 Your rights in connection with personal information**

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

- Request access to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to 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 have exercised your right to object to processing (see below).

- 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 ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.

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 put your request in writing to the Deputy Chief Executive, Portsmouth Naval Base Property Trust, 1/10 College Road, HM Naval Base, Portsmouth, PO1 3LJ.

A Subject Access Request can be made by completing the Trust's Subject Access Request Form. You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, the Trust may charge a reasonable fee if a request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the Deputy Chief Executive. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

## **10.2 Data Protection Lead**

We have appointed a data protection lead to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the Deputy Chief Executive.

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.

### Information Commissioner's Office

Helpline                      0303 123 1113  
Live chat service            [www.ico.org.uk/livechat](http://www.ico.org.uk/livechat)