

## PRIVACY NOTICE: JOB CANDIDATES AND APPLICANTS

This document is a privacy notice for job applicants and candidates for employment or work at **Momentum Instore Limited**.

You are being sent or given access to 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 General Data Protection Regulation ((EU) 2016/679) (GDPR).

**Momentum Instore Limited** (referred to in this document as “we” or the “Company”) is committed to protecting the privacy and security of your personal information. This privacy policy includes privacy notices and describes how we collect and use personal information about you, in accordance with data protection laws and the General Data Protection Regulation (GDPR).

This privacy policy does not form part of any employment contract or contract to provide services. It is important that you read this Policy, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

**The Company is a “data controller”**. This means that we are responsible for deciding how we hold and use personal information about you.

### CONTACT DETAILS OF DATA CONTROLLER

The Company’s contact details are: Momentum Instore Limited, Beechwood Court, Springwood Way, Tytherington Business Park, Tytherington, Macclesfield, SK10 2XG.

The Data Privacy Managers for the Company are:

Georgina Good (HR Manager) and Mike Lockey (IT Manager)

The Data Privacy Managers will inform and advise on GDPR, monitor compliance within the Company, cooperate and liaise with the ICO and be the point of contact for data subjects.

### DATA PROTECTION PRINCIPLES

We are required to comply with data protection law and principles, which means that your personal data will be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that

is incompatible with those purposes.

- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept securely.

### **WHAT PERSONAL DATA DO WE PROCESS?**

As part of any recruitment process, the Company collects and processes personal data relating to job applicants. The Company is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

We collect, store and process a range of personal information about you. This includes:

The Company collects a range of information about you to facilitate the recruitment process. This includes:

- your name, address and contact details, including email address and telephone number;
- details of your qualifications, skills, experience and employment history;
- if applicable to the role, information regarding your driving license, the vehicle you use for business travel, and your certificate of motor insurance;
- 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.

### **HOW DO WE COLLECT DATA ABOUT YOU**

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

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.

Data will be stored in a range of secure places, including the Company's recruitment software (Logic Melon) and on other IT systems (including email).

## **HOW WE USE INFORMATION ABOUT YOU**

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances (each of these circumstances can also be referred to as a “basis” of processing):

1. Where we need to comply with a legal obligation.
2. Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
3. Where we have obtained your consent.

## **LAWFUL BASIS OF PROCESSING**

We may rely on one or more lawful basis for processing of your personal data.

We may ask you for consent to processing your personal data (or certain categories of your personal data) and where we do so, we will rely on your consent as the lawful basis of such processing of your data.

We need to process data to take steps at your request prior to entering into a contract with you. We may also need to process your data to enter into a contract with you.

In some cases, we need to process your personal data to ensure that we are complying with our legal obligations. For example, it is required to check a successful applicant's eligibility to work in the UK before employment starts.

The Company has a legitimate interest in processing personal data during the recruitment process in order to grow our business and to keep records of the process. Processing of your personal data is necessary for our legitimate interests. However, where we seek your consent for processing of your personal data, consent shall be the lawful basis of such processing.

## **WAYS IN WHICH WE USE YOUR PERSONAL DATA**

Processing data from job applicants allows the Company to manage the recruitment process, assess and confirm a candidate's suitability for employment and decide to whom to offer a job. We will use the personal information we collect about you to assess your skills, qualifications, and suitability for the job applied, carry out background and reference checks, where applicable, communicate with you about the recruitment process, keep records related to our hiring processes.

The Company may also need to process data from job applicants after the recruitment process has ended to respond to and defend against legal claims.

## **SPECIAL CATEGORIES OF PERSONAL DATA**

The Company may process special categories of personal data, such as information about ethnic origin, sexual orientation or religion or belief, to monitor recruitment statistics. It may also collect information about whether or not applicants are disabled to make reasonable adjustments for candidates who have a disability. The Company processes such information to carry out its obligations and exercise specific rights in relation to employment.

For some roles, the Company is obliged to seek information about criminal convictions and offences. Where the Company seeks this information, it does so because it is necessary for it to carry out its obligations and exercise specific rights in relation to employment.

If your application is unsuccessful, the Company may keep your personal data on file in case there are future employment opportunities for which you may be suited. The Company will ask for your consent before it keeps your data for this purpose and you are free to withdraw your consent at any time.

## **ACCESS TO DATA**

Your information may be shared internally for the purposes of the recruitment process. This includes members of the HR and recruitment team, interviewers involved in the recruitment process, managers in the business area with a vacancy and IT staff if 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 it decides to make you an offer of employment. The Company will then share your data with former employers to obtain references for you, employment background check providers to obtain necessary background checks.

The Company will not transfer your data outside the European Economic Area without your explicit consent.

## **PROTECTION OF DATA**

The Company takes the security of your data seriously. The Company has internal policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by its employees in the performance of their duties. The ability to access data is restricted on a need to know basis. AD security groups are used to permission sensitive server data and Access Control Groups are used on our extranets.

Where the Company engages third parties to process personal data on its behalf, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and Company measures to ensure the security of data.

## DATA RETENTION PERIODS

### For how long does the Company keep your personal data?

If your application for employment is unsuccessful, we will hold your data on file for 6 months after the end of the relevant recruitment process to respond to and defend against possible legal claims.

If you agree to allow us to keep your personal data on file, we will hold your data on file for a further 12 months for consideration for future employment opportunities. At the end of that period or once you withdraw your consent, your data is deleted or destroyed.

Further information or queries about data retention periods relating to your personal data can be made to our Data Privacy Managers on [GDPR@momentuminstore.com](mailto:GDPR@momentuminstore.com).

If your application for employment is successful, personal data gathered during the recruitment process will be transferred to your personnel file and retained during your employment. The periods for which your data will be held will be provided to you in a new privacy notice.

## DATA SUBJECT RIGHTS

As a data subject, under certain circumstances, you have a number of rights:

- **Request access** - You can access and obtain a copy of your data on request (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Correction** - You can require us to change incorrect or incomplete data we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Erasure** - You can require us to delete or stop processing your personal data, for example where the data is no longer necessary for the purposes of processing. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** - You can object to the processing of your personal data where the Company is relying on its legitimate interests (or those of a third party) as the legal ground for processing;
- **Request the restriction of processing** - You can request the restriction of processing. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Transfer request** - You can request the transfer of your personal information to another party.
- **Automated Decision- Making**

You have the right not to be subject to a decision based solely on automated processing (Automated Decision-Making), which produces either legal or other significant effects.

Automated Decision-Making takes place when an electronic system uses personal information to make a decision without human intervention. Examples of this are:

- Automatic rejection of candidates when recruiting online if they do not have certain qualifications
- A 'trigger' in a procedure for sickness absence or disciplinary action
- Bonus decision made on attendance data

We are allowed to use automated decision-making in the following circumstances:

- Where we have notified you of the decision and given you 21 days to request a reconsideration.
- Where it is necessary to perform the contract with you and appropriate measures are in place to safeguard your rights.
- In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

If we make an automated decision on the basis of any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard your rights.

All data subject access requests from individuals to view their data being held by Momentum Instore should be addressed to [GDPR@momentuminstore.com](mailto:GDPR@momentuminstore.com). The Company will firstly ask you to complete a Subject Data Access Request form for the purposes of properly verifying the identity of the individual making the request, ensuring it is lawful for us to provide the individual with the requested information and to understand specifically what data is being requested. The Company will then supply the electronic information requested within 1 month from the date of request for standard information requests. More complex information requests may take up to 3 months.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the Data Protection Managers in writing at [GDPR@momentuminstore.com](mailto:GDPR@momentuminstore.com)

### **RIGHT TO COMPLAIN**

If you believe that the Company has not complied with your data protection rights, you can complain to the Information Commissioner.

### **NO FEE USUALLY REQUIRED**

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

## **WHAT WE MAY NEED FROM YOU**

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

## **RIGHT TO WITHDRAW CONSENT**

In the circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the Data Protection Managers at [GDPR@momentuminstore.com](mailto:GDPR@momentuminstore.com). Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

The Company recognises an individual's "Right to be Forgotten", and such requests should be sent to [GDPR@momentuminstore.com](mailto:GDPR@momentuminstore.com).

## **WHAT IF YOU DO NOT PROVIDE PERSONAL DATA?**

You are under no statutory or contractual obligation to provide data to the Company during the recruitment process. However, if you do not provide the information, we may not be able to process your application properly or at all.

## **CHANGES TO THIS PRIVACY NOTICE**

Changes to the privacy notice will be communicated with reasons for such changes (for example changes in law or changes in approach/uses).

## **CONTACT US**

Please direct any queries to our Data Privacy Managers on [GDPR@momentuminstore.com](mailto:GDPR@momentuminstore.com).