



## **JOB, VOLUNTEER AND PLACEMENT APPLICANT PRIVACY NOTICE**

### **Employment and Volunteer Roles**

The Trust is aware of its obligations under the General Data Protection Regulation (GDPR) and is committed to processing your data securely and transparently. This privacy notice sets out in line with GDPR, the types of data that we collect and hold on you as a job, volunteer or placement applicant. It also sets out how we use that information, how long we keep it for and other relevant information about your data.

#### **Data controller details**

York Archaeological Trust for Excavation and Research Limited ("The Trust") is a data controller, meaning that it determines the processes to be used when using your personal data.

Our registered Office address is 47 Aldwark, York YO1 7BX

#### **Data protection principles**

In relation to your personal data we will:

- process it fairly, lawfully and in a clear, transparent way;
- collect your data only for reasons that we find proper for the course of your employment, volunteering or placement in ways that have been explained to you;
- only use it in the way that we have told you about;
- ensure it is correct and up to date;
- keep your data for only as long as we need it;
- process it in a way that ensures it will not be used for anything that you are not aware of or have consented to, lost or destroyed.

#### **Types of data we process**

We hold many types of data about you which may include the following:

- your personal details including your name, address, email address and phone numbers;
- information included on your CV or application form, including date of birth, references, education history, qualifications and employment history;
- documentation relating to your right to work in the UK;
- whether or not you have a disability;
- any criminal record details.

#### **How we collect your data**

We collect data about you in a variety of ways including the information you would normally include in a CV or a job or volunteering/placement application form, cover letter, or notes made by our managers during interview.

Further information will be collected directly from you when you complete forms at the start of your employment, volunteering or placement, for example your bank and next of kin details. Other details may be collected directly from you in the form of official documentation

such as your driving licence, passport or other right to work or volunteer in the UK documents.

In some cases we will collect data about you from third parties, such as employment agencies, volunteer/placement application/records management organisations (such as Better Impact) former employers, teachers or contacts when gathering references, credit reference agencies, background checking agencies or the Disclosure and Barring Service.

Personal data is kept in personnel files within the Trust's HR department or the volunteering or placement management, IT systems and systems operated by volunteer/placement application/records management organisations (such as Better Impact).

### **Why we process your data**

The law on data protection allows us to process your data for certain reasons only as follows:

- in order to perform the employment contract that we are party to;
- in order to perform the volunteering or placement relationship;
- in order to carry out a legal obligation;
- in order for us to carry out our legitimate interests;
- with your consent;
- to protect your vital interests;
- for a public task.

All of the processing carried out by us falls into one of the permitted reasons. Generally, we will rely on the first four reasons set out above to process your data.

In particular we need to collect and use your data to ensure we are complying with legal requirements such as:

- carrying out checks in relation to your right to work, volunteer or undertake a placement in the UK ([www.gov.uk/check-job-applicant-right-to-work](http://www.gov.uk/check-job-applicant-right-to-work));
- meeting our obligations under Parts 2 and 5 the Equality Act 2010;
- meeting our obligations under part 4 National Minimum Wage Regulations 2015

We also collect and use your data so that we can carry out activities which are in the legitimate interests of the Trust as follows:

- assessing your skills, qualifications, and suitability for the role;
- undertaking the assessment process including long-listing, shortlisting and inviting you for interviews;
- communicating with you about the assessment process;
- making decisions about who to offer employment or a volunteering/placement to;
- making decisions about salary and other benefits for employees;
- assessing training needs;
- dealing with legal claims made against us;
- carrying out background and reference checks, where applicable;
- keeping records relating to our hiring processes.

We use volunteer/placement application/records management organisations (such as Better Impact) to accept and record volunteer/placement applications and/or expressions of interest and to maintain records related to the volunteer/placement engagement and/or create volunteer rotas and/or track volunteer hours.

If you are unsuccessful in obtaining employment or a volunteering role or placement, your data will not be used for any reason other than in the ways explained in relation to the specific application you have made. Your information will be held for 6 months and then destroyed.

Occasionally if you are unsuccessful in obtaining employment, a volunteering role or placement we will seek your consent to retain your data in case other suitable job, volunteering or placement vacancies arise in the Trust.

### **Special categories of data**

Special categories of data which we may collect during the assessment process for the purposes of monitoring may include:

- health
- gender/sex
- race
- ethnic origin
- religion
- sexual orientation

We must process special categories of data in accordance with more stringent guidelines. Most commonly, we will process special categories of data when the following applies:

- you have given explicit consent to the processing;
- we must process the data in order to carry out our legal obligations;
- we must process data for reasons of substantial public interest;
- you have already made the data public.

We will use your special category data:

- for the purposes of equal opportunities monitoring;
- to provide reasonable adjustments for disabled employees, volunteers or placements;
- to carry out checks in relation to your right to work or volunteer in the UK;
- to meet any employment law obligations.

We do not need your consent if we use special categories of personal data in order to carry out our legal obligations or exercise specific rights under employment law. However, we may ask for your consent to allow us to process certain particularly sensitive data. If this occurs, you will be made fully aware of the reasons for the processing. As with all cases of seeking consent from you, you will have full control over your decision to give or withhold consent and there will be no consequences where consent is withheld. Consent, once given, may be withdrawn at any time. There will be no consequences where consent is withdrawn.

### **Criminal conviction data**

We will only collect criminal conviction data where it is appropriate given the nature of your role and where the law permits us. This data will usually be collected after the assessment stage when your offer will be made subject to a satisfactory DBS check, however it may also be collected during your employment, volunteering role or placement.

### **If you do not provide requested data**

One of the reasons for processing your data is to allow us to carry out an effective recruitment, volunteering or placement application process. Whilst you are under no

obligation to provide us with requested data, we may not be able to process, or continue with your application without it.

### **Sharing your data**

Your data will be shared with colleagues within the Trust where it is necessary for them to undertake their duties with regard to recruitment or application. This includes, for example, the HR department, the Volunteer Management department, other managers responsible for screening your application and interviewing you and the IT department if access to our systems is required to carry out assessments.

Your data will be shared with third parties if you are successful in your application. In these circumstances, we will share your data in order to obtain references as part of the recruitment or volunteer/placement application process or to obtain a criminal records check.

We collect and share volunteer/placement data with Better Impact software systems. Better Impact are joint controllers of your personal data and their privacy notice can be found at [www.betterimpact.com/siteguide/privacy-policy](http://www.betterimpact.com/siteguide/privacy-policy).

### **Transferring information outside the EU**

Personal Data shared with Better Impact will be stored in Canada. The European Commission have determined Canada to be favourable for data storage. More information can be found out about Better Impact's own Privacy Policy at [www.betterimpact.com/siteguide/privacy-policy](http://www.betterimpact.com/siteguide/privacy-policy)

Except for Better Impact we will only transfer your personal data outside the European Economic Area (EEA) if:

- a. you specifically ask us to do so;
- b. the data is contained on a mobile device that is taken outside the EEA to enable us to maintain contact with you and we will ensure that it only processed in accordance with the rules applicable within the UK and maintain the same level of security

If we transfer data outside of the EEA at your request you will need to ensure that any country outside of the EEA have sufficient safeguards to protect your data.

Should any third party request the transfer of your data outside of the EEA will advise you of this at the time so that you can decide whether or not the information may be passed to them. Before making that decision you should make yourself aware of what safeguards are in place to protect your data.

If you were to become an employee, volunteer or take up a placement with the Trust, we will only very rarely have reason to share data with organisations outside the EEA. You will be made aware if this were to occur. We will be

### **Protecting your data**

We are aware of the requirement to ensure your data is protected against accidental loss or disclosure, destruction and abuse. We have taken measures to guard against such occurrences.

Where we share your data with third parties, we only do so where we believe that they will hold your data securely and in line with GDPR requirements. Third parties must implement appropriate technical and organisational measures to ensure the security of your data.

### **Keeping your data**

In line with data protection principles we only keep your data for as long as we need it.

If your application is not successful and we have not sought consent or you have not provided consent upon our request to keep your data for the purpose of future suitable job, volunteer or placement vacancies, we will keep your data for 6 months once the assessment exercise ends.

If we have sought your consent to keep your data on file for future roles, and you have provided consent, we will keep your data for up to one year or other specified time once the assessment exercise ends. At the end of this period, we will delete or destroy your data, unless you have already withdrawn your consent to our processing of your data in which case it will be deleted or destroyed upon your withdrawal of consent.

If your application is successful, your data will be kept and transferred to the systems we administer for employees, volunteers or placements. We have a separate privacy notice for employees and for volunteers and placements, which will be provided to you.

Please be aware that personal information stored with Better Impact by you or by us on your behalf will be stored on the Better Impact system will be held and retained in accordance with their Privacy Policy [www.betterimpact.com/siteguide/privacy-policy](http://www.betterimpact.com/siteguide/privacy-policy). If you do not log into your Better Impact account information is deleted by Better Impact after set periods of time (usually around 2-5 years). You can contact Better Impact via their Privacy Policy link to have your information deleted earlier than this.

### **Automated decision making**

No decision will be made about you solely on the basis of automated decision making.

(An automated decision is a decision taken about you using an electronic system without human involvement)

### **Your rights in relation to your data**

The law on data protection gives you certain rights in relation to the data we hold on you. These are:

- the right to be informed;
- the right of access;
- the right for any inaccuracies to be corrected;
- the right to have information deleted;
- the right to restrict the processing of the data. For example, if you believe the data we hold is incorrect, we will stop processing the data (whilst still holding it) until we have ensured that the data is correct;
- the right to portability. You may transfer the data that we hold on you for your own purposes;
- the right to object to the inclusion of any information. You have the right to object to the way we use your data when we are using it for our legitimate interests;
- the right to regulate any automated decision-making and profiling of personal data. You have a right not to be subject to automated decision making in way that adversely affects your legal rights.

Where you have provided consent to our use of your data, you also have the unrestricted right to withdraw that consent at any time. Withdrawing your consent means that we will stop processing the data that you had previously given us consent to use. There will be no consequences for withdrawing your consent. However, in some cases, we may continue to use the data where so permitted if we have a legitimate reason for doing so.

### **Making a complaint**

You should initially approach Jill Tinsley, HR Manager at the Trust if you have a query or complaint about employee data, or Helen Harris Head of Volunteering, if you have a query about volunteer or placement data. You may also contact our Data Protection Controller Gill Gimes, Chief Financial Officer [ggimes@yorkat.co.uk](mailto:ggimes@yorkat.co.uk) 01904 663008

In addition if you think your data protection rights have been breached in any way by us, you may make a complaint to the Information Commissioner (ICO), the supervisory authority in the UK for data protection matters ([www.ico.org.uk](http://www.ico.org.uk))