

## Candidate Privacy Notice

We are The Wilkes Partnership LLP. We are a Limited Liability Partnership registered in England and Wales with registered number **OC364479** whose registered address is at 41 Church Street, Birmingham, West Midlands, B3 2RT. In this privacy notice we will refer to ourselves as 'the Firm', 'we', 'us' or 'our'.

If you have any questions about this privacy notice or how we handle your personal information you can get hold of us in any of the following ways:

- (a) By phoning us on 0121 233 4333 and asking to speak to Andrew Garland
- (b) Emailing us at [dataprotection@wilkes.co.uk](mailto:dataprotection@wilkes.co.uk);
- (c) By writing to us at F.A.O. Andrew Garland, The Wilkes Partnership LLP, 41 Church Street, Birmingham, West Midlands, B3 2RT.

We are the "data controller". This means that we are responsible for deciding how we hold and use personal information about you. You are being sent a copy of this privacy notice because you are applying for work with us (whether as an employee, worker or contractor). It makes you aware of how and why your personal data will be used, namely for the purposes of the recruitment exercise, and how long it will usually be retained for. It provides you with certain information that must be provided under the data protection laws and UK General Data Protection Regulation (UKGDPR).

We take the privacy, including the security, of personal information we hold about you seriously. This privacy notice is designed to inform you about how we collect personal information about you and how we use that personal information. You should read this privacy notice carefully so that you know and can understand why and how we use the personal information we collect and hold about you.

We do not have a Data Protection Officer, but if you have any questions about this privacy notice or issues arising from it then you should contact Andrew Garland, who is our GDPR Partner and who is responsible for matters relating to data protection at our Firm, including any matters in this privacy notice. You can contact him by using the details above.

In addition, Aaron Keene, our Compliance Officer for Legal Practice (COLP) oversees compliance with our professional responsibilities and the reporting of any failures with legal requirements, including in respect of data protection.

We may issue you with other privacy notices from time to time, including when we collect personal information from you. This privacy notice is intended to supplement these and does not override them. We have a separate privacy notice in respect of our website which you can access from the links section on our website.

We may update this privacy notice from time to time. This version was last updated on 30 April 2021.

## 1. Key Definitions

We have explained some terms which are used in this privacy notice below in order to help your understanding:

**Data Controller:** under data protection law this is the organisation or person which is responsible for deciding how personal information is collected and stored and how it is used.

**Data Processor:** under data protection law this is an organisation or person appointed by the Data Controller to carry out certain tasks in relation to the personal information on behalf of, and on the written instructions of, the Data Controller.

**Personal Information:** in this privacy notice we refer to your personal data as personal information. Personal information means any information from which a living individual can be identified. It does not apply to information which has been anonymised.

**Special Information:** certain very sensitive personal information requires extra protection under data protection law. Sensitive information includes information relating to health, racial and ethnic origin, political opinions, religious and similar beliefs, trade union membership, sex life and sexual orientation and also includes genetic information and biometric information.

## 1. THE KIND OF INFORMATION WE HOLD ABOUT YOU

In connection with your application for work with us, we will collect, store, and use the following categories of personal information about you:

General Category	Types of Personal Information in that category
<b>Identity Information</b>	This is information relating to your identity such as your name (including any previous names and any titles which you use), gender, marital status, age and date of birth.
<b>Contact Information</b>	This is information relating to your contact details such as e-mail addresses (including private email addresses), addresses, and telephone numbers.
<b>Recruitment Information</b>	This is information relating to your recruitment such as application forms, CVs and covering letters, employment history, information you give to us during interview, interview notes, details of your current salary and/or benefits, references, details of background checks, details of your qualifications, details of your skills and experience, details of

	any professional memberships and details of any assessments or tests.
--	---

If you are successful in being offered the role or job you have applied for, we will obtain further personal information from you which will be treated in line with our Employee, Contractors and Workers Privacy Notice.

We may also collect, store and use the following “special categories” of more sensitive personal information:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions.
- Information about your health, including any disability, medical condition, health and sickness records.
- Information about criminal convictions and offences.

## 2. Details of how and why we use personal information

2.1 We are only able to use your personal information for certain legal reasons set out in data protection law. There are legal reasons under data protection law other than those listed below, but in most cases we will use your personal information for the following legal reasons:

- (a) **Contract Reason:** this is in order to perform our obligations to you under a contract we have entered into with you or steps taken at your request prior to entering into a contract with you (which will usually be a contract of employment or contract for services);
- (b) **Legitimate Interests Reason:** this is where the use of your personal information is necessary for our (or a third party’s) legitimate interests, so long as that legitimate interest does not override your fundamental rights, freedoms or interests; and
- (c) **Legal Obligation Reason:** this is where we have to use your personal information in order to perform a legal or regulatory obligation by which we are bound.

2.2 As explained in section 1 above, there are more sensitive types of personal information which require higher levels of protection. Where we process such sensitive types of personal information we will usually do this in the following circumstances:

- (a) Where we have your explicit consent;
- (b) Where it is necessary in relation to employment law;

- (c) Where it is necessary for the purposes of occupational medicine or for assessing your working capacity;
  - (d) Where it is necessary to protect your vital interest of those of another person (and you are not able to give your consent);
  - (e) Where it is necessary in relation to legal claims;
  - (f) Where you have made the personal information public.
- 2.3 If you do not provide us with personal information which we need then we may not be able to consider you for the role or job or we may not be able to meet a legal obligation. For example, if you do not provide us with your employment history then we will not be able to consider your application or if you do not provide us with references then we may not be able to employ or hire you.
- 2.4 It is important that you keep your personal information up to date. If any of your personal information changes, please contact us as soon as possible to let us know. For example, if you move address and do not tell us, then we may send important documents to your previous address.
- 2.5 One other legal basis for use of personal information is where your consent has been obtained (“**Consent Reason**”). However, it is extremely unlikely that we will rely on consent as the legal reason for using your personal information. If for any reason we do wish to rely on your consent, then we will provide you with details of what we require and why so that you are fully informed. Your employment (or services) contract is not conditional upon you providing your consent. Where we do rely on consent for a specific purpose as the legal reason for collecting and using your personal information, you have the right under data protection law to withdraw your consent at any time. If you do wish to withdraw your consent, please contact us using the details set out at the beginning of this notice. If we receive a request from you withdrawing your consent to a specific purpose, we will stop processing your personal information for that purpose, unless we have another legal reason for processing your personal information, in which case, we will confirm that reason to you.
- 2.6 We have explained below the different purposes for which we use your personal information and, in each case, the legal reason(s) allowing us to use your personal information and we have indicated whether or not those purposes may mean we collect and use Special Categories of personal information about you (and in each case an indication of what those Special Categories might be). Please also note the following:

2.7 if we use the Legitimate Interests Reason as the legal reason for which we can use your personal information, we have also explained what those legitimate interests are; and for some of the purposes we may have listed more than one legal reason on which we can use your personal information, because the legal reason may be different in different circumstances. If you need confirmation of the specific legal reason that we are relying on to use your personal information for that purpose, please contact us using the contact details set out at the start of this privacy notice.

<b>Purpose</b>	<b>Legal Reason(s) for using the personal information</b>	<b>Does this involve Special Categories of Personal Information or Criminal Convictions Information?</b>
To assess your suitability for the vacancy	Contract Reason Legitimate Interests Reason (to appoint someone to fill a vacancy and develop our business)	No
To correspond with you about the vacancy, your application and our decision, including (where relevant) to invite you for interview	Contract Reason Legitimate Interests Reason (to appoint someone to fill a vacancy and develop our business)	No
To decide whether to recruit, appoint or employ you	Contract Reason Legitimate Interests Reason (to appoint someone to fill a vacancy and develop our business)	No
To make decisions about the terms of your contract with us, including how much to pay you	Contract Reason Legitimate Interests Reason (to appoint someone to fill a vacancy and develop our business)	No
To carry our background checks and other relevant checks and to obtain references (including to check eligibility to work in the UK)	Contract Reason Legitimate Interests Reason (to appoint someone to fill a vacancy and develop our business) Legal Obligations Reason	Yes

To provide you with feedback if you ask for it	Legitimate Interests Reason (to provide you with feedback for your personal development)	No
To make reasonable adjustments in respect of any health related matter or disability	Legal Obligations Reason	Yes Health information
To monitor equality and diversity	Legal Obligations Reason	Yes Health, Race, Ethnic Origin, Religion, Sexual Orientation Information
To ensure the health and safety of you, other staff, visitors, customers and others	Legal Obligations Reason	Yes Health information
To comply with relevant laws which are applicable to us including employment laws, tax laws and health and safety laws	Legal Obligations Reason	Yes Health information
To monitor compliance with our policies and to keep records in relation to our recruitment processes	Legal Obligations Reason	No
To investigate, claim and/or defend us in respect of any legal claim or dispute or to comply with any order of a court or authority	Contract Reason Legal Obligations Reason Legitimate Interests Reason (in order to make claims or defend our business)	Yes Health, Race, Ethnic Origin, Religion, Sexual Orientation Information
To inform you of any future opportunities and vacancies	Consent Reason	No

- 2.8 We can use your personal information without your knowledge and without your consent where this is legally required or allowed.
- 2.9 Under data protection laws we can only use your personal information for the purposes we have collected it, unless we consider that the new purpose is compatible with the purpose(s) for which we collected it. If we want to use your personal information for a different purpose which we do

not think is compatible with the purpose(s) for which we collected it then we will contact you to explain this and what legal reason is in place to allow us to do this.

- 2.10 Sometimes we may anonymise personal information so that you can no longer be identified from it and use this for our own purposes. In addition, sometimes we may use some of your personal information together with other people's personal information to give us statistical information for our own purposes. Because this is grouped together with other personal information and you are not identifiable from that combined data we are able to use this.

### **3. Details of how we collect personal information and special information**

3.1 We will usually collect information about you during recruitment directly from you (whether by application form, CVs, interviews or otherwise).

3.2 We may also collect information from third parties such as:

- (a) Recruitment agencies which provide us with Identity, Contact and Recruitment Data;
- (b) Atlantic Data are our suppliers of background checks (including criminal records checks) which provide us with Identity and Recruitment Data and criminal convictions data]; References from your former employers which provide us with Recruitment Data;
- (c) Companies House, LinkedIn or a current employer's website

### **4. Details about who personal Information may be shared with**

4.1 We may need to share your personal information with other organisations or people. These organisations include:

- (a) Other companies in our group (who may might act as joint data controllers or as data processors on our behalf) and who describe the services they provide which require them to have access to personal information, e.g. IT services, or describe the reasons it may be shared with them, e.g. for management reporting.
- (b) Third parties. These may include:
  - (i) Suppliers: such as background check providers, recruitment agencies, external IT support services, administration providers, who are based in the United Kingdom;
  - (ii) Government bodies and regulatory bodies: such as HMRC, fraud prevention agencies, Solicitors Regulation Authority who are based in the United Kingdom;

- (iii) Our advisors: such as lawyers, accountants and auditors, who are based in the United Kingdom;
  - (c) any organisations which propose to purchase our business and assets or with whom we merge in which case we may disclose your personal information to the potential purchaser.
  - (d) Your information may be shared internally for the purposes of the recruitment exercise. This includes members of the HR team, interviewers involved in the recruitment process, managers in the business involved in the recruitment decision and IT staff if access to the data is necessary for the performance of their roles.
- 4.2 Depending on the circumstances, the third party organisations or people who we share your personal information with will be acting as either Data Processors or Data Controllers. Where we share your personal information with third parties we require them to keep your personal information confidential, to keep it secure and to only use it for the agreed purposes. Where we share your personal information with a Data Processor we will ensure that we have in place contracts, which set out the responsibilities and obligations of us and them.
- 5. Details about transfers to countries outside of the EEA
  - 5.1 If any transfer of personal information by us will mean that your personal information is transferred outside of the European Economic Area (EEA) then we will ensure that safeguards are in place to ensure that a similar degree of protection is given to your personal information, as is given to it within the EEA and that the transfer is made in compliance with data protection laws (including where relevant any exceptions to the general rules on transferring personal information outside of the EEA which are available to us – these are known as ‘derogations’ under data protection law).
  - 5.2 The safeguards set out in data protection laws for transferring personal information outside of the EEA include:
    - (a) Where the transfer is to a country or territory which the EU Commission has approved as ensuring an adequate level of protection;
    - (b) Having in place a standard set of clauses which have been approved by the EU Commission;
    - (c) Compliance with an approved code of conduct by a relevant data protection supervisory authority (in the UK, this is the Information Commissioner’s Office (ICO));
    - (d) Certification with an approved certification mechanism; or



- (e) Where the EU Commission has approved specific arrangements in respect of certain countries, such as the US Privacy Shield in relation to organisations which have signed up to it in the USA.
  
- 5.3 If you would like further information please contact on the details as set out at the beginning of this privacy notice.
  
- 5.4 Details about how long we will hold your personal information
  
- 5.5 We will only hold your personal information for as long as is necessary.
  
- 5.6 If you are unsuccessful, we will keep your personal information for 7 months following the date on which we inform you of our decision not to appoint/recruit you. We keep it for this period in case of any legal claim made against us about the recruitment process. If a claim is made, then we will hold your personal information for as long as is necessary in relation to that claim, including to comply with our legal obligations following the conclusion of the claim.
  
- 5.7 If you are successful, your personal information will be transferred to your employment/worker records and will be treated in line with our Employee, Contractors and Workers Privacy Notice.
  
- 5.8 Even if you are not successful, we may ask you, or you may ask us, to keep your personal information on our records in case a suitable opportunity arises in the future. If this is the case, we will ask for your consent to keep this personal information for 12 months. Please note that you always have the right to withdraw your consent (see section 2.5 above).
  
- 5.9 **CRIMINAL CONVICTIONS**
  
- 5.10 We will only collect criminal conviction data where it is appropriate given the nature of your role and where the law permits us to. This data will usually be collected at the recruitment stage, however, may also be collected during your employment should you be successful in obtaining employment. We collect criminal conviction data when:
  
- 5.11 The role requires a high degree of trust and integrity as you will come into contact with client details, may have access to high value client money, and so we would like to ask you to seek a basic disclosure of your criminal records history.
  
- 5.12 We are required by SRA and Conveyancing Quality Scheme (CQS) to carry out criminal record checks for those qualifying to become a newly qualified solicitor or work within our conveyancing departments.

5.13 We can carry out these checks under data protection laws because it is necessary for us to when carrying out our rights and obligations in connection with your employment.

## 6. Automated decision making

6.1 'Automated decision making' is where a decision is automatically made without any human involvement. Under data protection laws, this includes profiling. 'Profiling' is the automated processing of personal information to evaluate or analyse certain personal aspects of a person (such as their behaviour, characteristics, interests and preferences).

6.2 Data protection laws place restrictions upon us if we carry out automated decision making (including profiling) which produces a legal effect or similarly significant effect on you.

6.3 We do not carry out automated decision making (including profiling) which produces a legal effect or similarly significant effect on you. If we do decide to do this then we will notify you and we will inform you of the legal reason we are able to do this.

## 7. Your rights under data protection law

7.1 Under data protection laws you have certain rights in relation to your personal information, as follows:

- (a) Right to request access: (this is often called 'subject access'). This is the right to obtain from us a copy of the personal information which we hold about you. We must also provide you with certain other information in response to these requests, to help you understand how your personal information is being used.
- (b) Right to correction: this is the right to request that any incorrect personal information is corrected, and that any incomplete personal information is completed.
- (c) Right to erasure: (this is often called the "right to be forgotten"). This right only applies in certain circumstances. Where it does apply, you have the right to request us to erase your personal information.
- (d) Right to restrict processing: this right only applies in certain circumstances. Where it does apply, you have the right to request us to restrict the processing of your personal information.
- (e) Right to data portability: this right only applies in certain circumstances. Where it does apply, you can request us to transfer your personal information to someone else.
- (f) Right to object: you have the right to object to us processing your personal information for direct marketing purposes. You also have the right to object to us processing personal

information where our legal reason for doing so is the Legitimate Interests Reason (see section 2 above) and there is something about your particular situation which means that you want to object to us processing your personal information. In certain circumstances you have the right to object to processing where such processing consists of profiling (including profiling for direct marketing).

- 7.2 In addition to the rights set out in section 7.1, where we rely on consent as the legal reason for using your personal information, you have the right to withdraw your consent. Further details about this are set out in section 2.5.
- 7.3 If you want to exercise any of the above rights in relation to your personal information, please contact us in writing (which includes email) using the details set out at the beginning of this notice. If you do make a request then please note:
- (a) we may need certain information from you so that we can verify your identity;
  - (b) we do not charge a fee for exercising your rights unless your request is unfounded or excessive; and
  - (c) if your request is unfounded or excessive then we may refuse to deal with your request.

## 8. Complaints

If you are unhappy about the way that we have handled or used your personal information, you have the right to complain to the UK supervisory authority for data protection, which is the Information Commissioner's Office (ICO). Please do contact us in the first instance if you wish to raise any queries or make a complaint in respect of our handling or use of your personal information, so that we have the opportunity to discuss this with you and to take steps to resolve the position. You can contact us using the details set out at the beginning of this privacy notice.