



# RECRUITMENT PRIVACY NOTICE

Updated October 2023



## **PORTSMOUTH WATER**

# **RECRUITMENT PRIVACY NOTICE**

This Privacy Notice will help you understand how we use your personal data when you apply for employment with Portsmouth Water Limited.

We recommend that you read this Privacy Notice in full as it explains how and why we collect personal data about you, how and why it will be processed by us and our commitment to protecting your personal data.

## 1 ABOUT PORTSMOUTH WATER

Portsmouth Water Limited ("Portsmouth Water", "We", "Our" or "Us") is a company registered in England and Wales under company number 02536455 whose registered office is at PO Box 8, West Street, Havant, Hampshire PO9 1LG.

We are registered as a data controller with the Information Commissioner's Office and our registration number is Z6707640.

We have a Data Protection Officer ("DPO") whose contact details can be found in section 14 of this Privacy Notice.

## 2 ABOUT THIS PRIVACY NOTICE

This Privacy Notice applies to the personal data we collect about you during our recruitment process. We are committed to protecting your personal data in accordance with applicable data protection legislation including the UK GDPR, Data Protection Act 2018 and the Privacy and Electronic Communications Regulations 2003 (together referred to as "Data Protection Legislation"). This Privacy Notice may change from time to time and, if it does, the up-to-date version will always be available on our Careers webpage <https://www.portsmouthwater.co.uk/careers/>.

## 3 DEFINITION OF PERSONAL DATA

Personal data is information that relates to an identified or identifiable living individual. This means that the individual is directly identifiable from that information or could be indirectly identified from that information in combination with other information.

## 4 PERSONAL DATA WE COLLECT ABOUT YOU

We may collect, use and store different kinds of personal data about you which we have grouped together as follows:

### Identity

- Name and Title
- Date of Birth
- Gender
- Marital Status
- Passport Number/Image
- Driving License Number
- Birth Certificate

## Contact

- Home Address
- Telephone Contact Numbers
- Email Address
- Next of Kin and Emergency Contact Details

## Recruitment

- CV and Application Forms
- Interview Notes and Scoring
- Right to Work Check Information
- Background Checks, such as DBS checks
- Employer References

## Special Category Data (Health)

- Reasonable Adjustments
- Disability Information and/or Long-term Health Conditions

## Criminal Conviction Data

- Details of Criminal Convictions and Offences

## 5 HOW YOUR PERSONAL DATA IS COLLECTED

We use different methods to collect personal data from and about you including through:

### Direct interactions

We collect personal data from you during the application and interview process when you apply for a job with Portsmouth Water.

You do not have to provide the information we ask for, however if you don't it may affect your application and our ability to assess your suitability for the role.

### Information we receive from other sources

We may receive personal data about you from third parties who provide it to us. For example:

- Background checks performed during the recruitment process including DBS checks and references provided by current and/or former employers.
- Where our employees are required by law, or otherwise, to undergo any medical assessments to consider and monitor their ability to fulfil the role in which they are employed.

- From recruitment agencies who source candidates on our behalf.
- From professional social media platforms such as LinkedIn.

## 6 PURPOSE AND LAWFUL BASIS OF PROCESSING YOUR PERSONAL DATA

We must have a legal basis for processing your personal data. We predominately process your personal data under the following legal grounds:

- If we enter a contract with you or to take steps to enter a contract with you.
- It is necessary to fulfil our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- The law permits or requires it.
- When you have given us consent to do so for the specific purposes which we have told you about.

We have set out a table at the end of the Privacy Notice detailing the ways we commonly use personal data and which of the legal grounds we rely on to do so. We have also identified what our legitimate interests are, where appropriate.

In some cases, we may use more than one legal basis for processing your personal data; this will depend on the specific purpose for which we are using your personal data.

Please contact us if you have any queries about the specific legal basis that we rely on for processing your personal data.

### Special Category Data

We do not need your consent if we use Special Category Data (see section 6 for details) in accordance with this Privacy Notice to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your Contract with us that you agree to any request for consent from us.

## 7 AUTOMATED DECISION-MAKING (INCLUDING PROFILING)

Automated decision-making takes place when an electronic system uses personal data to make a decision without human intervention. We are allowed to use automated decision-making in the following circumstances:

- Where it is necessary for entering into or to perform the contract with you and appropriate measures are in place to safeguard your rights;
- Where it is authorised by law; and

- 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 Special Category Data, we must have either your explicit written consent or it must be justified as a substantial public interest, and we must also put in place appropriate measures to safeguard your rights.

Except where required by law, you will not be subject to decisions that will have a significant impact on you based solely on automated decision-making unless we have given you the opportunity to obtain human intervention, to express your point of view and to contest the decision.

## 8 WHO WILL HAVE ACCESS TO YOUR PERSONAL DATA

Personal data will only be handled by our People Team and the hiring manager who have a legitimate business need to access your personal data for the purposes set out in this Privacy Notice.

## 9 WHO ELSE WE MIGHT SHARE YOUR PERSONAL DATA WITH

Except as explained in this Privacy Notice, we will not share your personal data without your consent unless required to do so by law, where we have a legitimate interest in doing so, or to administer the working relationship with you.

We may share your personal data with you, and where we have obtained your consent to do so, your associates and your representatives.

We may disclose your personal data to the Police, Department for Work and Pensions, HMRC, UK Visas and Immigration, fraud prevention and investigation agencies and any other law enforcement agency to the extent necessary for purposes including preventing, investigating, detecting, and prosecuting criminal offences or where required to do so by law.

We may share your personal data with third-party service providers who assist us with administering our recruitment process. Any such third parties will only be permitted to use your personal data for specific purposes in accordance with our instructions and not for their own purposes.

If a business transfer or change of business ownership takes place or is envisaged, we may transfer your personal data to the new owner (or a prospective new owner). If this happens, we will inform you of this transfer.

## 10 HOW WE PROTECT YOUR PERSONAL DATA

We are committed to maintaining the privacy and security of the personal data you provide to us through the deployment of physical, technical and organisational security procedures designed to secure your personal data against accidental loss, destruction or damage and unauthorised access, use, alteration or disclosure.

Our recruitment data is held on secure systems and servers with access controls in place on a need to access basis.

We ensure all our staff are trained in data protection so they understand how they can help keep your personal data safe from unauthorised use and access.

Our sites are highly secured with physical access controls strictly implemented.

## 11 TRANSFERS OF YOUR PERSONAL DATA OUTSIDE THE UK

Employee personal data is not transferred to, and stored at, a destination outside the UK. If this were to change we will ensure that it is adequately protected by using appropriate safeguards as further detailed below.

## 12 HOW LONG WE KEEP YOUR PERSONAL DATA

We will keep your personal data for no longer than is necessary for the purposes for which it was obtained. The criteria for determining the duration for which we will retain your personal data are as follows:

We will retain your personal data in a form that permits identification only for as long as:

- we maintain an ongoing relationship with you; or
- your personal data is necessary in connection with the lawful purposes set out in this Privacy Notice for which we have a valid legal basis.

Plus, for the duration of:

- any applicable limitation period under applicable law (i.e. any period during which any person could bring a legal claim against us in connection with your personal data, or to which your personal data may be relevant); or
- an additional reasonable period following the end of such applicable limitation period.

In addition to the above:

- if any relevant legal claims are brought, we may continue to process your personal data for such additional periods as are necessary in connection with that claim.

Where your personal data is retained for claim limitation purposes or for a reasonable period thereafter, we will restrict our processing of your personal data to the storage of, and maintaining the security of, those personal data, except to the extent that those personal data need to be reviewed in connection with any legal claim or obligation under applicable law. After this period your personal data will be anonymised so that you are no longer identified or identifiable from such information, or securely deleted/destroyed.

Any third parties that we engage will keep your personal data stored on their systems for as long as is necessary to provide the relevant services to you or us. If we end our relationship with

any third-party providers, we will make sure that they securely delete or return your personal data to us.

We may retain personal data about you for statistical purposes. Where personal data is retained for statistical purposes, it will always be anonymised, meaning that you will not be identifiable from that data.

## 13 YOUR DATA RIGHTS

The legal rights you have in relation to your personal data are summarised below:

- **Right to be informed**

You have the right to be informed about the collection and use of your personal data, as covered by this Privacy Notice.

- **Right of access**

You have the right to access and receive a copy of your personal data, and other supplementary information (subject to a limited number of exemptions).

- **Right to rectification**

You have the right to have inaccurate personal data rectified, and incomplete personal data completed.

- **Right to erasure**

You have the right to request erasure of your personal data in certain circumstances.

- **Right to restrict processing**

You have the right to request restriction or suppression of your personal data.

- **Right to data portability**

Where we are processing your personal data based on your consent or for the performance of a contract you may request that we transfer your personal data to another organisation in a structured, commonly used machine-readable format. This only applies to personal data provided to us by you.

- **Right to object**

You have the absolute right to object to our processing of your personal data. The right to request we stop processing your personal data applies when we process your personal data based on a task carried out in the public interest or for our legitimate interests (or those of a third party).

However, in these circumstances we may refuse to comply with your request if we can justify compelling legitimate grounds, or where the processing is for establishment, exercise or defence of legal claims.



- Rights related to automated decision-making including profiling: You have the right not to be subject to a decision based solely on automated processing (no human intervention), where the decision affects your legal status or rights or where the decision has a similarly significant effect. This type of processing is permitted where the decision is necessary for entry into or performance of a contract; is authorised by law; or based on your explicit consent.

We can only use your Special Category Data for this type of processing where we have your explicit consent or if is necessary for reasons of substantial public interest.

If we are processing your personal data on the basis of consent, you have the right to withdraw your consent at any time. If you decide to withdraw your consent, we will stop processing your personal data for that purpose unless there is another lawful basis we can rely on.

You can exercise your data rights free of charge. We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to improve our response to you.


We will comply with your request within one calendar month (from the time Portsmouth Water receives your request, or upon receipt of any additional information we have requested from you). Occasionally we may require more time to respond to your request if your request is complex. We will notify you within one month to inform you that we require additional time to comply with your request.

In exceptional circumstances where your request is manifestly unfounded or excessive, we may charge you for your request, or refuse to comply with your request. We will always inform you of the reasons for not being able to comply with your request.

For more information on your rights and how to use them, or if you would like to make any of the requests set out above, please contact us using the contact details provided below.

## 14 FURTHER INFORMATION

If you have any questions or concerns about how we handle your personal data, you can contact us by:

 **Portsmouth Water**  
**FAO: Data Protection Officer**  
**PO Box 99**  
**West Street**  
**Havant**  
**Hampshire**  
**PO9 1LG**

 [\*\*dataprotection@portsmouthwater.co.uk\*\*](mailto:dataprotection@portsmouthwater.co.uk)

If you are unsatisfied with our response to any data protection issues you raise with us or our DPO, you have the right to make a complaint to the ICO. The ICO is the authority in the UK which is tasked with the protection of personal data and privacy and contact details can be found at <https://ico.org.uk/global/contact-us/>.

What we use your personal data for (purpose)	Type of data	Legal basis for processing (including basis of legitimate interest)
To assess your suitability for a role you have applied for, including an assessment of your skills and competencies, performance at interview and the uptake of references.	<ul style="list-style-type: none"> <li>• Identity</li> <li>• Contact</li> <li>• Recruitment</li> </ul>	Necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.
Use of recruitment and social media platforms such as LinkedIn or agencies.	<ul style="list-style-type: none"> <li>• Identity</li> <li>• Contact</li> <li>• Recruitment</li> </ul>	Necessary for our legitimate interests (to ensure we can source the best candidates for our roles).
To verify your identity and legal right to work in the UK.	<ul style="list-style-type: none"> <li>• Identity</li> </ul>	Necessary for compliance with a legal obligation.
To meet any reasonable adjustments, you may require during the recruitment process.	<ul style="list-style-type: none"> <li>• Special Category data (health)</li> </ul>	<p>Necessary for compliance with a legal obligation.</p> <p>Necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment.</p>
To assess your fitness for work.	<ul style="list-style-type: none"> <li>• Special Category data (health)</li> </ul>	<p>Necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.</p> <p>Necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment.</p>

What we use your personal data for (purpose)	Type of data	Legal basis for processing (including basis of legitimate interest)
To conduct a fair recruitment process.	<ul style="list-style-type: none"> <li>Identity</li> <li>Recruitment</li> <li>Special Category data (health)</li> </ul>	<p>Necessary for our legitimate interests (to ensure we conduct a fair process).</p> <p>Necessary for compliance with a legal obligation.</p> <p>Necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment.</p>
To promote equality, diversity and inclusion (EDI) in our workplace, and to prevent and challenge discrimination or potentially discriminatory practices.	<ul style="list-style-type: none"> <li>Identity</li> <li>Special Category Data (health, racial or ethnic origin)</li> </ul>	<p>Necessary for compliance with a legal obligation.</p> <p>Processing is necessary for the purposes of our legitimate interests (to ensure Portsmouth Water is actively promoting EDI and preventing discrimination).</p> <p>Necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment.</p> <p>Necessary for a substantial public interest (equality of opportunity or treatment and promotion or maintaining diversity at senior levels).</p>
To perform and assess criminal record and other background checks.	<ul style="list-style-type: none"> <li>Identity</li> <li>Criminal Conviction</li> </ul>	<p>Necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.</p> <p>Necessary for compliance with a legal obligation.</p> <p>Necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment.</p>

