

## Privacy Notice – Job Applicants

### Introduction

This privacy notice sets out how we collect and use personal information about you as a job applicant in accordance with the Data Protection (Bailiwick of Guernsey) Law, 2017 (“the DP Law”) and General Data Protection Regulation (“GDPR”) and is committed to processing your data securely and transparently.

Trust Corporation International (“TCI”, “we” or “us”) is a “data controller”. This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

TCI specialises in the provision of international corporate administration and trustee services

### Data protection principles

In relation to your personal data, we will:

- process it lawfully, fairly and in a clear, transparent way;
- collect your data only for reasons which we find appropriate during the course of your application in ways that have been explained to you;
- only use it in the ways that we have told you about;
- if relevant, ensure it is accurate and up to date;
- keep your data for only as long as we might need it;
- process it in a way that ensures it will not be used for anything of which you are not aware or to which you have not consented; and
- keep it securely

#### **Types of data we collect and process**

We may hold many types of data about you as provided for the purpose of your application which may include, but is not limited to, the following:

- your personal details including your name, address, date and place of birth, email address, telephone numbers;
- gender;
- marital status and dependants;
- whether or not you have a disability;
- information included on your CV including references, education history and employment history;
- documentation relating to your right to work in Guernsey;
- pre-employment documentation – social security details, tax, passport and driving licence; and
- personality profile data.

In certain instances, personal data may include “Special Category Data” which includes information such as a person’s:

- health data; and
- criminal record or alleged criminal activity.

### **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 application cover letter, or notes made by our recruiting officers during a recruitment interview. Further information will be collected directly from you when you complete forms at the start of your employment; 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 evidence.

In some cases, we will collect data about you from third parties, such as employment agencies, former employers when gathering references and credit reference or fraud prevention agencies.

Personal data is kept in personnel files or within our Human Resources (“HR”) and Information Technology (“IT”) systems.

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

Data protection law allows us to process your data for certain reasons only, as follows:-

- in order to perform the employment contract to which we are or may be a party;
- in order to carry out legally required duties;
- in order for us to carry out our legitimate interests (or those of a third party and your interests and fundamental rights do not override those interests);
- to protect your interests (or someone else’s interests); and
- where something is done in the public interest.

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

We need to collect your data to ensure we are complying with legal requirements such as:

- carrying out checks in relation to your right to work in Guernsey; and
- making reasonable adjustments for disabled employees.

We also collect data so that we can carry out activities which are in the legitimate interests of the Company. We have set these out below:-

- making decisions about suitability for employment;
- making decisions about salary and other benefits;
- assessing training needs; and
- dealing with any legal claims which may be made against us.

If you are unsuccessful in obtaining employment, your data will not be used for any reason other than in the ways explained in relation to the specific application you have made.

In some cases we might seek your consent to retaining your data in case other suitable job vacancies arise in the Company for which we think you may wish to apply. You are free to withhold your consent to this and there will be no consequences for withholding consent.

### **Criminal conviction data**

We will only collect criminal conviction data where it is appropriate given the nature of your role and where the law so permits. This data will usually be collected at the recruitment stage: however it may also be collected during your employment should you be successful in your application.

### **If you do not provide your data to us**

One of the reasons for processing your data is to allow us to carry out an effective recruitment process. Whilst you are under no obligation to provide us with your data, we may not be able to process, or continue with (as appropriate), your application if you do not.

### **Sharing your data**

Your data will be shared with colleagues within our company where it is necessary for them to undertake their duties with regard to recruitment. This includes, for example, the HR department, those in the department where the vacancy is who are responsible for screening your application and interviewing you, the IT department where you may require access to the Company's systems to undertake any assessments requiring IT equipment.

In some cases, we will collect data about you from third parties such as employment agencies. Your data will be shared with third parties if you are successful in your job application. In these circumstances, we will share your data in order to obtain pre-employment requirements, payroll requirements and benefit set up.

### **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 implemented processes to guard against such occurrences.

Any CVs, notes or personal information received as part of an application for a vacancy is sent to HR for processing and is stored within a secure file on the HR drive or held in a locked filing cabinet to which HR holds the key. When information is passed on internally, we will ensure that it is only done so within the necessary scope of the application. Any information from an applicant that is distributed internally will be collected and destroyed by HR as soon as the information is no longer required.

Where we share your data with third parties, we provide written instructions to them to ensure that your data is held securely and in line with the DP Law and GDPR requirements. Third parties must implement appropriate technical and organisational measures to ensure the security of your data.

### **How long we keep your data for**

In line with data protection principles, we only keep your data for as long as we need it and this will depend on whether or not you are successful in obtaining employment with us.

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 vacancies, we will only keep your data until the recruitment exercise ends.

If we have sought your consent to keep your data on file for future job vacancies, and you have provided consent, we will keep your data for six months once the recruitment 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. We have a separate Privacy Notice for employees, which will be provided to you in your contract of employment and may also be found on the company's intranet.

### **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. This means that we must tell you how we use your data, and this is the purpose of this privacy notice;
- the right of access. You have the right to access the data that we hold on you and to do so, you should make a subject access request to our Data Protection Representative;
- the right for any inaccuracies to be corrected. If any data that we hold about you is incomplete or inaccurate, you are able to require us to correct it;
- the right to have information deleted. If you would like us to stop processing your data, you have the right to ask us to delete it from our systems where you believe there is no reason for us to continue processing it;
- 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 where we are using it for our legitimate interests.
- the right to lodge a complaint as outlined in the complaints section below; and
- the right to judicial review which includes a right to seek judicial remedy against us if you consider your rights have been infringed or against the Supervisory Authority in respect of a legally binding decision.

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 apart from us not being able to process your data in relation to employment decisions. However, in some cases, we may continue to use the data where so permitted by having a legitimate reason for doing so.

If you wish to exercise any of the rights explained above, please contact our Data Protection Representative. You will not have to pay a fee to access your personal information or to exercise any of the other rights.

### **Changes to this Privacy Notice**

We keep this privacy notice under review and reserve the right to update it at any time by posting it on the Careers page of our website at [www.trustcorpci.com](http://www.trustcorpci.com). We last updated this privacy notice on 18 November 2018.

### **Making a complaint**

In the event that you wish to make a complaint about how your personal data is being processed by us, or how your complaint has been handled, you have the right to lodge a complaint directly with the Supervisory Authority and our Data Protection Representative to appeal any decisions.

The contact details are as follows:

	<b>Supervisory Authority contact details</b>	<b>Data Protection Representative contact details</b>
Contact Name:	The Office of the Data Protection Commissioner	Mr Ivor Bisson
Address:	St Martin's House Le Bordage St Peter Port Guernsey GY1 1BR	PO Box 665, Roseneath The Grange St Peter Port Guernsey GY1 3SJ
Email:	enquiries@odpc.gg	
Telephone:	+44 (0) 1481 742074	+44 (0)1481 730312

### **Cookies, web statistics and third party monitoring**

TCI maintains continuous logs of its web server activity. These log files include the details of website users' IP address, browser type and page last visited etc. The log files are used to analyse how the website is being used by visitors and may be kept in an anonymised form for historical records.

TCI's website uses hosted web analytics software. This hosted service is or may be provided and managed by a third party company (Google Inc or equivalent). The service 'Google Analytics' uses 'cookies' (a text file sent to users' computers as they browse our website) to help analyse how users navigate our website. The data generated by the cookie regarding our website (including IP addresses) will be anonymised and transmitted to and stored by Google

Inc on servers that may be hosted in the United States of America. Google Inc will use this data for the purpose of evaluating use of our website, compiling reports on website activity for website operators and providing other related services to TCI.

Google Inc may also transfer this data to third parties where required to do so by law, or where such third parties process the data on Google Inc's behalf. Google Inc will not associate your IP address with any other data held by Google Inc. You may decline the use of cookies by configuring your web browser to do so, but it may affect your user experience. By using this website, you consent to the processing of data about you by Google Inc in the manner and for the purposes set out above.

### **Offensive or inappropriate content on the TCI website**

If you post or send offensive, inappropriate or objectionable content anywhere on or to TCI, or otherwise engage in any disruptive behaviour affecting TCI, TCI may use your personal data to stop such behaviour.

Where TCI reasonably believes that you are or may be in breach of any of the laws of Guernsey (e.g. because content you have posted may be defamatory), we may use your personal data to inform relevant third parties such as your employer, school email/internet provider or law enforcement agencies about the content and your behaviour.