

GDPR Privacy Notice Candidates

What is the purpose of this document?

Lindsays is a "controller" in relation to personal data. This means that we are responsible for deciding how we hold and use personal information about you. You are being sent a copy of this privacy notice because you are applying for work with us (whether as an employee, worker or contractor). It makes you aware of how and why your personal data will be used, namely for the purposes of the recruitment exercise and for how long it will usually be retained. It provides you with certain information that must be provided under the General Data Protection Regulation UK GDPR.

Data protection principles

We will comply with data protection law and principles, which means that your data will 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.

The kind of information we hold about you

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

- The information you have provided to us in your curriculum vitae and covering letter.
- Where applicable, the information you have provided on our application form, including name, title, address, telephone number, personal email address, date of birth, gender, employment history, qualifications, visa requirements and citizenship, hobbies and interests.
- Any information you provide to us during an interview.
- University, college and diploma exam results and any other qualifications.

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

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions.
- Information about your health, including any medical condition, health and sickness records.
- Information about any extenuating circumstances relevant to your application.

- Information about criminal convictions and offences.

How is your personal information collected?

We may collect personal information about candidates from the following sources:

- You, the candidate.
- A recruitment agency, from which we collect the following categories of data: name, employment history, qualifications, salary expectations, home address, personal email address, contact telephone number. We will require that any recruitment agency that we use abides by our data protection requirements.
- Disclosure Scotland in respect of criminal convictions.
- Smartsearch online verification system provider, from which we collect the following categories of data: Name and address match, identity confirmed, Royal Mail confirmation, date of birth match, bank account match, Politically exposed person (PEP), Relative or close associate (RCA), Special interest person (SIP), Worldwide sanctions (SAN), Deceased Check and Potential Fraud Alert. Your named employment referees, from whom we request the following categories of data: employment history, salary upon leaving, reason for leaving, your former employer's view of your quality of work, productivity, attendance, punctuality, compatibility with peers, client relations, whether they consider you to be honest and trustworthy, absence over the last 12 months, parental leave taken, suitability for the post and whether or not they would reemploy you.
- Your named character referees, from whom we request the following categories of data: how long they have known you and in what capacity, your suitability for the post, your current state of health, whether they consider you to be honest and trustworthy and if they know of any reason why we should not offer you employment.

How we will use information about you

We will use the personal information we collect about you to:

- Assess your skills, qualifications, and suitability for the role.
- Carry out background and reference checks, where applicable.
- Communicate with you about the recruitment process.
- Keep records related to our hiring processes.
- Comply with legal or regulatory requirements.

It is in our legitimate interests to decide whether to appoint you to the role to meet business and staffing requirements.

Having received your CV and covering letter or your application form, we will then process that information to decide whether you meet the basic requirements to be shortlisted for the role. If you do, 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 role. If we decide to offer you the role, we will then take up references and may, in some cases, ask you to go through standard disclosure and a credit check before confirming your appointment.

If you fail to provide personal information

If you fail to provide 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. For example, if we require a credit check or references for this role and you fail to provide us with relevant details, we will not be able to take your application further.

How we use particularly sensitive personal information

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

- We will use information about your disability status to consider whether we need to provide appropriate adjustments during the recruitment process, for example whether adjustments need to be made during a test or interview.
- We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.

Information about criminal convictions

We may collect information about your criminal convictions history if we would like to offer you a position (conditional on checks and any other conditions, such as references, being satisfactory). We are required to carry out a criminal records check for certain roles in order to satisfy ourselves that there is nothing in your criminal convictions history which makes you unsuitable for the role. In particular:

- We are legally required by The Law Society of Scotland to carry out criminal record checks for those at operational head or partner level.
- We are required by the mortgage lenders panel to carry out criminal record checks for those working in Residential Conveyancing and Estate Agency.

We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data.

Automated Decision Making

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making

Data sharing

Why might you share my personal information with third parties?

We will only share your personal information with the recruitment agency that is representing you for the purposes of processing your application. 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.

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. Details of these measures may be obtained from the HR Department.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

Data retention

How long will you use my information for?

We will retain your personal information for a period of 12 months after we have communicated to you our decision about whether to appoint you to the role. We retain your personal information for that period so that we can show, in the event of a legal claim, that we have not 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 our data retention policy.

If we wish to retain your personal information on file, on the basis that a further opportunity may arise in 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.

Rights of access, correction, erasure, and restriction

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.
- **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 Iona Kelly, HR Director in writing.

Right to withdraw consent

By submitting an application to the firm, you provided consent to us processing your personal information for the purposes of the recruitment exercise. You have the right to withdraw your consent for processing for that purpose at any time. To withdraw your consent, please contact the HR Director or the HR Department. 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.

Data protection officer

We have an existing data protection officer (DPO) 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 DPO. 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.