

18 Week Support

Staff Privacy Notice – Candidates

Table of Contents

Key Summary	2
About us and this notice	3
Useful words and phrases	4
What information do we collect?	6
Why do we process your personal data?	8
How is processing your data lawful?	10
Who will have access to your personal data?	12
When will we delete your data?	13
Your rights	14

Key summary

We process your personal information in relation to your job application and for no other purpose. We use the information to assess your suitability for the role you have applied for and to fulfil our legal obligations to you and certain third parties.

This notice explains what data we process, why, how it is legal and your rights.

About us and this notice

This Privacy Notice is provided by 18 Week Support Limited (" or "we" or "us") who is a 'controller' for the purposes of the General Data Protection Regulation (EU) 2016/679. Our contact details are below, but if you need to contact us about this Privacy Notice or your personal data then we would encourage you in the first instance to contact our Data Protection Officer using the details provided further below.

- Address: 3rd Floor, 19-21 Great Tower Street, London, EC3R 5AR
- Telephone: +44 (0) 20 3869 8790
- Email: privacy@18weeksupport.com

This Privacy Notice applies to all candidates, whether applying to be employed by us or to provide contracted services to us, and whether or not you are applying for a clinical or non-clinical role. This Privacy Notice does not form part of any contract of employment or other contract to provide services.

We take your privacy very seriously. We ask that you read this Privacy Notice carefully as it contains important information about our processing and your rights.

If you would like this Privacy Notice in another format (for example: audio, large print, braille), please contact us.

Our Data Protection Officer

We have appointed a Data Protection Officer to monitor our compliance with data protection requirements and to act as a point of contact in relation to data protection. If you need to contact them about this Privacy Notice or anything else relating to your personal data, please use the details below:

- Amy Ford
- Kaleidoscope Consultants, East Side, Kings Cross, London, N1C 4AX
- +44 (0) 20 3637 1111
- dpo.18weeksupport@kaleidoscopeconsultants.com

Changes to this Privacy Notice

The Privacy Notice will be provided to you when you begin the application process with us. You can also contact us using the details above to request a copy at any time.

Current version: March 2021

Useful words and phrases

Please familiarise yourself with the following words and phrases (used in **bold**) as they have particular meanings in the **Data Protection Laws** and are used throughout this Privacy Notice:

Term	Definition
controller	This means any person who determines the purposes for which, and the manner in which, any personal data is processed .
criminal offence data	This means any information relating to criminal convictions and offences committed or allegedly committed.
Data Protection Laws	This means the laws which govern the handling of personal data . This includes the General Data Protection Regulation (EU) 2016/679, the Data Protection Act 2018 and further laws and statutory instruments relating to such legislation from time to time.
data subject	This means any identified or identifiable person.
ICO	This means the UK Information Commissioner's Office which is responsible for implementing, overseeing and enforcing the Data Protection Laws .
personal data	<p>This means any information relating to a data subject.</p> <p>This will include information such as telephone numbers, names, addresses, e-mail addresses, photographs and voice recordings. It will also include expressions of opinion and indications of intentions about data subjects (and their own expressions of opinion/intentions).</p> <p>It will also cover information which on its own does not identify someone but which would identify them if put together with other information which we have or are likely to have in the future.</p>
processing	<p>This covers virtually anything anyone can do with personal data, including:</p> <ul style="list-style-type: none">• obtaining, recording, retrieving, consulting or holding it;• organising, adapting or altering it;• disclosing, disseminating or otherwise making it available; and• aligning, blocking, erasing or destroying it.
processor	This means any person who processes the personal data on behalf of the controller .

Special categories of data

This means any information relating to:

- racial or ethnic origin;
- political opinions;
- religious beliefs or beliefs of a similar nature;
- trade union membership;
- physical or mental health or condition;
- sexual life or sexual orientation; or
- genetic data or biometric data for the purpose of uniquely identifying you.

What personal data do we collect?

➤ Information provided by you

As part of your employment by us, we collect the following information:

Personal data	Special categories of data
<ul style="list-style-type: none">• Name• Contact details (address, phone number, email address)• Date of birth• Country of birth• Marital status• National Insurance Number• Passport / right to work information• Vetting information, including:<ul style="list-style-type: none">○ Declaration under Rehabilitation of Offenders Act 1974 (<i>applicants for clinical roles only</i>)○ Confirmation of professional registration body status• Photographs• Employment history and references• CV and covering letter• Results of psychometric testing• Credit check information• Information provided to us during your interview• Professional qualifications• Expenses claims• Limited company details (<i>contractors only</i>)• Performance data, including:<ul style="list-style-type: none">○ Confirmation of key competencies (<i>applicants for nurse and midwife roles only</i>)○ KPIs and procedure numbers (<i>clinical consultants only</i>)	<ul style="list-style-type: none">• Medical health, including in respect of:<ul style="list-style-type: none">○ immunisation reports○ health questionnaires• Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions.

We may also collect information about criminal convictions and offences as part of our vetting checks where we are legally permitted to do so.

➤ **Personal information provided by third parties**

Criminal record agencies: If we do need to carry out a criminal record check we will receive information about you from such external agencies as we may work with from time to time. If the information provided by an external agency conflicts with the information you have provided us, we may ask you for further clarification.

Psychometric test agency: You may have carried out a psychometric test with an external agency as part of your application procedure with us. We will keep the test result as part of your basic staff records.

Occupational health: We may receive health and other data from occupational health where we refer you to those providers.

Previous employers: We may collect references and dates of employment from your previous employers.

Regulators: We may receive information from regulatory bodies (for example the Nursing and Midwifery Council) in relation to your registered status with those bodies and other information that they hold in their regulatory capacity.

Recruitment agencies: We may collect certain pieces of personal data listed above from recruitment agencies (where you are introduced to us by them), rather than directly from you.

Credit reference agencies: Where we run credit checks as part of the recruitment process, we will receive this information from a credit reference agency.

Background check provider: Certain data (for example your employment history) may be provided by both yourself and a background check provider (to verify the information you have given us).

➤ **Personal information about other individuals**

If you provide us with information about other individuals (e.g. your next of kin), you confirm that you have informed the relevant individuals accordingly.

Why do we process your personal data?

We use your **personal data** for the following purposes listed in this section. We are allowed to do so on certain legal bases (please see section 'How is processing your data lawful' for further detail in relation to these legal bases).

Purpose	Explanation	Legal Basis
Recruitment	<p>To assess your suitability for employment or engagement by us. In particular to:</p> <ul style="list-style-type: none">• 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 <p>This may include the processing of criminal offence data and special categories of data.</p>	Legitimate interests, Legal obligation, Employment, Regulatory Requirement
Equal Opportunities	<p>To promote and monitor equal opportunities. This might include the processing special categories of data including, religious or similar beliefs and ethnic origin.</p>	Legitimate interests, Substantial public interest (Equal opportunities)
Health and Safety	<p>To comply with health and safety laws and our policies, to ascertain your fitness for work in accordance with legal requirements, and to make appropriate adjustments during the recruitment process in respect of any disability you may have. This may include us processing special categories of data, such as details of your mental and physical health.</p>	Legitimate interests, Employment
Regulatory and Professional Requirements	<p>To comply with regulations and professional requirements to which we are subject, including where we are required to provide personal data to NHS Trusts or to regulators.</p>	Legal obligation

Visa information	<p>To ensure we fulfil our obligations to employ and engage only people with a right to work in the UK. This may</p> <p>involve obtaining personal data from the Home Office or other governments or bodies responsible for visas or migration globally. This may also involve us processing special categories of data, including your racial or ethnic origin.</p>	<p>Legal obligation, Employment</p>
Legal Claims	<p>To defend or establish a legal claim, for example in an employment tribunal. This may also involve us processing special categories of data, including information relating to your health.</p>	<p>Legitimate Interest, Legal Claims</p>

If you fail to provide information when requested, which is necessary for us 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 are legally required to carry out a criminal record check for this role and you fail to provide us with relevant details, we will not be able to take your application further.

How is processing your personal data lawful?

Personal data

We are allowed to **process** your **personal data** for the following reasons and on the following legal bases:

➤ **Legitimate Interests**

We are permitted to **process** your **personal data** if it is based on our 'legitimate interests' i.e. we have good, sensible, practical reasons for **processing** your **personal data** which is in our interests. To do so, we have considered the impact on your interests and rights, and have placed appropriate safeguards to ensure that the intrusion on your privacy is reduced as much as possible. The table in the section "Why do we process your personal data" explains the **personal data processed** on this basis.

You can object to **processing** that we carry out on the grounds of legitimate interests. See the section headed "[Your Rights](#)" to find out how.

➤ **Legal obligation**

We are subject to legal obligations to **process** your **personal data** for the purposes of complying with applicable regulatory, accounting and financial rules, health and safety and to make mandatory disclosures to government bodies and law enforcements. If you do not provide your **personal data** to us, we may be prevented from complying with our legal obligations.

Special categories of personal data

We are allowed to **process** your **special categories of personal data** where we have a legal basis for doing so (as per the above) and where we meet one or more certain conditions:

➤ **Employment**

We need to **process** your **personal data** to carry out our obligations as a potential employer, for example, ensuring that you have a legal right to work in the United Kingdom.

➤ **Legal claims**

We need to **process** your **personal data** if we are required to **process** your **personal data** to defend or establish a legal claim, for example, for employment tribunals relating to employment claims under employment law. We may also be required to **process** ethics data as required by law.

➤ **Substantial public interest**

We may need to **process** your **personal data** where it is in the substantial interests of the public. There are a number of specified interests in the **Data Protection Laws**. One such interest is 'equality of opportunity or treatment', which we may rely on for the purposes of carrying out equal opportunities monitoring.

➤ **Regulatory requirement**

We may need to process your **criminal offence data** to carry out a criminal record check where we have a regulatory requirement to do so.

Who will have access to your personal data?

The table below lists some of the categories of third parties that act as our **processors** and who will have access to your **personal data**. If you would like to know the names of our other service providers (e.g. our enterprise IT providers), please contact us using the details at the start of this Privacy Notice.

Who information is shared with
Recruitment agents (where you have been introduced to us by an agent)
Occupational health provider
Regulatory bodies, e.g. the CQC
Confidential waste disposal provider
NHS Trusts

Transfers of your personal data outside the UK and the EEA

We do not routinely transfer **personal data** outside of the UK, however we may do so in some circumstances, for example where our service providers are based or **process** data outside the UK.

Any transfer of your data will be carried out in accordance with the law to safeguard your privacy rights and give you remedies in the unlikely event of a security breach or to any other similar approved mechanisms. If you want to know more about how data is transferred, please contact us using the details in the section above.

How we keep your personal data secure

We strive to implement appropriate technical and organisational measures in order to protect your **personal data** against accidental or unlawful destruction, accidental loss or alteration, unauthorised disclosure or access and any other unlawful forms of **processing**. We aim to ensure that the level of security and the measures adopted to protect your **personal data** are appropriate for the risks presented by the nature and use of your **personal data**. We follow recognised industry practices for protecting our IT environment and physical facilities.

When will we delete your data?

Where you are successful in your application, your **personal data** will be processed and retained in accordance with the relevant privacy notice for employees, workers and contractors (clinical or non-clinical). If you are unsuccessful in your application, we will generally retain your **personal data** and **special categories of data** for six months from the date we inform you of your unsuccessful application. The following categories of **personal data** and **special categories of data** have different retention periods.

<u>Personal data/Special categories of data</u>	<u>Retention period</u>
Any reportable accident, death or injury in connection with work	Three years from the date the report was made
Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions	Only so long as necessary for the discrete equal opportunities monitoring exercise.

Your rights

As a **data subject**, you have the following rights under the **Data Protection Laws**:

- the right to object to **processing** of your **personal data**;
- the right of access to **personal data** relating to you (known as data subject access request);
- the right to correct any mistakes in your information;
- the right to restrict your **personal data** being **processed**;
- the right to have your **personal data** ported to another **controller**;
- the right to withdraw your consent (note this does not apply, as we do not rely on your consent for any **processing**);
- the right to erasure; and
- rights in relation to automated decision making (note this does not apply, as we do not use automated decision making).

These rights are explained in more detail below. If you want to exercise any of your rights, please contact us (please see "How to contact us").

We will respond to any rights that you exercise within a month of receiving your request, unless the request is particularly complex, in which case we will respond within three months.

Please be aware that there are exceptions and exemptions that apply to some of the rights which we will apply in accordance with the **Data Protection Laws**.

➤ [Right to object to processing of your personal data](#)

You may object to us **processing** your **personal data** where we rely on a legitimate interest as our legal grounds for **processing**.

If you object to us **processing** your **personal data** we must demonstrate compelling grounds for continuing to do so. We believe we have demonstrated compelling grounds in the section headed "[How is processing your personal data lawful](#)".

➤ [Right to access personal data relating to you](#)

You may ask to see what **personal data** we hold about you and be provided with:

- a copy of the **personal data**;
- details of the purpose for which the **personal data** is being or is to be **processed**;
- details of the recipients or classes of recipients to whom the **personal data** is or may be disclosed, including if they are overseas and what protections are used for those overseas transfers;
- the period for which the **personal data** is held (or the criteria we use to determine how long it is held);
- any information available about the source of that data; and
- whether we carry out any automated decision-making, or profiling, and where we do information about the logic involved and the envisaged outcome or consequences of that decision or profiling.

To help us find the information easily, please provide us as much information as possible about the type of information you would like to see.

➤ [Right to correct any mistakes in your information](#)

You can require us to correct any mistakes in your information which we hold. If you would like to do this, please let us know what information is incorrect and what it should be replaced with.

➤ [Right to restrict processing of personal data](#)

You may request that we stop **processing** your **personal data** temporarily if:

- you do not think that your data is accurate. We will start **processing** again once we have checked whether or not it is accurate;
- the **processing** is unlawful but you do not want us to erase your data;
- we no longer need the **personal data** for our **processing**, but you need the data to establish, exercise or defend legal claims; or
- you have objected to **processing** because you believe that your interests should override our legitimate interests.

➤ Right to data portability

You may ask for an electronic copy of your **personal data** which we hold electronically and which we **process** when we have entered into a contract with you. You can also ask us to provide this directly to another party.

➤ Right to withdraw consent

We do not rely on your consent to **process** your **personal data**, so this right does not apply to you.

➤ Right to erasure

You can ask us to erase your **personal data** where:

- you do not believe that we need your data in order to **process** it for the purposes set out in this Privacy Notice;
- you object to our **processing** and we do not have any legitimate interests that mean we can continue to **process** your data; or
- your data has been **processed** unlawfully or have not been erased when it should have been.

➤ Rights in relation to automated decision making

We do not make any automated decisions about you so these rights do not apply.

What will happen if your rights are breached?

You may be entitled to compensation for damage caused by contravention of the **Data Protection Laws**.

Complaints to the regulator

It is important that you ensure you have read this Privacy Notice - and if you do not think that we have **processed** your data in accordance with this notice - you should let us know as soon as possible. You may also complain to the **ICO**. Information about how to do this is available on its website at www.ico.org.uk.