

# GDPR PRIVACY NOTICE FOR NATIONAL UNION OF JOURNALISTS VACANCY APPLICANTS

Data controller (“the Company”): *The General Secretary, National Union of Journalists, Headland House, 72 Acton Street, London WC1X 9NB.*

## ***Introduction***

As part of any selection process, the NUJ collects and processes personal information, or personal data, relating to applicants. This personal information may be held by the NUJ on paper or in electronic format.

The NUJ is committed to being transparent about how it handles your personal information, to protecting the privacy and security of your personal information and to meeting its data protection obligations under the General Data Protection Regulations (“GDPR”) and the Data Protection Act 2018. The purpose of this privacy notice is to make you aware of how and why we will collect and use your personal information during this application process ‘the process’. We are required under the GDPR to notify you of the information contained in this privacy notice.

This privacy notice applies to all applicants, whether they apply directly or indirectly through an agency. It is non-contractual.

If you have any questions about this privacy notice or about how we handle your personal information, please see our NUJ Privacy Notice <https://www.nuj.org.uk/privacy/> or you can email [datacontroller@nuj.org.uk](mailto:datacontroller@nuj.org.uk), or write to NUJ Data Controller, National Union of Journalists, Headland House, 72 Acton Street, London WC1X 9NB.

## ***Data protection principles***

Under the GDPR, there are six data protection principles that the NUJ must comply with. These provide that the personal information we hold about you must be:

1. Processed lawfully, fairly and in a transparent manner.
2. Collected only for legitimate purposes that have been clearly explained to you and not further processed in a way that is incompatible with those purposes.
3. Adequate, relevant and limited to what is necessary in relation to those purposes.
4. Accurate and, where necessary, kept up to date.
5. Kept in a form which permits your identification for no longer than is necessary for those purposes.
6. Processed in a way that ensures appropriate security of the data.

The NUJ is responsible for, and must be able to demonstrate compliance with, these principles.

## ***What types of personal information do we collect about you?***

Personal information is any information about an individual from which that person can be directly or indirectly identified. It doesn’t include anonymised data, i.e. where all identifying particulars have been removed. There are also “special categories” of personal information, and personal information on criminal convictions and offences, which requires a higher level of protection because it is of a more sensitive nature. The special categories of personal information

comprise information about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation and genetic and biometric data.

The NUJ collects, uses and processes a range of personal information about you during the selection process. This includes:

- your contact details, including your name, address, telephone number and personal e-mail address (2)
- personal information included in a CV, cover letter or interview notes\*
- references\*
- information about your right to work in the UK and copies of proof of right to work documentation\*
- details of your skills, qualifications, experience and work history \*

The Company may also collect, use and process the following special categories of your personal information during this process for example: -

- whether or not you have a disability for which the NUJ needs to make reasonable adjustments during the selection process\*

### ***How do we collect your personal information?***

The NUJ collects personal information about you during the process either directly from you or sometimes from a third party such as an agency. We may also collect personal information from other external third parties, such as references from current and former clients/employers. Other than agencies, the NUJ will only seek personal information from third parties during the process, once an offer of a fixed-term contract has been made to you.

You are under no statutory or contractual obligation to provide personal information to the NUJ during the process.

Your personal information may be stored in different places, including on your application record, in the NUJ's internal systems and in other IT systems, such as the e-mail system.

### ***Why and how do we use your personal information?***

We will only use your personal information when the law allows us to. These are known as the legal bases for processing. We will use your personal information in one or more of the following circumstances:

- where we need to do so to take steps at your request prior to entering into a contract with you, or to enter into a contract with you (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 or your fundamental rights and freedoms do not override our interests (3).

The purposes for which we are processing, or will process, your personal information are to:

- manage the selection process and assess your suitability for engagement\*
- decide to whom to offer a contract\*
- comply with statutory and/or regulatory requirements and obligations, e.g. checking your right to work in the UK\*

- comply with the duty to make reasonable adjustments for disabled applicants and with other disability discrimination obligations
- ensure compliance with your statutory rights
- ensure effective -, business administration
- enable us to establish, exercise or defend possible legal claims

Please note that we may process your personal information without your consent, in compliance with these rules, where this is required or permitted by law.

### ***What if you do not provide personal information?***

If you do not provide certain personal information when requested, we may not be able to process your application properly or at all, we may not be able to enter into a contract with you, or we may be prevented from complying with our legal obligations. You may also be unable to exercise your statutory rights.

### ***Why and how do we use your sensitive personal information?***

We will only collect and use your sensitive personal information, which includes special categories of personal information when the law additionally allows us to.

Some special categories of personal information, i.e. information about your health, is also processed so that we can perform or exercise our obligations or rights under employment law and in line with our data protection policy.

We may also process information about your health and information about any criminal convictions and offences where we have your explicit written consent. In this case, we will first provide you with full details of the personal information we would like and the reason we need it, so that you can properly consider whether you wish to consent or not. It is entirely your choice whether to consent. Your consent can be withdrawn at any time.

The purposes for which we are processing, or will process, health information and information about any criminal convictions and offences, are to:

- assess your suitability for employment or engagement\*
- comply with the duty to make reasonable adjustments for disabled applicants and with other disability discrimination obligations\*
- ensure compliance with your statutory rights\*
- ensure effective business administration\*

We may also occasionally use your special categories of personal information, and information about any criminal convictions and offences, where it is needed for the establishment, exercise or defence of legal claims.

### ***Change of purpose***

We will only use your personal information for the purposes for which we collected it, i.e. for the selection exercise for which you have applied.

However, if your application is unsuccessful, the NUJ may wish to keep your personal information on file for a limited period in compliance with a legal requirement to do so.

### ***Who has access to your personal information?***

Your personal information may be shared internally within the NUJ for the purposes of the selection exercise, including with members of the Personnel department, members of the selection team, and IT staff if access to your personal information is necessary for the performance of their roles.

The NUJ will not share your personal information with third parties during the selection process unless your application is successful, and we make you an offer of engagement. At that stage, we may also share your personal information with third parties (and their designated agents), including:

- former employers/clients, to obtain references\*
- professional advisors, such as lawyers\*

We may also need to share your personal information with a regulator or to otherwise comply with the law.

We may share your personal information with third parties where it is necessary at your request to enter into a contract with you, or to enter into a contract with you, where we need to comply with a legal obligation, or where it is necessary for our legitimate interests (or those of a third party).

### ***How does the NUJ protect your personal information?***

The NUJ has put in place measures to protect the security of your personal information. It has internal policies, procedures and controls in place to try and prevent your personal information from being accidentally lost or destroyed, altered, disclosed or used or accessed in an unauthorised way. In addition, we limit access to your personal information to those employees, workers, agents, contractors and other third parties who have a business need to know in order to perform their job duties and responsibilities. You can obtain further information about these measures by emailing: [datacontroller@nuj.org.uk](mailto:datacontroller@nuj.org.uk).

Where your personal information is shared with third parties, we require all third parties to take appropriate technical and organisational security measures to protect your personal information and to treat it subject to a duty of confidentiality and in accordance with data protection law. We only allow them to process your personal information for specified purposes and in accordance with our written instructions and we do not allow them to use your personal information for their own purposes.

The NUJ also has in place procedures to deal with a suspected data security breach and we will notify the Information Commissioner's Office (or any other applicable supervisory authority or regulator) and you of a suspected breach where we are legally required to do so.

### ***For how long does the NUJ keep your personal information?***

The NUJ will only retain your personal information for as long as is necessary to fulfil the purposes for which it was collected and processed.

If your application for employment is unsuccessful, the NUJ will generally hold your personal information for six months after the end of the relevant selection exercise but this is subject to: (a) any minimum statutory or other legal, tax, health and safety, reporting or accounting requirements for particular data or records, and (b) the retention of some types of personal information for up to six years to protect against legal risk, e.g. if they could be relevant to a possible legal claim in a tribunal, County Court or High Court. If your application is successful,

personal information gathered during the selection process will be retained for the duration of your engagement and in accordance with this privacy notice.

Personal information which is no longer to be retained will be securely and effectively destroyed or permanently erased from our IT systems and we will also require third parties to destroy or erase such personal information where applicable.

In some circumstances we may anonymise your personal information so that it no longer permits your identification. In this case, we may retain such information for a longer period.

### ***Your rights in connection with your personal information***

As a data subject, you have a number of statutory rights. Subject to certain conditions, and in certain circumstances, you have the right to:

- request access to your personal information - this is usually known as making a data subject access request and it enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it
- request rectification of your personal information - this enables you to have any inaccurate or incomplete personal information we hold about you corrected
- request the erasure of your personal information - this enables you to ask us to delete or remove your personal information where there's no compelling reason for its continued processing, e.g. it's no longer necessary in relation to the purpose for which it was originally collected
- restrict the processing of your personal information - this enables you to ask us to suspend the processing of your personal information, e.g. if you contest its accuracy and so want us to verify its accuracy
- object to the processing of your personal information - this enables you to ask us to stop processing your personal information where we are relying on the legitimate interests of the business as our legal basis for processing and there is something relating to your particular situation which makes you decide to object to processing on this ground
- data portability - this gives you the right to request the transfer of your personal information to another party so that you can reuse it across different services for your own purposes.

If you wish to exercise any of these rights, please email our [datacontroller@nuj.org.uk](mailto:datacontroller@nuj.org.uk). We may need to request specific information from you in order to verify your identity and check your right to access the personal information or to exercise any of your other rights. This is a security measure to ensure that your personal information is not disclosed to any person who has no right to receive it.

In the limited circumstances where you have provided 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. This will not, however, affect the lawfulness of processing based on your consent before its withdrawal. If you wish to withdraw your consent, please contact our [datacontroller@nuj.org.uk](mailto:datacontroller@nuj.org.uk). Once we have received notification that you have withdrawn your consent, we will no longer process your personal information for the purpose you originally agreed to, unless we have another legal basis for processing.

If you believe that the NUJ has not complied with your data protection rights, you have the right to make a complaint to the Information Commissioner's Office (ICO) at any time. The ICO is the UK supervisory authority for data protection issues.

### ***Transferring personal information outside the European Economic Area***

The NUJ will not transfer your personal information to countries outside the European Economic Area.

### ***Automated decision making***

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

We do not envisage that any selection decisions will be taken about you based solely on automated decision-making, including profiling.

### ***Changes to this privacy notice***

The NUJ reserves the right to update or amend this privacy notice at any time. We will issue you with a new privacy notice when we make significant updates or amendments. We may also notify you about the processing of your personal information in other ways.

### ***Contact***

If you have any questions about this privacy notice or how we handle your personal information, please email our [datacontroller@nuj.org.uk](mailto:datacontroller@nuj.org.uk) and further information can be found on our website under the NUJ's privacy policy <https://www.nuj.org.uk/privacy/>

I acknowledge receipt of this privacy notice and I confirm that I have read and understood it.

Signed: .....

Print name: .....

Dated: .....