

PRIVACY NOTICE FOR CANDIDATES

1. Interpretation

1.1. For the purpose of this document:

1.1.1. “Society” means The Midcounties Co-operative Limited, a registered society under the Co-operative and Community Benefit Societies Act 2014, with reg. no. 19025R (also referred to as “we”, “us”, “our” and “ours”);

1.1.2. “Candidates” means anyone who applies for employment or other engagement with the Society;

1.1.3. “Personal Data” means any information which relates to an individual and from which that person can be identified (“data subject”) on its own or when taken together with other information which is likely to come into the Society’s possession. It includes any expression of opinion about the person and an indication of the intentions of the Society or others in respect of that person. It does not include data where, for example, the identity has been removed (anonymised data), or data from which an individual cannot be identified, or data which includes a reference to an individual but is not actually ‘about’ that individual; and

1.1.4. “Processing” means doing anything with the data, such as collecting, organising, accessing, holding, storing, disclosing, adapting, destroying, erasing or using the data in any way. This includes processing personal data which forms part of a filing system and any automated processing.

2. About this Privacy Notice

2.1. The Society takes the privacy and security of Candidates’ Personal Data seriously. This Privacy Notice describes how we collect, hold and use Personal Data about you and explains your rights as a data subject.

2.2. The Society intends to comply with its legal obligations under the General Data Protection Regulation (“GDPR”) and the United Kingdom (“UK”) Data Protection Act 2018, together with any other replacement law applicable to the protection of Personal Data in effect from time to time (“Data Protection Legislation”).

2.3. The Society will be what is known as the “data controller” of the Personal Data that you, as a Candidate, provide to us. This means that we are responsible for deciding how we hold and use your Personal Data.

2.4. We are required under Data Protection Legislation to notify you of the information contained in this Privacy Notice. If you accept employment with or are otherwise

engaged by the Society we will, of course, collect more Personal Data about you and make other uses of your Personal Data – this will be explained to you as part of the induction and on-boarding process.

2.5. Your Personal Data may be shared with third parties; this is explained in more detail in section 13. of this Notice.

3. Data Protection Principles

3.1. We will comply with the data protection principles under Data Protection Legislation, which say that Personal Data must be:

- 3.1.1. Used lawfully, fairly and in a transparent way;
- 3.1.2. Collected and processed only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those stated purposes;
- 3.1.3. Adequate and relevant to the purposes we have told you about and limited only to those purposes for which it is processed;
- 3.1.4. Accurate and kept up to date;
- 3.1.5. Kept only as long as necessary for the purposes we have told you about; and
- 3.1.6. Kept securely.

4. How is your Personal Data collected?

4.1. We collect Personal Data about Candidates in the course of a recruitment process. Some of this Personal Data is collected directly from you (for example, in the forms that you are asked to complete when registering on our recruitment portal, or in interviews, or through the completion of tests).

4.2. Other Personal Data may be provided to us by third parties, for example recruitment agencies, referees and educational institutions, including third party service providers or publicly available sources for the following reasons:

- 4.2.1. To comply with anti-money laundering regulations
- 4.2.2. To carry out background checks
- 4.2.3. To protect our business and comply with our legal, regulatory and security obligations.

5. What types of Personal Data do we hold about you?

5.1. We may collect, store and use the following categories of Personal Data about Candidates (subject to limitations under applicable law):

- 5.1.1. Basic information about yourself, such as name, title, contact details (including address, telephone and personal email address), date of birth and any other Personal Data provided to verify your identity;
- 5.1.2. Information regarding your employment and educational history, any role or roles for which you are applying or being considered for and your relevant personal interests, attributes and career aspirations and plans;
- 5.1.3. Other information about yourself that you provide in a CV or similar document and covering letter;
- 5.1.4. Responses from online assessments you complete during the application process; and
- 5.1.5. In the event that you attend an interview, CCTV/security camera footage and other information obtained through electronic means such as access card records/logs.

5.2. We may also collect, store and use “special categories” of Personal Data about Candidates (subject to limitations under applicable law), for example:

- 5.2.1. Information about Candidates’ racial or ethnic origin, age, gender, religious or other philosophical beliefs, sexual orientation and disability; and/or

5.3. Information about Candidates’ health, including any medical condition and disability status.

6. Why do we process special categories of Personal Data?

6.1. As indicated in section 5. above, we may also process special categories of Personal Data, such as information about:

- 6.1.1. Candidates’ physical and mental health, to consider whether we may need to make appropriate adjustments during the recruitment process, for example for you to attend an interview or a test; or later on if you are offered the role, so that we can comply with our legal obligations, as employers, in relation to monitoring sickness absences, and pay statutory sick pay; and
- 6.1.2. Diversity data, for example age, ethnicity, sexuality or religious beliefs as part of our equal opportunities monitoring programme. If you want to know more

about the Society's commitment to equality, please click here:

<https://www.midcounties.coop/who-are-we/values-in-action/>

6.1.3. The Society will only process Candidates' special categories of Personal Data in compliance with Data Protection Legislation. This means that Processing is necessary:

6.1.3.1. for the purposes of carrying out our obligations as an employer, and exercising specific rights as data controller in relation to your employment;

6.1.3.2. for the establishment, exercise or defence of legal claims between you and the Society;

6.1.3.3. for the purposes of preventive or occupational health and for the assessment of Candidates' working capacity (where applicable).

6.1.4. If at any time we intend to use your special categories of Personal Data for any other purposes than those specified above, we will seek your explicit consent to do so.

7. Why do we collect information about criminal records?

7.1. The Processing of data subjects' Personal Data relating to criminal convictions and offences is regulated separately under Data Protection Legislation, and is therefore not included in a special category of Personal Data, but similar rules apply.

7.2. As an employer, we can check Candidates' criminal records no matter what role they apply for. This is called making a Disclosure and Barring Service (DBS) check.

7.3. We will collect this information if we decide to offer you a role (conditional on other checks and conditions, such as references, being satisfactory), to satisfy ourselves that there is nothing in your criminal records which makes you unsuitable for the role.

7.4. For certain roles, we may need to request a more detailed ("enhanced") DBS check; this is because such roles require a high degree of trust and integrity, and so we need to ensure we have met our legal obligations as an employer.

7.5. Broadly speaking, for any roles which involve the safeguard of children and vulnerable adults we are entitled, and legally obliged to, request enhanced checks with the Disclosure and Barring Service. There is a comprehensive list of these roles in the Rehabilitation of Offenders Act 1974 (Exceptions) Order (<http://www.legislation.gov.uk/ukxi/1975/1023/contents/made>).

7.6. Within the Society, this applies to a variety of roles, for example:

- 7.6.1. pharmacists in our Healthcare business
- 7.6.2. any roles in our Childcare nurseries
- 7.6.3. roles which require Candidates to apply for a personal licence within our licensed premises (eg. sale of alcohol and tobacco in our Food stores)
- 7.6.4. roles in our Post Offices which involve the handling of significant sums of money
- 7.6.5. roles in our Energy business which involve the Processing of customers' SMART meter records, ie. giving employees access to both Personal Data and special categories of Personal Data.

8. Why do we need your Personal Data, and how do we use it?

8.1. Generally you should assume that, if we ask you for any of your Personal Data, we need it for recruitment purposes. In some cases we may not be able to consider your application if you cannot provide the information that we request. For example, we will need to:

- 8.1.1. Assess your skills, qualifications and suitability for the role you have applied for
- 8.1.2. Communicate with you about your application, or the recruitment process
- 8.1.3. Monitor and improve our recruitment processes
- 8.1.4. Monitor equality of opportunities for all Candidates
- 8.1.5. Send you job alerts by email.

8.2. Once we receive your CV, any covering letter, your application form and the results from any tests taken, we will process your Personal Data 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 Personal Data 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 take up references about you and, if appropriate, carry out checks on your criminal records or any other relevant checks before confirming your appointment.

8.3. There may be occasions where we need this information to comply with a legal obligation, eg. to ensure you are allowed to work in the UK, or in the course of legal proceedings between you and the Society.

8.4. Where providing your Personal Data to us is entirely optional, and does not affect your job application, we will let you know if this is the case.

9. What happens if my application is unsuccessful?

9.1. If you are unsuccessful in your application, we will continue to retain your Personal Data for a period of 12 months (the “Initial Period”), and use it to assess your suitability for future positions and roles with the Society.

9.2. If we think it could be beneficial, to assist you in your job search, to retain your Personal Data for longer than the Initial Period, we will contact you to seek your explicit consent.

9.3. Please note that you have the right to withdraw your consent at any time during the Initial Period, and at any other time after that. More information about withdrawing your consent is provided in section 11. below.

10. Will you always ask for my consent?

10.1. We are entitled to use, disclose and otherwise process Candidates' Personal Data because we need to do so for the purposes set out in this Privacy Notice.

10.2. When you register on our recruitment portal, you explicitly accept the terms defined in this Privacy Notice in relation to the Processing of your Personal Data as well as the Terms & Conditions relating to the use of the recruitment portal, and therefore we don't need to seek consent from you.

11. Right to withdraw consent

11.1. In the limited circumstances where you may have provided to us your consent to the Processing of your Personal Data for a specific purpose, you have the right to withdraw your consent for that specific Processing at any time.

11.2. To withdraw your consent, either during the Initial Period or any other time after that, please contact the Society's Data Protection Manager.

11.3. Once we have received notification that you have withdrawn your consent, we will no longer process your Personal Data for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

12. What if I fail to provide personal information?

- 12.1. If you fail to provide your Personal Data when requested, which is necessary for us to consider your application (such as evidence of qualifications or work history), we may not be able to process your application successfully.

13. Will you change the reason you collect, use or retain Personal Data?

- 13.1. We will only use your Personal Data 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.
- 13.2. If we need to use your Personal Data for a different purpose, we will contact you to explain the legal basis which allows us to do so. In certain circumstances, you may have the right to object to the Processing of your Personal Data. More information about your individual rights in relation to your Personal Data is provided in section 20. below.
- 13.3. However, we may process your Personal Data without your knowledge or consent, in compliance with this Privacy Notice, where this is required or permitted by Data Protection Legislation.

14. Automated decisions-making

- 14.1. In line with our obligations under Data Protection Legislation, you will not be subject to a decision based solely on automated decisions-making. This applies where the decision would significantly affect you, for example a decision on whether or not to shortlist you for a role.

15. Data sharing

- 15.1. Subject to applicable law, the Society may disclose Candidates' Personal Data, where reasonably necessary, for the various purposes set out in this Privacy Notice, to the following recipients:
- 15.1.1. Recruitment agencies working with us in relation to your potential recruitment;
 - 15.1.2. Other service providers Processing Candidates' Personal Data on our behalf in the course of supporting our business and operations;
 - 15.1.3. A person or entity who takes over our business and assets, or relevant parts of them;
 - 15.1.4. Any third parties to whom the Society is required to disclose Personal Data to by law or regulatory requirement (including litigation counterparties); and

15.1.5. Competent regulatory and prosecuting authorities, such as law enforcement agencies or relevant public bodies.

15.2. We may also disclose to your referees the fact that you are applying to work with us, when we contact them to obtain references about you.

16. How secure is my Personal Data with third-party service providers?

16.1. All our third-party service providers are required to take appropriate security measures to protect your Personal Data.

16.2. We do not allow our third-party service providers to use your Personal Data for their own purposes, and we only permit them to process your Personal Data for specified purposes and in accordance with our instructions.

17. Transferring data outside the European Economic Area

17.1. The disclosures of Candidates' Personal Data may involve international transfers, including transfers to countries outside the European Economic Area which do not have data protection laws as strict as those in the UK (such as the United States of America ("US")).

17.2. In these cases, where we transfer Candidates' Personal Data to third party service providers acting on our behalf, we do so in compliance with applicable law and we will ensure a similar degree of protection is afforded to the Personal Data by ensuring that at least one of the following safeguards is implemented:

17.2.1. We will only transfer Candidates' Personal Data to countries that have been deemed to provide an adequate level of protection for Personal Data by the European Commission.

17.2.2. Where we use certain service providers, we may use specific contracts approved by the European Commission which give Personal Data the same protection it has in Europe.

17.2.3. Where the third parties are based in the US, we may either use the above contracts approved by the European Commission or we may transfer data to them if they are part of the EU-US Privacy Shield which requires them to provide similar protection to Personal Data shared between Europe and the US.

17.3. Please contact the Society's Data Protection Manager if you want further information about the specific mechanism we will use if we are to transfer your Personal Data outside of the EEA.

18. Data security

- 18.1. In line with Data Protection Legislation, we have put in place appropriate security measures to prevent your Personal Data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.
- 18.2. In particular, we use an industry recognised, cloud-based online recruitment platform provided by Eploy (registered as ITS Software Systems Ltd) which stores your Personal Data on a dedicated hosting platform, compliant with SAS70 and ISO27001 standards for optimum security.
- 18.3. In addition, we limit access to your Personal Data to those employees, agents, contractors and relevant other third parties on a need-to-know basis. They will only process your Personal Data on our instructions, and they are subject to a duty of confidentiality.
- 18.4. Should a breach of Personal Data occur in respect of Candidates' Personal Data, we have a legal obligation to keep accurate records of this type of incidents, and keep demonstrable evidence of data breaches.
- 18.5. In certain circumstances when a breach is likely to result in a risk to the rights and freedoms of individuals, then we will also notify the Information Commissioner's Office ("ICO") within 72 hours of us becoming aware of the breach.

19. Data retention and disposal

19.1. How long will you retain my Personal Data for?

- 19.1.1. We will generally retain Personal Data for as long as it is necessary for the purposes for which it is being processed. This means, for example:
- 19.1.1.1. throughout the recruitment process and, subject to applicable law, after the process ends either because you are employed or otherwise engaged by us (in which case your Personal Data will be retained for the duration of your employment and for a subsequent 6 years after you have left employment with us);
- 19.1.1.2. or, if your application is withdrawn or unsuccessful (in which case we will retain your Personal Data for 12 months), in case:
- 19.1.1.2.1. you apply to work for us again (or a suitable position within the Society becomes available); or
- 19.1.1.2.2. a recruitment-related dispute arises between you and the Society.

19.2. When will my Personal Data be deleted from your records?

19.2.1. Subject to applicable law and our policies, we will delete or anonymise or restrict/discontinue the Processing of your Personal Data when it is no longer needed.

19.2.2. If we intend to retain your Personal Data on file for a longer period of time than that specified in this Privacy Notice, on the basis that a further opportunity may arise within that time and we may wish to consider you for that, or to comply with regulatory or statutory obligations under the law, we will write to you to let you know or to seek your explicit consent, when we are required to do so under the law.

19.2.3. As a general principle, we do not retain Candidates' Personal Data (except in anonymised/statistical form) for longer than we need it, given the purposes for which it is held.

20. Your rights – Access, Correction, Erasure and Restrictions

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

20.1.1. Request access to your Personal Data (commonly known as a “data subject access request”). This enables you to receive details of the Personal Data we hold about you and to check that we are lawfully Processing it.

20.1.2. Request correction of the Personal Data that we hold about you. This enables you to have any incomplete or inaccurate Personal Data we hold about you corrected.

20.1.3. Request the erasure of your Personal Data. This enables you to ask us to delete or remove your Personal Data where there is no good reason for us continuing to process it.

20.1.4. You also have the right to ask us to stop Processing your Personal Data 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.

20.1.5. Request the restriction of Processing of your Personal Data. This enables you to ask us to suspend the Processing of your Personal Data, for example if you want us to establish its accuracy or the reason for Processing it.

20.1.6. Request the transfer of your Personal Data to another party (this is known as “data portability”).

20.2. If you want to review, verify, correct or request erasure of your Personal Data, object to the Processing of your Personal Data, or request that we transfer a copy of your Personal Data to another party, please contact the Society's Data Protection Manager.

20.3. You can find more information about your rights in respect of your Personal Data on the ICO's website: <https://ico.org.uk/your-data-matters/>.

21. Breaches of Data Protection Principles

21.1. If you consider that this Privacy Notice, including the data protection principles, has not been followed in respect of Personal Data about yourself or others, you should raise the matter with the Society's Data Manager.

22. Who to contact

22.1. If you have a question or a complaint about this Privacy Notice or the way your Personal Data is processed, or you wish to exercise any of your individual rights in respect of the Processing of your Personal Data, please contact the Society's Data Protection Manager:

a) By post - Data Protection Manager, Secretariat Group, The Midcounties Co-operative, Co-operative House, Warwick Technology Park, Warwick CV34 6DA

b) By email - data-protection@midcounties.coop

c) By telephone - 01926 516 007.

22.2. If you need further information about the Society's recruitment processes, please contact the Society's HR department at:

a) By email – hradvice@midcounties.coop

b) By telephone – 0845 099 6000

22.3. You also have the right to contact the ICO if you have a complaint, or if are not happy about the way we have processed your Personal Data. You can find more details on the ICO's website: <https://ico.org.uk/make-a-complaint/your-personal-information-concerns/>

23. Changes to this Privacy Notice

23.1. We will review this Privacy Notice as often as necessary, and at least annually, to ensure it remains relevant and compliant with applicable legislation.

- 23.2. We may change this Privacy notice from time to time and, if changes are significant, we will provide Candidates with a more prominent notice on our recruitment portal.