



## **GDPR Privacy Notice for Potential Employees**

Data controller (“the Company”): All companies collectively known as The Lulworth Estate including:

Lulworth Castle Farms; Lulworth Heritage Ltd; Lulworth Landscapes Ltd; Lulworth Leisure; The Trustees of the Weld 1994 Settlement; The Trustees of the Weld Estate; Weld Enterprises Ltd and any other businesses operated by James Weld, Sara Weld and / or Eleanor Weld.

Controller’s representative: James Weld

Data protection contact: Sue Raywood

### **Introduction**

The Company collects and processes personal information, or personal data, relating to its employees, workers and contractors to manage the working relationship. This personal information may be held by the Company on paper or in electronic format.

The Company is committed to being transparent about how it handles your personal information, to protecting the privacy and security of your personal information and to meeting its data protection obligations under the General Data Protection Regulation (“GDPR”) and the Data Protection Act 2018. The purpose of this privacy notice is to make you aware of how and why we will collect and use your personal information both during and after your working relationship with the Company. We are required under the GDPR to notify you of the information contained in this privacy notice.

This privacy notice applies to all applicants for posts at the Lulworth Estate, including speculative applicants. It is non-contractual and does not form part of any employment contract, casual worker agreement, consultancy agreement or any other contract for services.

### **Data protection principles**

Under the GDPR, there are six data protection principles that the Company must comply with. These provide that the personal information we hold about you must be:

1. Processed lawfully, fairly and in a transparent manner.
2. Collected only for legitimate purposes that have been clearly explained to you and not further processed in a way that is incompatible with those purposes.
3. Adequate, relevant and limited to what is necessary in relation to those purposes.

4. Accurate and, where necessary, kept up to date.
5. Kept in a form which permits your identification for no longer than is necessary for those purposes.
6. Processed in a way that ensures appropriate security of the data.

The Company is responsible for, and must be able to demonstrate compliance with, these principles. This is called accountability.

### **What types of personal information do we collect about you?**

Personal information is any information about an individual from which that person can be directly or indirectly identified. It doesn't include anonymised data, i.e. where all identifying particulars have been removed. There are also "special categories" of personal information, and personal information on criminal convictions and offences, which requires a higher level of protection because it is of a more sensitive nature. The special categories of personal information comprise information about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation and genetic and biometric data.

We may collect the following information up to and including the shortlisting stage of the recruitment process:

- Your name and contact details (address, home and mobile phone numbers, email address);
- Details of your qualifications, experience, employment history (including job titles, salary and working hours) and interests;
- Your racial or ethnic origin, sex and sexual orientation, religious or similar beliefs;
- Information regarding your criminal record;
- Details of your referees.

We may collect the following information after the shortlisting stage, and before making a final decision to recruit:

- Information about your previous academic and/or employment history, including details of any conduct, grievance or performance issues, appraisals, time and attendance, from references obtained about you from previous employers and/or education providers;
- Information regarding your academic and professional qualifications;
- Information regarding your criminal record, in criminal records certificates and enhanced criminal records certificates;
- Your nationality and immigration status and information from related documents, such as your passport or other identification and immigration information;
- A copy of your driving licence.
- Information about your health, including any medical condition, whether you have a disability in respect of which the Company needs to make reasonable adjustments, sickness absence records (including details of the reasons for sickness absence being taken), medical reports and related correspondence

Some of the categories listed may not apply to you.

### **How do we collect your personal information?**

The Company may collect personal information about potential employees in a variety of ways. It is collected during the recruitment process, either directly from you or sometimes from a third party such as an employment agency. We may also collect personal information from other external third parties, such as references from former employers, information from background check providers, information from credit reference agencies and criminal record checks from the Disclosure and Barring Service (DBS).

Your personal information may be stored in different places, including in recruitment files, in the Company's HR management system and in other IT systems, such as the e-mail system.

### **Why and how do we use your personal information?**

We will only use your personal information when the law allows us to. These are known as the legal bases for processing.

The company will typically collect and use this information for the following purposes:

- to take steps to enter into a contract;
- for compliance with a legal obligation (for example, our obligation to check that you are eligible to work in the United Kingdom);
- for the performance of a task carried out in the public interest; and
- for the purposes of our legitimate interests, but only if these are not overridden by your interests, rights or freedoms.

We seek to ensure that our information collection and processing is always proportionate. We will notify you of any material changes to information we collect or to the purposes for which we collect and process it.

We may also occasionally use your personal information where we need to protect your vital interests (or someone else's vital interests).

Please note that we may process your personal information without your consent, in compliance with these rules, where this is required or permitted by law.

### **What if you fail to provide personal information?**

If you fail to provide certain personal information when requested or required, we may not be able to take steps to enter into a contract with you, or we may be prevented from complying with our legal obligations. You may also be unable to exercise your statutory or contractual rights.

### **Why and how do we use your sensitive personal information?**

We will only collect and use your sensitive personal information, which includes special categories of personal information and information about criminal convictions and offences, when the law allows us to.

Some special categories of personal information, i.e. information about your health or medical conditions and trade union membership, and information about criminal convictions and offences, is processed so that we can perform or exercise our obligations or rights under employment law or social security law and in line with our data protection policy. Information about health or medical conditions may also be processed for the purposes of assessing the working capacity of any potential employee or medical diagnosis, provided this is done under the responsibility of a medical professional subject to the obligation of professional secrecy, e.g. a doctor, and again in line with our data protection policy.

We may also process these special categories of personal information, and information about any criminal convictions and offences, where we have your explicit written consent. In this case, we will first provide you with full details of the personal information we would like and the reason we need it, so that you can properly consider whether you wish to consent or not. It is entirely your choice whether to consent. Your consent can be withdrawn at any time.

The purposes for which we are processing, or will process, these special categories of your personal information, and information about any criminal convictions and offences, are to:

- assess your suitability for employment, engagement or promotion
- comply with statutory and/or regulatory requirements and obligations, e.g. carrying out criminal record checks
- comply with the duty to make reasonable adjustments for disabled potential employees and with other disability discrimination obligations
- ensure compliance with your statutory and contractual rights
- ascertain your fitness to work
- meet our obligations under health and safety laws
- make decisions about engagement
- ensure effective HR, personnel management and business administration
- ensure adherence to Company rules, policies and procedures
- monitor equal opportunities

We may also occasionally use your special categories of personal information, and information about any criminal convictions and offences, where it is needed for the establishment, exercise or defence of legal claims.

### **Change of purpose**

We will only use your personal information for the purposes for which we collected it. If we need to use your personal information for a purpose other than that for which it was collected, we will provide you, prior to that further processing, with information about the new purpose, we will explain the legal basis which allows us to process your personal information for the new purpose and we will provide you with any relevant further information. We may also issue a new privacy notice to you.

### **Who has access to your personal information?**

Your personal information may be shared internally within the Company, including with members of the HR department, your potential line manager, other managers in the department in which you have applied for work and IT staff.

The Company may also share your personal information with third-party service providers (and their designated agents), including:

- external organisations for the purposes of conducting pre-employment reference and employment background checks including our umbrella body for DBS checks
- occupational health providers
- professional advisers, such as lawyers, Wilsons and HR Consultants JCV Consulting
- Lulworth trustees, directors and Savills

We may also need to share your personal information with a regulator or to otherwise comply with the law.

We may share your personal information with third parties where we need to comply with a legal obligation, or where it is necessary for our legitimate interests (or those of a third party).

### **How does the Company protect your personal information?**

The Company has put in place measures to protect the security of your personal information. It has internal policies, procedures and controls in place to try and prevent your personal information from being accidentally lost or destroyed, altered, disclosed or used or accessed in an unauthorised way. In addition, we limit access to your personal information to those employees, workers, agents, contractors and other third parties who have a business need to know in order to perform their job duties and responsibilities.

You can obtain further information about these measures from [gdpr@lulworth.com](mailto:gdpr@lulworth.com).

Where your personal information is shared with third-party service providers, we require all third parties to take appropriate technical and organisational security measures to protect your personal information and to treat it subject to a duty of confidentiality and in accordance with data protection law. We only allow them to process your personal information for specified purposes and in accordance with our written instructions and we do not allow them to use your personal information for their own purposes.

The Company also has in place procedures to deal with a suspected data security breach and we will notify the Information Commissioner's Office (or any other applicable supervisory authority or regulator) and you of a suspected breach where we are legally required to do so.

### **For how long does the Company keep your personal information?**

The company will keep your information during and after the recruitment process for no longer than is necessary for the purposes for which the personal information is processed. How long we keep your information will depend on whether your application is successful and you become employed by us, the nature of the information concerned and the purposes for which it is processed. If you are unsuccessful in gaining employment with us, your personal information will be disposed of securely about six months after the application process.

### **Your rights in connection with your personal information**

It is important that the personal information we hold about you is accurate and up to date. Please keep us informed if your personal information changes, e.g. you change your home address, during your relationship with the Company so that our records can be updated. The Company cannot be held responsible for any errors in your personal information in this regard unless you have notified the Company of the relevant change.

As a data subject, you have a number of statutory rights. Subject to certain conditions, and in certain circumstances, you have the right to:

- request access to your personal information - this is usually known as making a data subject access request and it enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it
- request rectification of your personal information - this enables you to have any inaccurate or incomplete personal information we hold about you corrected
- request the erasure of your personal information - this enables you to ask us to delete or remove your personal information where there's no compelling reason for its continued processing, e.g. it's no longer necessary in relation to the purpose for which it was originally collected
- restrict the processing of your personal information - this enables you to ask us to suspend the processing of your personal information, e.g. if you contest its accuracy and so want us to verify its accuracy
- object to the processing of your personal information - this enables you to ask us to stop processing your personal information where we are relying on the legitimate interests of the business as our legal basis for processing and there is something relating to your particular situation which makes you decide to object to processing on this ground
- data portability - this gives you the right to request the transfer of your personal information to another party so that you can reuse it across different services for your own purposes.

If you wish to exercise any of these rights, please contact [gdpr@lulworth.com](mailto:gdpr@lulworth.com). We may need to request specific information from you in order to verify your identity and check your right to access the personal information or to exercise any of your other rights. This is a security measure to ensure that your personal

information is not disclosed to any person who has no right to receive it.

If you believe that the Company has not complied with your data protection rights, you have the right to make a complaint to the Information Commissioner's Office (ICO) at any time. The ICO is the UK supervisory authority for data protection issues.

### **Transferring personal information outside the European Economic Area**

The Company will not transfer your personal information to countries outside the European Economic Area.

### **Automated decision making**

Automated decision making occurs when an electronic system uses your personal information to make a decision without human intervention.

We do not envisage that any employment decisions will be taken about you based solely on automated decision making, including profiling.

### **Changes to this privacy notice**

The Company reserves the right to update or amend this privacy notice at any time, including where the Company intends to further process your personal information for a purpose other than that for which the personal information was collected or where we intend to process new types of personal information. We will issue you with a new privacy notice when we make significant updates or amendments. We may also notify you about the processing of your personal information in other ways.

### **Contact**

If you have any questions about this privacy notice or how we handle your personal information, please contact James Weld, The Estate Office, Lulworth Castle, Wareham; BH20 5QS; [gdpr@lulworth.com](mailto:gdpr@lulworth.com).