



## Applicant Privacy Notice



## 1 INTRODUCTION

- 1.1 In this Privacy Notice, Blake Morgan means collectively Blake Morgan LLP, Blake Morgan Group LLP and Blake Laphorn, each of New Kings Court, Tollgate, Chandler's Ford, Eastleigh, Hampshire, SO53 3LG.
- 1.2 This Privacy Notice sets out information on how and why Blake Morgan ("**we**") process personal information about the people who apply to work for us ("**you**") and your rights in relation to that information. Under data protection laws we are usually the "data controller" of personal information held about those who apply to work for us (although there may also be other organisations, such as recruitment agencies, which will be "data processors" of your personal information).
- 1.3 This Privacy Notice applies to everyone who applies to work for us regardless of whether they are looking to be engaged as partners, employees, workers, contractors or agency staff, and whether they are permanent or temporary staff, whether or full or part time. However, we are likely to process different and much more detailed information about prospective employees and workers than we will do about prospective contractors or temporary agency staff due to the different nature of our relationship with them in law.
- 1.4 This notice is designed to inform you about certain information. It does not indicate any intention to create legal relations or form part of any contract.

## 2 DATA PROTECTION PRINCIPLES

- 2.1 There are 6 key principles under data protection laws which govern how we must deal with your personal information. We must:

- hold and use it lawfully, fairly and in a transparent way
- only use it for specific and lawful purposes that have been explained to you
- make sure that it is adequate, relevant and limited to what is necessary for those purposes
- make sure that it is accurate and up to date
- make sure that we only keep it for as long as is necessary for those purposes
- make sure that it is kept securely

## 3 WHAT INFORMATION DO WE COLLECT ABOUT YOU?

- 3.1 The personal information about you which we expect to collect, hold and use ("process") is likely to include the following. This list is not exhaustive but is intended to give you a clear idea of your personal information which we process:

- 3.1.1 date of birth (where you have chosen to provide this information);

- 3.1.2 **your name, title, address, personal telephone numbers and personal email address;**
- 3.1.3 your gender;
- 3.1.4 your login and password details related to our online application process;
- 3.1.5 your current work contact details including telephone numbers, and email addresses;
- 3.1.6 **your social networking profiles and/or internet profiles whether professional or personal but only to the extent that they may be relevant for recruiting you to the job(s) in question;**
- 3.1.7 contact details of your current and/or former employers;
- 3.1.8 education records, training records and records of qualifications and achievements;
- 3.1.9 job title and job duties with your current and/or former employers, including any other work you intend to continue with if you accepted work with us;
- 3.1.10 details of your salary and reward package and notice period with current and/or former employers;
- 3.1.11 reason for leaving previous employment(s);
- 3.1.12 whether you have previously applied for a position or worked for us or any of our group organisations before, or whether you have any link with the Firm;
- 3.1.13 contact details, occupation and position of your referees;
- 3.1.14 information gathered from reference requests – this could include information about the capacity in which the referee knows you; how long they have known you; length of service; **absence (including sickness absence)**; any disciplinary investigations and proceedings, whether or not any disciplinary action was taken; details of any grievance investigations or complaints raised by you, or by a third party about you, whether or not any action was taken; your performance, attitude and personality;
- 3.1.15 **your nationality and copies of your passport, identity card, and/or any certificates or documents proving your right to work in the UK, in compliance with right to work checks;**
- 3.1.16 **information on any unspent criminal convictions. We will only collect information about criminal convictions or alleged commission of offences if it is appropriate given the nature of the role and where we are legally able to do so;**

- 3.1.17 national insurance information;
  - 3.1.18 **further information you provide such as hobbies, interests outside work and achievements;**
  - 3.1.19 **information on any disability and/or reasonable adjustments that would be required to enable you to attend an interview;**
  - 3.1.20 **monitoring on diversity (including, for example, age, race/ethnicity, religion, whether you have a disability, sexual orientation, gender identity and marital status);**
  - 3.1.21 **any contextual information about you that you may choose to provide to us in your application about your socio-economic, personal or educational background;**
  - 3.1.22 details of your car insurance;
  - 3.1.23 practising certificate or similar regulatory documents; and
  - 3.1.24 psychometric testing.
- 3.2 The information marked in bold is or could include "**special categories**" of personal information. Under data protection laws, "special categories" of personal information (previously known as sensitive personal data) includes information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic information, biometric information for uniquely identifying a person, information concerning health and information concerning a person's sex life or sexual orientation. Information concerning criminal convictions or the alleged commission of criminal offences as well as details of related legal proceedings is placed in a similar category. This information is particularly sensitive and we will therefore only process this information where absolutely necessary: we will ensure it is only seen by those who have to see it and will keep it secure. By law we are required to have a policy document outlining how we protect such information and how long the information is held for. Our policy document on this information will be reviewed from time to time.
- 3.3 Please note that the provision of information for us to monitor diversity is voluntary. It will be anonymised as far as possible, or where that is not possible, it may be pseudonymised (where we put in place safeguards making it hard to identify to whom the information relates) and you have the right to tell us that you no longer wish us to process certain types of information about you for the purpose of monitoring diversity.

## 4 HOW LONG WILL WE PROCESS YOUR PERSONAL INFORMATION?

- 4.1 If you are successful in your application to work for us, we will process this information for the duration of our work relationship. When your work relationship with us begins, we will issue you with a Staff Privacy Notice detailing how we will process your data during our work relationship with you and after it ends.
- 4.2 If you are unsuccessful in your application to work for us or you choose not to accept the offer of a work contract with us (if applicable), we will retain your personal data for a period of 12 months or such other period as may be required under our legal obligations, subject to the caveat that all emails are stored in our email archiving system for a period of up to 7 years from the date of being sent or received.

## 5 WHO IS COLLECTING IT AND WHO WILL IT BE SHARED WITH?

- 5.1 Mostly, we will be collecting the information about you but we do use the services of Certn (UK) Ltd to carry out background checks on all potential new staff once you have accepted an offer of employment with us. You will be informed if this applies to you.
- 5.2 In addition, we may use the services of Rare Recruitment ("Rare") who provide contextual recruitment information to us about your application based on information you may choose to provide to us, including any information about your socio-economic, personal and educational background if you want us to consider that as part of your application, and if you consent to this information being shared with Rare for this specific purpose. You will be informed if this applies to your application.
- 5.3 The personal information we expect to collect about you may be:
- 5.3.1 provided directly to us by you such as:
    - (a) information received from you through the recruitment or procurement process (e.g. curriculum vitae, application forms and covering letters); and
    - (b) information you provide to us after that (e.g. during an interview);
  - 5.3.2 information already made public by you in some other way (e.g. in the public domain via social media); and
  - 5.3.3 information provided by a third party (e.g. by an employer giving us a reference about you or by a member of our staff, customer, client, supplier or referrer who already knows you or from a regulator such as the Law Society).
- 5.4 We use other companies for certain functions and in limited circumstances. Information about you may be collected from and provided to and used by the following organisations:

- 5.4.1 Recruitment agencies, which provide details of your CV and other information which you have given to them;
  - 5.4.2 Our outsourced recruitment platform provider, Application Tracking System;
  - 5.4.3 Our outsourced executive search consultancies.
  - 5.4.4 Our outsourced psychometric testing provider;
  - 5.4.5 Online "job boards";
  - 5.4.6 Our associated companies including but not limited to Blake Morgan LLP, Blake Morgan Group LLP and Blake Lapthorn;
  - 5.4.7 HMRC, regulatory authorities, the SRA, the Law Society and Government Departments to comply with our legal obligations;
  - 5.4.8 Other third parties where we have a legitimate reason to share it (such as external professional advisors) and have put the necessary safeguards in place to protect your information; and
  - 5.4.9 Courts and tribunals where necessary for establishing or defending legal claims;
- 5.5 We do not share your information with outside organisations other than for the purposes set out above and will not sell or provide information about you to any organisation for direct marketing purposes without your consent.
- 6 WHY IS IT BEING COLLECTED AND HOW WILL IT BE USED?**
- 6.1 We provide this Privacy Notice to comply with the principles set out at paragraph 2 above. We gather information in order to conduct due diligence on those we recruit, to ensure we engage the best person for the job, and to comply with our legal obligations and duties both to you and to regulatory authorities and government bodies. In particular this includes:
- 6.1.1 assessing your skills, qualifications, and suitability for the role;
  - 6.1.2 carrying out background and reference checks, where applicable;
  - 6.1.3 communicating with you about the recruitment process;
  - 6.1.4 keeping records relating to our hiring processes;
  - 6.1.5 making reasonable adjustments; and
  - 6.1.6 complying with our regulatory requirements.

- 6.2 We take data protection very seriously. If you join us, we will provide you with a separate privacy notice regarding your personal data during your work contract with us, and you will also be expected to adhere to our Data Protection Policy which outlines data protection law and how we handle all personal data, including the personal data of our clients, customers, suppliers and contacts.

## 7 ON WHAT GROUNDS DO WE PROCESS YOUR PERSONAL INFORMATION?

- 7.1 We rely on a number of lawful reasons for processing the information set out above during the recruitment process. Some of the reasons will overlap and there may be several grounds which justify our use of your personal information. The main lawful reasons are that:

- 7.1.1 it is necessary for us to comply with our legal obligations, for example, in relation to compliance with employment laws and regulatory requirements;
- 7.1.2 it is necessary for our legitimate interests, which in these circumstances are to decide whether to appoint you to the role and ensure we engage the best person for the job and our business, and where necessary establish or defend legal claims; and
- 7.1.3 it is necessary in order to take steps at your request prior to entering potentially into a contract with you.

- 7.2 We rely upon your consent/explicit consent (only if you choose to provide it), for us to share with Rare (as set out in 5.2 above), contextual information about your application, including any information about your socio-economic, personal and educational background (which may include special category data), so that Rare can provide us with contextual information about your application as set out in 5.2 above. Provision of contextual information for this purpose is voluntary. You have the right to withdraw your consent for us to share with Rare this contextual information at any time.

- 7.3 For "special categories" of personal information (as described above), or information which relates to criminal convictions, the commission/alleged commission of criminal offences, or criminal proceedings, there are separately specified lawful reasons which we rely on in addition to the above. We will only process this information where:

- 7.3.1 It is necessary for our or your obligations or rights in the field of employment law or social security law;
- 7.3.2 The personal information has been manifestly made public by you, for example it is in the public domain via social media;
- 7.3.3 It is necessary in relation to legal claims;



- 7.3.4 It is necessary for reasons of substantial public interest. UK law places our monitoring of diversity and equality of opportunity in this category providing certain safeguards are in place.
- 7.4 We will collect information about your criminal convictions history if we would like to offer you the role, depending on whether the position requires it (conditional on checks and any other conditions, such as references, being satisfactory). We are entitled to carry out a criminal records check in order to satisfy ourselves that there is nothing in your criminal convictions history which makes you unsuitable for the role.
- 7.5 The information we hold about you will be used for the purposes for which it is collected unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so. Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.
- 7.6 We have IT protections and other procedures in place to protect the data we hold, including the personal information we receive from you. We limit access to your personal information to those who have a business need to know it and are subject to our data protection procedures.
- 7.7 Given the international nature of our work and the sophisticated delivery methods of external suppliers that we use for a variety of products and services e.g. cloud based IT products or specialist external legal resources, information that we hold about you or that you provide through third party resources is likely to be transferred outside of the UK/ EEA on a regular basis. We will ensure that where information is transferred to a country or international organisation outside of the UK / EEA, we will comply with the relevant legal rules governing such transfers and require our third party suppliers to comply with those rules also. These rules are designed to ensure that you have comparable protection of your information as would be given within the UK / EEA. If you require further information about specific transfers that may be carried out please contact the Data Protection Manager using the details set out in section 9.5.

## 8 WHAT WILL BE THE EFFECT ON YOU?

- 8.1 In some cases, if you fail to provide information which is a statutory or contractual requirement, or necessary for your work relationship with us, we may be unable to offer you the work. If that is the case (for example if you fail to provide us with information we need to conduct right to work checks or criminal record checks), we will endeavour to give you adequate opportunity to provide the information.

## 9 YOUR RIGHTS

- 9.1 Under data protection rules, you have rights in relation to your information. You have the right to request from us access to your own personal information.

- 9.2 Additionally, you have the right to request from us:
- 9.2.1 that any inaccurate information we hold about you is corrected;
  - 9.2.2 that information about you is deleted in certain circumstances;
  - 9.2.3 that we stop using your personal information for certain purposes; and
  - 9.2.4 that your information is provided to you or to a third party in a portable format;
- 9.3 In some cases we may not be able to comply with your request in relation to the rights listed at 9.2 above, which are limited to certain defined circumstances. However, we will tell you if that is the case and explain why.
- 9.4 If you make a request, we will respond to you within one month. We will not charge you a fee for dealing with your request (unless your request is manifestly unfounded or excessive, such as where you make repeated requests).
- 9.5 We have appointed a Data Protection Manager to oversee compliance with this Privacy Notice. The Data Protection Manager's contact details are: The Data Protection Manager, Blake Morgan LLP, New Kings Court, Tollgate, Chandler's Ford, Eastleigh, Hampshire, SO53 3LG [dataprotection@blakemorgan.co.uk](mailto:dataprotection@blakemorgan.co.uk) and 023 9253 0356. If you wish to exercise any of your data rights as set out in this clause please contact the Data Protection Manager.
- 9.6 If you are unhappy with how we are using your personal information or if you wish to complain about our use of information, please contact the Data Protection Manager. If we cannot resolve your complaint, you have the right to complain to the Information Commissioner's Office, which is the statutory regulator for data protection matters. The Information Commissioner can be contacted at <https://ico.org.uk/concerns/>.
- 9.7 If you have any questions about this Privacy Notice, would like any further information or wish to discuss any of the above further, please do not hesitate to contact the Data Protection Manager.

## 10 DECLARATION

I have received, read and understood the information set out above. I understand that I am voluntarily providing personal information and that:

- (a) Blake Morgan will use the information that I and others on my behalf have provided to it as set out in paragraph 3 above for the purposes of my application to work with Blake Morgan as set out at paragraph 6 above, and on the basis of the lawful reasons set out at paragraph 7 above; and
- (b) Blake Morgan may collect from and provide some of the information to certain external companies as set out in paragraph 5 above who provide services to Blake

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Morgan and its staff for the purposes of progressing my application to work with Blake Morgan.

Signature.....

Date.....

Name.....