

2024

# Recruitment Privacy Policy

## 1) What is this notice?

This is the 'Recruitment Privacy Notice' of Livingston Limited. Our contact details are:

Livingston

Nettlehill Road

Livingston

EH54 5DL

Tel: 01506 442669

This notice applies to individuals applying to work with us.

It does not relate to job applicants who are successful and who are offered employment with us, either as employees or workers. A separate Employee Data Protection and Privacy Statement will be issued to such individuals on their appointment.

We are a data 'controller', which means we are responsible for deciding how we hold and use your personal information.

This notice explains how and why we will collect and use your personal information in the context of the recruitment process and your rights in relation to your personal information. We may amend this notice at any time.

## 2) Data protection queries

If you have any questions about this privacy notice or how we handle your personal information, please contact the HR department. They can be contacted via the dedicated email address: [recruitment@livingstonme.co.uk](mailto:recruitment@livingstonme.co.uk)

## 3) Your personal information

In this privacy notice, 'your personal information' means your personal data i.e. information about you from which you can be identified. The table at section 6 below lists your personal information that we may process.

Your 'personal information' does not include data where the identity has been removed (anonymous data).

It is important that your personal information is accurate and up to date. Please inform us if your personal information changes during the recruitment process.

## 4) Special categories of personal information

You have the right to ask us not to process your personal data for marketing purposes. We will always inform you (before collecting your data) if we intend to use your data for such purposes or if we intend to disclose your information to any third party for such purposes. You can exercise your right to prevent such processing by checking certain boxes on the forms we use to collect your data.

If you no longer wish to be contacted for marketing purposes, you can contact us at any time to remove yourself from further communications by emailing us at [unsubscribe@livingstonme.co.uk](mailto:unsubscribe@livingstonme.co.uk) or writing to us at the address below.

## 5) Access to your information and correction

You have a number of rights under data protection law in relation to the way we process your personal data. These are set out below:

- The right to be informed
- The right of access
- The right to rectification
- The right to erasure

- The right to restrict processing
- The right to data portability
- The right to object
- Rights in relation to automated decision making and profiling

If you wish to exercise your rights as a data subject, please email us at [GDPR@livingstonme.co.uk](mailto:GDPR@livingstonme.co.uk) or write to us at the address above.

## 6) Where does your personal information come from?

Your personal information will come from you or us, and may also come from the following sources:

- Recruitment agencies may provide us with personal information telling us who you are, where you live, your qualifications etc., and what job experience you have had.
- Former employers or other referees, whom you have given us permission to contact, may provide us with personal information relating to your previous employment

## 7) Processing your personal information

We may process your personal information during and after the recruitment process. This may include collecting your personal information, recording it, storing it, using it, amending it, destroying it and, in some circumstances, disclosing it.

In general, we process your personal information for the reasons, and on the legal grounds set out in the following table, and also to:

- Retain records relating to the recruitment process;
- Establish, exercise or defend legal claims;
- Comply with the law [or requirements of a regulator]; and/or
- Protect your vital interests or those of another person (in exceptional circumstances, such as a medical emergency).

## 8) Information about criminal convictions

To enable us to make recruitment decisions and assess suitability for particular work, we will process information about criminal convictions and offences (including alleged offences) as described in this section.

We will process this information to enter a contract with you, for our legitimate interests (in selecting suitable employees, workers and contractors), and to exercise or perform employment law rights or obligations.

## 9) Data necessary for the contract

The information in section 7 above identifies personal information that we may need to enter a contract with you. If you don't provide this data, we may not be able to proceed with the recruitment process or enter into the contract.

Reason for processing your personal information
<ul style="list-style-type: none"> <li>• Contact you regarding the recruitment process and any offer of work.</li> </ul>
<ul style="list-style-type: none"> <li>• Make a decision about your recruitment or appointment, including assessing your skills, qualifications and suitability for the work.</li> </ul>
<ul style="list-style-type: none"> <li>• If you have accepted an offer of work from us that is subject to such checks: Take up references (from referees whom you have given us permission to contact); Carry out background checks.</li> </ul>
<ul style="list-style-type: none"> <li>• Determine the terms of any potential contract between you and us.</li> </ul>
<ul style="list-style-type: none"> <li>• Establish whether you can undergo an assessment which forms part of the application process Consider reasonable adjustments to the recruitment process for disabled applicants.</li> </ul>
<ul style="list-style-type: none"> <li>• Establish whether you will be able to carry out a function that is intrinsic to the particular work If you have accepted an offer of work from us that is subject to such a check: assess your fitness to work via a health questionnaire or medical report.</li> </ul>

## 10) Statutory requirement to provide your personal information

In some circumstances, the provision of your personal information is a statutory requirement. This includes:

- Documentation confirming your right to work in the UK – if you don't provide this, we may not be able to enter into a contract with you.

## 11) Sharing your personal information with third parties

We may share your personal information with the following third parties if this is required by law; necessary to enter a contract with you; where there is another legitimate interest in doing so; or where it is necessary to protect your vital interests or those of another person:

- The following activities are carried out by third-party service providers: pre-employment, background, right to work in the UK checks, and psychometric testing services.
- Other entities in the Livingston group of companies for our legitimate interests (in selecting suitable employees, workers and contractors).
- Our professional advisors.
- Other third parties as necessary to comply with the law.

## 12) Automated decision-making

We do not envisage taking any decisions about you based solely on automated processing (i.e. without human involvement), which have a legal or similarly significant effect on you.

## 13) Transferring your personal information outside the EU

We do not intend to transfer your personal information to any country outside of the EU, or to any international organisation.

## 14) Data retention

If you don't start work with us following the recruitment process, we will retain your personal information for six months thereafter:

- to allow us to establish, exercise or defend legal claims; and
- for our legitimate interests – to enable us to reconsider your application and (if appropriate) contact you, if the position you applied for becomes available again.

If you start work with us following the recruitment process, we will give you a copy of our Employee Data Protection and Privacy Statement, and will retain your personal information as detailed in the Employee Data Protection and Privacy Statement.

## 15) Your rights

You have the following rights:

- **Access:** you can request a copy of your personal information that we hold, and check we are processing it lawfully.
- **Correction:** you can ask us to correct your personal information if you don't think it is accurate, complete or up-to-date.
- **Deletion:** you can ask us to delete your personal information, if:
  - it is no longer necessary for the purposes for which we obtained it;
  - you withdraw your consent, and we have no other legal basis for the processing;
  - you validly object to the processing as described below;
  - we have unlawfully processed the data; or
  - we must delete the data to comply with a legal obligation.
- **Objection:** if we process your personal information to perform tasks carried out in the public interest or on the basis of legitimate interests, you can object to this processing on the basis of your particular situation. We will only then continue the processing if we have overriding legitimate grounds for this, or the processing is to establish, exercise or defend legal claims. You may also object if we process your personal information for direct marketing purposes.
- **Restriction:** you can ask us to restrict our processing of your personal information if:
  - you contest the accuracy of the data (for a period that enables us to check it);
  - our processing is unlawful, but you don't want the data deleted;

- we no longer need the data, but you require it to establish, exercise or defend legal claims; or
- you have objected (as above) and are awaiting confirmation as to whether we have overriding legitimate grounds for processing.
- **Transfer:** if our processing is based on your consent or necessary to carry out our contract with you, and is carried out by automated means, you can request a copy of the personal information you have provided to us and the transfer of this to someone else. Where technically feasible, you can ask us to transfer it directly.
- **Complain to the Information Commissioner:** The Information Commissioner is the UK supervisory authority for data protection issues. We aim to resolve all complaints internally via our data protection manager who can be contacted as described at the address above, but you do have the right to complain to the Information Commissioner at any time.

Please contact our HR department if you require more information on these rights, or wish to exercise any of them, by emailing us at [recruitment@livingstonme.co.uk](mailto:recruitment@livingstonme.co.uk) or write to us at:

**HR Department**

**Livingston**

**Nettlehill Road**

**Livingston**

**EH54 5DL**