

# Fair Processing Policy - Applicants

## Introduction

As an applicant for a contract of employment or a contract for services with Instinctif Partners and or any Group company ("the Company"), we will need to obtain and process certain information about you. In accordance with our obligations under the General Data Protection Regulation (the "Act") this document acts as the Company's 'fair processing notice' and outlines what personal data we will collect about you, what lawful basis/bases we have for processing that personal data as well as what will happen to the personal data following the completion of the application process, whether successful or unsuccessful.

This notice will not form part of any employee's contract of employment, or any contractor's contract for services, and we may amend it at any time.

"Group Company" means the Company and any holding company or any parent company or any subsidiary or fellow subsidiary undertaking of the Company or such companies, as such terms are defined in s 1159, s 1162 (together with Schedule 7 and the definition of "parent company" in s 1173), s 1161 and Schedule 6 of the Companies Act 2006, and "Group Company" means any of them.

Data controller: Instinctif Partners Limited ("Instinctif Partners")

Data protection officer: Compliance Team at [compliance@Instinctif.com](mailto:compliance@Instinctif.com)

## Data Protection Principles

When collected and processing your personal data we will comply with the data protection principles as outlined in the Act, which say that personal data must be:

- Processed fairly, lawfully and in a transparent manner;
- Processed for the specific purposes for which it was collected;
- Adequate, relevant and not excessive for the purpose for which it was collected;
- Accurate and up to date;
- Not kept longer than necessary for the purpose for which it was collected; and
- Processed in a secure manner.

"Personal data" means any information relating to an identified or identifiable natural person. It may include contact details, other personal information, photographs, expressions of opinion about you or indications as to our intentions about you. "Processing" means doing anything with the data, such as accessing, disclosing, destroying or using the data in any way.

## Fair and lawful processing

To process your personal data, we must have a “lawful basis” for doing so. As an applicant to Instinctif Partners we will collect personal data relating to you to enable us to evaluate whether or not to proceed with your application and offer you a contract of employment or a contract for services (as applicable) with the Company. The lawful basis on which we will be relying to process your personal data is “legitimate interest”. It is in Instinctif Partner’s legitimate interests to obtain limited personal data about you to enable us to assess your application. Given the limited nature of the personal data we will collect and process we do not believe there to be any negative impact on your rights in obtaining and processing that data.

As part of the application process, depending on the role for which you have applied/ service you intend to provide (as applicable) we may need to undertake certain searches relating to you, including but not limited to checks of your criminal records via the disclosure barring service (DBS). These searches may provide us with what is known as ‘sensitive personal data’, being personal data that relates to your ethnic origin, political opinions, religious or similar beliefs, trade union membership, health, sex life, criminal proceedings or convictions.

Where we need to undertake these searches, we will let you know in advance what searches will be undertaken and the reason for them. The lawful basis for this processing will be ‘legal obligation’. If we are undertaking these searches it is because the job you are applying for/service you intend to provide (as applicable) requires us to undertake them. You can object to us undertaking these searches, however, if you do object then it is likely that we will be unable to proceed with your application.

## What information does the company collect?

The Company collects a range of information about you. This includes:

- your name, address and contact details, including email address and telephone number;
- details of your qualifications, skills, experience and employment history;
- information about your current level of remuneration, including benefit entitlements;
- whether or not you have a disability for which the company needs to make reasonable adjustments during the recruitment process; and
- information about your entitlement to work in the UK.

The Company may collect this information in a variety of ways. For example, data might be contained in application form, CVs or resumes, obtained from your passport or other identity documents, or collected through interviews or other forms of assessment.

The Company may also collect personal data about you from third parties, such as references supplied by former employers, information from employment background check providers and information from criminal records checks. The Company will seek information from third parties only once a job offer to you has been made and will inform you that it is doing so.

## How we are likely to use your personal data

As outlined above, we will use your personal data to allow us to assess your suitability for the role for which you have applied/service you intend to provide (as applicable).

Should you be successful in your application then the personal data collected will then form part of your employment/contractor (as applicable) records and will be retained in accordance with your contract of employment/contract for services (as applicable) and in accordance with Instinctif Partner's Data Protection Policy, a copy of which is available upon request.

## Processing in line with your rights

You have the right to:

- access and obtain a copy of your data on request;
- require the company to change incorrect or incomplete data;
- require the company to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing; and
- object to the processing of your data where the company is relying on its legitimate interests as the legal ground for processing.

If you would like to exercise any of these rights, please complete a Subject access request form and submit this to the Compliance Committee at [compliance@instinctif.com](mailto:compliance@instinctif.com) in the first instance. A copy of the form is available on the Company intranet.

If you have any questions regarding which rights you have in respect of the personal data we hold and process about you please speak to a member of the Compliance Committee at [compliance@instinctif.com](mailto:compliance@instinctif.com), who will be able to assist.

If you believe that we have not handled any complaints relating to your personal data appropriately, you can contact the Information Commissioner's Office (see [www.ico.gov.uk](http://www.ico.gov.uk)) who will be able to guide you as to your options should you wish to pursue the matter further.

## Who has access to data?

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, and IT staff where access to the data is necessary for the performance of their roles.

The Company will not share your data with third parties, unless your application for employment is successful and we make you an offer of employment. The Company might then share your data with former employers to obtain references for you, employment background check providers to obtain necessary background checks and the Disclosure and Barring Service to obtain necessary criminal records checks (as applicable).

## Data Security

We will ensure that appropriate measures are taken against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data.

We have in place procedures and technologies to maintain the security of all personal data from the point of collection to the point of destruction. We will only transfer personal data to a third party if they agree to comply with those procedures and policies, or if they have in place their own adequate measures that are satisfactory to us.

## Transfers outside of the EEA

Your data will not be transferred outside the EEA.

## Automated decision-making

Recruitment processes are not based solely on automated decision-making.

## Subject access requests

Irrespective of whether your application is successful you have the right to know what personal data we hold about you. If you wish to access your personal data please contact the Compliance Committee at [compliance@instinctif.com](mailto:compliance@instinctif.com) or 0207 457 2020 who will arrange for your personal data to be provided to you in accordance with our legal obligations under the Act.

## Breaches of data protection principles

If you consider that the data protection principles have not been followed in respect of personal data about yourself or others you should raise the matter with the Compliance Committee at [compliance@instinctif.com](mailto:compliance@instinctif.com) or 0207 457 2020. All such concerns will be investigated with the utmost seriousness and professionalism and in accordance with our obligations under the Act.

If you believe that we have not handled any complaints relating to your personal data appropriately, you can contact the Information Commissioner's Office (see [www.ico.gov.uk](http://www.ico.gov.uk)) who will be able to guide you as to your options should you wish to pursue the matter further.

## Review

Periodic monitoring and review will take place and this policy will be amended where required in line with outcomes of monitoring, operational delivery and changes in legislation.