

## Job Candidate Privacy Notice

### 1 Purpose of this notice

You have received this privacy notice because you have applied for work with us (whether as an employee, worker or contractor). This notice will apply to you if you send us your CV and other personal data on a speculative basis and/or if we receive your information further to a job advertisement we or our service providers publicise. This notice is intended to make you aware of how and why your personal data will be used by us, namely for the purposes of the recruitment and selection process, and how long it will usually be retained.

Each of LK Shields Solicitors, of 38 Upper Mount Street, Dublin 2, Ireland (**LKS**) and UMS Management Services Limited, of 38 Upper Mount Street, Dublin 2, Ireland (**UMS**) is a **controller** of the personal data received in respect of your job application, and the selection and recruitment process. This means that each of LKS and UMS are responsible for deciding how they hold and use your personal data. UMS is affiliated with LKS and provides LKS various administrative, financial and human resources supports.

We will receive your personal data through your job application, during the recruitment and selection process, interview(s) and when communicating with us about a job application. We may also receive your personal data from third parties who assist us with recruitment and selection (e.g. recruiters; references from a previous employer; employment verification agencies and publicly available sources such as professional networks/social media).

This privacy notice sets out the information that you are entitled to receive under Irish data protection laws, including the General Data Protection Regulation (EU) 2016/679 (**GDPR**) and the Data Protection Acts 1988 to 2018, as these laws may be amended, supplemented or replaced from time to time (**data protection law**). You have certain rights in respect of your personal data, which are described in this privacy notice.

This privacy notice does not form part of any contract of employment or other contract to provide services.

### 2 The types of personal data we process

**Personal data** means information about an individual from which that person can be identified. It does not include information where an individual's identity has been removed (anonymous data). Throughout this privacy notice we use the term **processing** (and derivatives of this term) to refer to all activities involving your personal data, including collecting, handling, storing, disclosing, accessing, using, transferring, erasing and disposing of it.

We will receive and process the following categories of personal data about you:

- **Identity and Contact Data** such as your name, title, addresses, telephone numbers, personal email addresses and links to your website, blog, portfolio or professional networking profile.
- **Recruitment / Selection Data** including personal data contained in your job application; CV; record of interview; verification documentation; copies of right to work documentation; copy passport or other identification; work history; complaints of professional misconduct and/or any disciplinary action; references and other personal data included in a cover letter, communications or as part of the application, interview and selection process.
- **Professional Qualifications** including schools and colleges attended, and professional qualifications and memberships.
- **CCTV Data** namely your image and time of recording as captured by CCTV in operation at our offices.

We may also receive and process **special categories of personal data** about you:

**Special categories of personal data** is personal data that reveals racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership; genetic data; biometric data for the purpose of uniquely identifying an individual; or data concerning health or sexual orientation.

We limit the collection of special categories of personal data from you. Typically, we will only receive **Incapacity Data**, namely any adjustments or accommodations necessary for the purpose of any interview.

If you fail to provide information we request, which is in our view necessary for us to consider your application (such as evidence of qualifications or work history), we may not be able to process your job application. For example, if we require references for this role and you fail to provide us with relevant details, we may not be able to take your application further.

You may sometimes provide us personal data relating to third parties, such as your referees and details of former employers, for purposes of recruitment and selection. Before giving us this information please inform those third parties that you intend to disclose their personal data to us, the purposes for this disclosure, and that their personal data will be used by us in accordance with this privacy notice.

### 3 How your personal data is received

We receive your personal data further to your job application and as part of the recruitment and selection process. Typically, we receive your personal data from the following sources:

- You, as a job applicant and candidate (e.g. through web forms and other direct communications with you, including applications for job vacancies and speculative applications submitted by you through the careers portal made available on our website)
- Recruitment agencies
- Your named referees and past employers
- Persons who recommend you for employment
- Professional networking platforms (e.g. LinkedIn)
- Third parties we may engage to carry out pre-employment verification checks

### 4 Purposes and legal grounds for using your personal data

We have set out below a description of the ways we process your personal data and the legal grounds we rely on to do so.

Purpose/activity	Type of data	Grounds for processing
To respond to your job application (including speculative job applications) and to manage the recruitment, interview and selection process. For example, to assess your skills, qualifications and suitability for the role; check you are legally entitled to work in Ireland; create a profile based on the information we receive to assist us in managing your job application; communicate with you about the recruitment and selection process; communicate with your referees; keep records related to our hiring processes;	<ul style="list-style-type: none"> <li>• Recruitment/ Selection Data</li> <li>• Professional Qualifications</li> <li>• Identity and Contact Data</li> <li>• Incapacity Data</li> </ul>	(a) Necessary in order to take steps at your request prior to entering into a contract with you. (b) Necessary for our legitimate interests for running our business, to assess suitability of candidates. (c) Necessary to comply with a legal obligation. (d) Necessary for performance of an obligation which is imposed by law on an employer in connection with employment law. (e) Necessary for the assessment of working capacity.

<p>comply with legal or regulatory requirements; provide for your health and safety in our premises; provide appropriate facilities and adjustments for your attendance at any interview. If we receive a job application from you on a speculative basis, we will process your personal data in order to consider you for future job opportunities.</p>		
<p>To operate and record images through the use of CCTV operated at our business premises. We do this to secure our business premises and the persons and property inside and outside our business premises.</p>	<ul style="list-style-type: none"> <li>• CCTV Data</li> </ul>	<p>(a) Necessary to comply with a legal obligation.</p> <p>(b) Necessary for our legitimate interests to protect our property, assets, staff and others; to detect, investigate, prevent and address unlawful activity and to establish, exercise or defend legal rights.</p>
<p>Dealing with legal disputes involving you, including any claims further to an unsuccessful job application; to identify and/or prevent fraud or other breaches of laws or duties; conduct or assist with internal, government, law enforcement and other investigations.</p>	<ul style="list-style-type: none"> <li>• Recruitment/ Selection Data</li> <li>• Professional Qualifications</li> <li>• Identity and Contact Data</li> <li>• Incapacity Data</li> </ul>	<p>(a) Necessary in order to take steps at your request prior to entering into a contract with you.</p> <p>(b) Necessary for our legitimate interests for running our business and to protect our property, assets, workforce and others.</p> <p>(c) Necessary to comply with a legal obligation.</p> <p>(d) Necessary for performance of an obligation which is imposed by law on an employer in connection with employment law.</p> <p>(e) Necessary in relation to legal claims or proceedings or prospective legal claims or proceedings, or the establishment, exercise or defence of legal claim.</p>

**5 Disclosure of your personal data**

We may have to disclose personal data with the parties set out below for the purposes set out in the table above.

- **Internal third parties:** We may share your personal data with other entities associated with us. For example, UMS provides LKS information and communications systems/applications support, and Human Resources, finance and secretarial services.
- **External third parties:** We may disclose some of your personal data to professional advisors and companies that provide products and services to us. For example, vendors who provide, maintain and support information and communications systems/applications may process your personal data on our behalf. We may disclose your personal data to an employment verification agency to carry out pre-employment verification checks on our behalf. Also, we may need to disclose your personal data to legal or other professional advisors in the context of legal claims or requests.
- **Referees:** If we contact one or more of your designated referees they will be informed by us that you are being considered by us for a role.

- **Public and Government Authorities:** We may need to share your personal data with regulators or to otherwise comply with the law.

We do not allow our service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

## 6 International transfers

We use the services of a trusted IT vendor to store emails for us. If we receive an email from you or send you an email, those communications will be stored by that IT vendor on our behalf on its cloud service located in the United Kingdom. We have in place with this vendor the European Commission's standard contractual clauses. For further information, please use the Contact Us section below.

## 7 Information security

We have in place appropriate security measures intended to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. If you have reason to believe that any of your personal data is no longer secure, please notify us immediately using the information provided below.

## 8 How long we keep your personal data

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting or reporting requirements.

We will retain your personal data for a period of 12 months after an unsuccessful job application. We retain your personal data for that period so that we can show, in the event of a legal claim, that we have not discriminated against candidates on prohibited grounds and that we have conducted the recruitment exercise in a fair and transparent way. If you send us a speculative job application, we will retain your application for 12 months in order for you to be considered for future roles and opportunities. After these periods, we will securely destroy your personal data. We will not keep your details on file for future job openings, unless you expressly agree that we may do so. In certain cases, legal or regulatory obligations require us to retain specific records for a set period of time.

If your application for employment with us is successful and you accept a job offer from us, your personal data will form part of your personnel file. We will also use your personal data for the purpose of onboarding you and setting you up on our IT systems in advance of your first day of work. When you start work with us your personal data will be processed in accordance with our workplace privacy notice.

## 9 Automated decision-making

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

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

## 10 Updating your personal data

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during the recruitment and selection process by using the information provided in section 12 below or by furnishing any updates in writing to your recruitment contact.

## 11 Your legal rights

Under certain circumstances, by law you may have the right to:

**Request access to your personal data.** This enables you to request a copy of the personal data we hold about you and to check that we are lawfully processing it.

**Request correction of the personal data that we hold about you.** This enables you to have any incomplete or inaccurate personal data we hold about you corrected.

**Request erasure of your personal data.** This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have exercised your right to object to processing (see below).

**Object to processing of your personal data** where we are relying on a legitimate interest (or those of a third party) to process your personal data and there is something about your particular situation which makes you want to object to us processing your personal data on this legal ground.

**Request restriction of processing of your personal data.** This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the personal data is unlawful but you do not want us to erase it; (c) where you need us to hold the personal data even if we no longer require it as you need it to establish, exercise or defend a legal claim; or (d) you have objected to our use of your personal data but we need to verify whether we have overriding legitimate grounds to use it.

**Request the transfer of your personal data to you or to a third party.** We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we processed the personal data to perform a contract with you.

**Exercising your rights:** To exercise one or more of your legal rights in respect of your personal data, please contact us in writing using the information provided below.

**Data Protection Commission (DPC):** You have the right to make a complaint at any time to the DPC, the Irish supervisory authority for data protection issues ([www.dataprotection.ie](http://www.dataprotection.ie)). We would appreciate the chance to deal with your concerns before you contact the DPC and ask you contact us in the first instance.

## 12 Who to contact?

For any matters relating to this privacy notice and your data protection rights, please write to us at [dataprotection@lkshields.ie](mailto:dataprotection@lkshields.ie) or at Data Protection Team, LK Shields Solicitors LLP, 38 Upper Mount Street, Dublin 2, Ireland.