

Which?

Privacy Notice for Job Applicants

This Privacy Notice applies to job applicants. You are being provided a copy of this Privacy Notice because you are applying to work with Which? (whether as an employee, worker or contractor). Which? collects and processes personal data relating to job applicants as part of any recruitment process. We are committed to protecting the privacy and security of your personal information, to providing clear information about how your personal information is processed and to complying with data protection laws. For the purpose of this notice Which? will apply to Consumers' Association, Which? Limited and Which? Financial Services.

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1 Introduction – about this Privacy Notice

A About this Privacy Notice

Which? is committed to protecting your privacy. This Notice tells you what personal information we collect during the recruitment process, why we need it, how we use it for the recruitment process and what protections are in place to keep your personal information secure.

It also sets out your rights in relation to your personal information.

It is important that you read this Notice, and any subsequent privacy notice we may provide to you, carefully so that you are aware of how and why we are processing your personal information.

We may update, or otherwise amend, this Notice at any time.

B About us

Which? act as data controller in respect of the personal information that we process. This means that we are responsible for deciding how we hold and use personal information about you.

If you have any questions about this Notice, how we handle your personal information or you would like to update the information we hold about you, please contact the People Team via People@Which.co.uk.

2 What personal information do we hold about you?

A What is ‘personal information’?

Your ‘personal information’ means any information about you from which you can be identified – either by reference to an identifier (for example your name, location data or online identifier (e.g. IP address)) or from factors specific to your physical, cultural or social identity (e.g. your social background, outside interests etc).

It does not include information where the identity has been removed (such as anonymous information).

B What personal information do we process?

Which? collect and use personal information that you provide for the recruitment process. We may collect, store and use the following categories of personal information about you:

The personal information about you that we may collect, store and use includes, but is not limited to, the following categories of information:

- The information you provide in your CV, covering letter, and where applicable, in our application form. This information may include general information, such as your name, address, contact details (work and personal), date of birth, gender and diversity and inclusion data.
- Any information you may provide during an interview.
- If your application is successful, when processing your contract of employment, we may request details of dependents, next of kin, emergency contact information, copies of your passport, marriage certificate, or birth certificate.
- Other recruitment information, such as your right to work documentation, references, employment records, salary and benefits history and other relevant information.
- Information provided when you sign up to our job alerts and talent network: name and contact details

Please note that the type of personal information we collect about you will depend to some extent on your circumstances, the role you are applying for and our legal obligations.

Please see section 3A below for more information on the personal information we collect from third parties during the recruitment process.

C What 'special category' personal information do we process?

Certain 'special categories' of more sensitive personal information (such as information about racial/ ethnic origin, sexual orientation, political opinions, religious/ philosophical beliefs, trade union membership, biometric or genetic data and health data) are given a higher level of protection by data protection laws.

The special categories of more sensitive personal information we may collect, store and use during the recruitment process includes, but is not limited to, the following categories of information:

- Information about your age, race, ethnicity, disability, religious beliefs, sexual orientation, gender identity, nationality, social mobility, neurodiversity and caring responsibilities.
- Information about your health, including any medical condition, health and sickness records.
- Information about criminal convictions and offences (collected only in certain circumstances (please see section 3A below).
- Biometric data, where used for identification purposes as part of right to work checks.

3 Where do we collect your personal information from?

A Where does your personal information come from?

- **From you:** we typically collect your personal information directly from you through the sign up, application and recruitment process – as explained in section 2B above, personal information is contained in application forms, CVs, from your passport or other identity documents, or collected through interviews or other forms of assessment.
- **From third parties:** we may collect information about you from third parties. The types of third parties and categories of personal information include:
 - Recruitment agencies, from which we collect name, contact details, CV and covering letters;
 - References from named referees, including former employers.
 - Credit references agencies from which we may collect credit details, when recruiting for a role in a regulated area.

- Occupational health companies, from which we may obtain occupational reports (please see section 4D below).
- Criminal record check results from the Disclosure and Barring Service when in a regulated or customer facing role.
- Identity Service Providers, from which we may collect identity documents and right to work status.

4 How will we use your personal information?

A What is the legal basis for using your personal information?

We will only process your personal information when the law allows us to. In most cases, we will process your personal information where it is necessary to:

- Assess your skills, qualifications, and suitability for the work or role.
- Carry out background and reference checks, where applicable.
- Communicate with you about job opportunities and the recruitment process.
- Keep records related to our hiring processes.
- Comply with legal or regulatory requirements.
- Diversity and Inclusion monitoring

It is in our legitimate interests to decide whether to appoint a candidate to a role/to undertake work since it would be beneficial to our business.

We also need to process your personal information to decide whether to enter into a contract of employment (or, services, where applicable) with you.

We have considered, as we are required to do under the data protections laws, whether our legitimate interests are overridden by your rights and freedoms as a candidate, and have concluded that they are not.

B What is the purpose for processing your personal information?

We process the personal information detailed above for making recruitment decisions including the purposes set out in 4A above, and for informing you of job opportunities.

If your application is unsuccessful, we will keep your personal information on file for 12 months case there are suitable future employment opportunities.

C Change of purpose

We will only use your personal information for the purposes for which we collected it – unless we reasonably consider that we need to use it for a purpose that is compatible with the original purpose.

D What is the legal basis for processing your ‘special category’ personal information?

We may process special categories of personal information when the law allows us to, which will be in the following situations:

- Where we need to do so to fulfil our legal obligations or exercise our rights in connection with employment law (e.g. for making reasonable adjustments for individuals with a disability).
- Where it is necessary for reasons of substantial public interest (e.g. for equal opportunities monitoring)*
- Where it is needed to assess you capability to work on health grounds (e.g. for an occupational health report), subject to appropriate confidentiality safeguards.
- Where it is necessary in order to establish, exercise or defend a legal claim.
- With your explicit consent, where the processing is voluntary – this will only be in limited circumstances.
- Biometric data, where used for identification as part of right to work checks in a hybrid working environment.

E What is the purpose for processing ‘special category’ personal information?

Special categories of particularly sensitive personal information attract higher levels of protection, and we must have further justification for collecting, storing and using this type of personal information.

Where we process such data, we will use it in the following ways:

- Information about your race or ethnicity and disability, religious beliefs and sexual orientation, to ensure meaningful equal opportunity monitoring and reporting in line with our Diversity and Inclusion Strategy.
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F Information about criminal convictions

We may process information about criminal convictions

We will only collect information about criminal convictions if it is appropriate, given the nature of the role you apply for, and provided we are legally able to do so. This will be rare and will only be collected in the following circumstances:

- When processing is needed to act in accordance with our regulatory and other legal obligations. This will be predominantly in Which? Financial Services and any processing will be in accordance with our internal Data Protection Policy. Should you require more detail please contact the People team (People@which.co.uk)
- In customer facing roles where there may be significant access to personal data of potentially vulnerable customers and where it is necessary to process this data in relation to legal claims or to protect your interests or the interests of the customer/consumer.

We will use information about criminal convictions and offences in the following ways:

- To comply with legal obligations in regulated industry
- To inform decisions on suitability of the role

We are allowed to use your personal information in this way to ensure that we are compliant with all applicable legal obligations and to safeguard employees and our customers.

5 Do we need your consent?

A When might we need your consent?

We will only seek and rely on your consent where you are fully informed and your consent can be freely given. You should be aware that you do not have to provide your consent and it will not impact on your application for employment with us if you do not consent. There are only very specific circumstances in which we will request your consent to process your personal data, for example providing you with job alerts or to share your details with relevant hiring managers if there was a role which you did not specifically apply for but where you may have the relevant experience required.

B Your right to withdraw consent

If you do provide your consent to the processing of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. Once we have received notification that you have withdrawn your consent, we will no longer process your information for that purpose.

If you wish to withdraw your consent, please contact the People Team. There is a link on all job alert messages allowing you to unsubscribe, or you can do this through your profile settings on the site.

6 What steps do we take to protect your data?

A How do we secure your data?

Which? have security measures in place to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, or inappropriately altered or disclosed. In addition, we limit access to your personal information to those who need to process that information for business reasons. They will only process your personal information on our instructions and they are subject to a duty of confidentiality. If you wish to withdraw your consent, please contact the People Team. There is a link on all job alert messages allowing you to unsubscribe, or you can do this through your profile settings on the site.

We have in place procedures to deal with any suspected information security breach and will notify you and any applicable regulator of a suspected breach as appropriate and in accordance with our legal obligations.

7 Who do we share your personal information with?

A Sharing your personal information within Which?

Where this is relevant to their role, your future line managers, certain HR professionals, and in some cases certain colleagues (i.e. where necessary to fulfil business requirements and support the recruitment function. If your application is successful, other departments within the organisation will have access to some of your personal information, such as Payroll, IT and Finance in order to process your contract of employment and prepare for commencement of the same.

B What is the legal basis for sharing your personal information with third parties?

We may share your personal information with third parties, including third party service providers in the following situations:

- where it is necessary to take steps at your request when considering entering into a contract with you
- where required by law (e.g. to check a successful applicant's eligibility to work in the UK)
- where we have another legitimate interest in doing so, as a business and as your employer

In these circumstances, we require third parties to ensure the security of your personal information and to treat it in accordance with the law.

C What protections are in place?

The terms of our contracts with third parties include obligations on them in relation to what personal information they can process and what they can do with that information. All our third party service providers and professional advisers are required to take appropriate security measures to protect your personal information in line with our policies.

We do not permit our third party service providers to use your personal information for their own purposes – they may only process your personal information for specified purposes and in accordance with our instructions.

D Which third parties process your personal information?

We may disclose your personal information to the third parties listed below where relevant to the purposes described in this Notice. This may include:

- Reference agencies and Identity Service Providers
- Apprentice scheme providers for facilitation and administration Occupational Health
- UK Visas and Immigration Regulatory authority

Further details can be obtained from the People Team.

8 Do we use automated decision making and profiling?

A What is automated decision making?

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

As part of legal right to work checks, when completed remotely, we partner with a government-approved Identity Service provider, who use AI-driven face matching technology to create a biometric template of your image which is then automatically compared with the identity document you have provided. If you do not wish your data to be used in this way, the People team can arrange other in-person ways of verifying your legal right to work. We do not envisage that any other decisions will be taken about you using automated means during the course of your employment or engagement with us. However we will notify you in writing if this position changes.

9 Which countries do we transfer data to?

A International data transfers

Which? do not host any data outside of the UK however certain service providers may have personnel or systems located outside of the UK. In very limited circumstances your personal information via certain suppliers and service providers may be located outside of the UK and the EEA and therefore your personal data may be transferred to outside of the UK.

Please contact the People team (people@which.co.uk) for more information.

B What protections are in place?

Where data needs to be provided to a country or organisation outside of the UK Which? must take steps to ensure that this data is not transferred to third countries or international organisations where the provisions of the UK GDPR will be undermined. If we do transfer your information outside of the UK we will take appropriate steps to protect that information. This will include:

- transferring to third parties in jurisdictions that the UK (or the European Commission had, at 31 December 2020) determined offer adequate protection for your information (and information relating to adequacy decisions made the the European Commission as at 31 December 2020 is available here); and
- entering into an agreement with the recipient of your data, which includes clauses that the UK Information Commissioner's Office has determined offers adequate protection for your information (a template copy of which is here).

For more information please contact the People Team (People@which.co.uk)

10 How long do we use your personal information for?

A Data retention

We will retain your personal information only for as long as is reasonably necessary to satisfy the purposes for which it was collected, and for the purposes of satisfying any legal, accounting or reporting, and regulatory requirements. These legal and other requirements require us to retain certain records for a set period of time, including following the termination of your employment. In addition, we retain certain records in order to resolve queries and disputes that may arise from time to time.

If your job application is unsuccessful, we will hold your data on file for one year after the end of the recruitment process. At the end of that period, your data will be deleted.

If your application is successful, personal data gathered during the recruitment process will be transferred to your personnel file and retained during your employment (or period of consultancy). Details about the periods for which your data will be held will be provided to you in a new privacy notice.

11 What are your rights and responsibilities?

A Inform us of changes

Please ensure you inform us if your personal information changes while you are an employee with us because it is important that the personal information we hold about you is accurate and current.

B Failure to provide personal information

Certain information must be provided so that we can process your application, and if successful, enter into a contract with you (eg your contact details, right to work in the UK and payment details). Without this information, we may not be able to process your job application efficiently.

In addition, you may have to provide us with information so that you can exercise your statutory rights.

If you fail to provide the necessary information, this may mean you are unable to exercise your statutory rights. [Certain information may also need to be provided so that we can comply with our regulatory obligations.]

C Your rights in relation to your personal information

You have rights in relation to the personal information that we hold about you, including the right:

- to request access to any personal information we hold about you – or in some cases, to obtain a portable copy of it or to have it transferred to a third party
- to ask to have inaccurate data amended
- to erase your personal information, or to restrict or challenge the processing of your personal information in limited circumstances
- to lodge a complaint with Information Commissioner's Office (the UK supervisory authority for data protection issues)

A comprehensive list of these rights is attached.

If you want to make one of these requests, please put your request in writing to the People Team (people@which.co.uk)

Data subject rights

You have the following rights (subject to certain exemptions):

- to make a data subject access request: to obtain a copy of the personal information we hold about you together with how and on what basis that personal information is processed
- to ask us to correct inaccurate personal information, including the right to have any incomplete information about you made complete
- to ask us to erase your personal data where it is no longer necessary in relation to the purposes for which it was collected to ask to restrict the processing of your personal information where:
- the accuracy of the personal data is contested – while steps are taken to correct or complete it or to verify the accuracy
- the processing is unlawful but the erasure of the personal data is not appropriate
- we no longer require the personal data for the purposes for which it was collected but it is required for the establishment, exercise or defence of a legal claim
- to object to processing that is on the basis of a legitimate interest - in which case the relevant processing will only continue where we have compelling legitimate grounds for processing your personal information
- to ask to obtain a portable copy of those parts of your personal data where we rely on consent or performance of the contract as the justification for processing, or to have a copy of that personal data transferred to a third party controller

- to withdraw your consent to processing where, in rare circumstances, we have relied on your consent as the justification for processing your personal information
- to access information about safeguards under which your personal data is transferred outside the EEA

Subject access requests

There is generally no fee to access the personal information that we hold about you, however we may charge a reasonable fee if your request is clearly unfounded or excessive or if you request further copies of the same information.

Alternatively, we may refuse to comply with a request that is unfounded or excessive.

12 Changes to this Privacy Notice

A Updates to the Privacy Notice

Which? may need to update this Privacy Notice from time to time. You can see when the Privacy Notice was last updated by checking the date at the top of the page. A summary of changes can be found in this section, along with the date they were made.

If we make any updates, such as materially changing how we use your personal data, we will alert you as required by applicable privacy laws.

Date of change	Details of Change
12 May 2021	Section 9 - updated to reflect the changes following the UK's departure from the EU in relation to international data transfers outside of the UK.
16 March 2023	Sections 2, 3, 4, 5, 7 and 8 have been updated to reflect changes to our processes to allow for diversity and inclusion monitoring inline with our equity, diversity and inclusion strategy; the appointment of a government approved Identity Service Provider to facilitate legal right to work checks remotely on behalf of Which?; Which? to be able to communicate with prospective employees on future job opportunities.