

## Data Protection: Privacy Notice > Subsidiary > HR specific

Contact: Mr Theyagarajan Natarajan (Raj), Compliance Manager & DPO

Privacy notice to send to candidates (recruitment / interview stage).

### Bank of Baroda (UK) Limited: Privacy Notice for candidates

(Effective from and including 1<sup>st</sup> April 2022)

#### This notice

This notice should be read alongside the Privacy Notice for Bank of Baroda (UK) Limited (“Bank of Baroda”, “we” or “us”) available on our website. This includes information on our corporate identity which is important as we as your potential employer.

You can reach our Data Protection Officer (DPO) using the contact details below:

Mr Theyagarajan Natarajan, Data Protection Officer, Bank of Baroda (UK) Limited

Email: [dpo.uksub@bankofbaroda.com](mailto:dpo.uksub@bankofbaroda.com)

Phone: +44 (0) 20 7448 1528

#### What is a privacy notice?

Bank of Baroda take protecting your personal data seriously. We believe in your privacy rights as a data subject under The Data Protection Act 2018 (“DPA”) which is the UK's implementation of the General Data Protection Regulation (GDPR).

This Privacy Notice will provide you with important information such as:

- confirming that Bank of Baroda act as a data controller;
- how to contact our DPO; and
- the purposes for which Bank of Baroda collect, use, share and retain your personal data.

## **What is a privacy notice for candidates?**

This Privacy Notice is a good source of information that explains important details regarding how we process your personal data as you seek employment with us.

Processing is a broad term and includes (amongst other things) collecting, recording, storing, amending, reviewing, using, and deleting personal data.

## **What is personal data?**

Personal data only relates to natural persons who:

1. can be identified or who are identifiable, directly from the information in question; or
2. who can be indirectly identified from that information in combination with other information.

This could include information such as your name, CV details or contact information.

Special category data is a type of personal data that needs more protection because it is sensitive. For example, data revealing any criminal convictions or ethnic origin.

We may collect special category data during your recruitment process.

If we require your consent for any specific use of your personal information, we will collect it at the appropriate time, and you can withdraw this at any time.

Where we ask for any special category data you will normally have the option to refuse your consent by not supplying it.

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

We collect personal data about you from various sources including:

1. any employment agency;
2. from relevant third parties for example when must conduct background checks such as DBS and credit checks, employment and business reference checks, qualification checks, PRA/FCA or equivalent register checks;
3. where relevant under the Senior Managers & Certification Regime (SMCR); or
4. for any reason as it relates to the processing of your personal data in order to take steps at your request prior to entering into a contract of employment.

## **A description of the personal data that is collected:**

We may collect a range of personal data for example (not exhaustive):

1. your contact details such as first, middle and last name, title, home address, telephone number (s) and personal email addresses;
2. any next of kin and emergency contact information;
3. your DOB/Age;
4. any disability details or needs;
5. your ethnicity (special category data);
6. details as required for payroll;

7. CV or cover letters and other information gathered as part of your employment application process (including psychometric test scoring and results);
8. your employment history (outside and inside of Bank of Baroda);
9. feedback from third parties (for example from an employment agency); and
10. any Health & Safety related data.

## **The purposes for processing the data**

As a data controller we will:

- decides how and why your personal data is collected and processed;
- decides what the purpose or outcome of any processing is;
- decides what personal data should be collected; and
- make decisions about you as part of or as a result of any processing of your personal data.

We exercise professional judgement in the processing of your personal data. Please note we have complete autonomy as to how your personal data is processed.

If we require special category data during your recruitment and for any reason we require explicit consent in relation to special category data then we will contact you.

We will process your personal information for a range of contractual, statutory or public interest purposes, including the following:

1. whilst assessing your suitability for a role at Bank of Baroda (including any relevant right to work checks);
2. setting up remuneration, payroll, pension and other standard employment functions;
3. governance (including conflicts/declarations of interest);
4. to communicate effectively with you by post, email and phone;
5. to fulfil and monitor our responsibilities under equalities, immigration and public safety legislation; and
6. if necessary and where relevant to enable us to contact others in the event of an emergency. For example, during an interview (we will assume that you have checked with the individuals before you supply their contact details to us); and
7. any processing of your personal data necessary for compliance with a legal obligation or because is in the public interest.

Bank of Baroda require you to provide us with any information we reasonably ask for to enable us to administer your contract.

We will not use your personal data to carry out any wholly automated decision-making that affects you.

## **The legal basis on which the processing will take place**

Provided that the processing is limited to what is necessary for the recruitment process, we will not need to ask you for your consent to process your personal data.

The most likely ground for lawful processing of your personal data by us is that it will be in the legitimate interests of us to do so.

We will need to process your personal data when conducting recruitment.

**Example:** we will need to assess and record information about your qualifications as part of any selection process. Here we have a legitimate interest in managing our recruitment effectively to decide to whom to offer a job.

This privacy notice contains a full and transparent disclosure of what data processing is taking place and for what purposes.

We look at each separate category of your personal data processed when we assess the grounds for lawful processing upon which we may rely in each case.

The most relevant lawful bases for processing are set below and reflect Article 6 of the UK General Data Protection Regulation (UK GDPR).

At least one of these must apply whenever we process personal data:

- **Contract:** the processing is in order to take steps at your request prior to entering into a contract (which includes employment contracts).
- **Legal obligation:** the processing is necessary for Bank of Baroda to comply with the law:
  - a. As an employer in the UK we are also under a legal obligation to process certain information for example checking that a successful candidate has the right to work in the UK.
- **Vital interests:** the processing is necessary to protect someone's life.
- **Legitimate interests:** the processing is necessary for our legitimate interests or the legitimate interests of a third party, unless there is a good reason to protect your personal data which overrides those legitimate interests:
  - a. commercial benefit can be sufficient to count as legitimate unless this is outweighed by harm to your rights and interests.

## How we store your data

We have in place appropriate technical and organisational measures to ensure a level of security appropriate to the risks arising from the processing of your personal data.

We are responsible for preventing unauthorised processing or unauthorised interference with the systems used by us as they relate to recruitment.

## How long your personal data is retained

All organisations who offer employment will need to collect data relating to candidates – and we are no different.

We ensure that any personal data you provide is not be kept any longer than is necessary.

The normal retention periods are as follows:

1. your application and any interview notes may be retained for 6 months to a year;
2. any Right to work in the UK checks may be kept for 2 years after your application for employment or actual employment ends; and
3. offers, written particulars, and variations may be reviewed 6 years after any application process ceases or the terms are superseded.

## Sharing your personal data

Before releasing data to a third party, we must seek your permission.

We may need to share your personal data so that we can facilitate the recruitment process or comply with any legal and regulatory obligations.

We may share your personal data with:

1. Bank of Baroda Corporate Office, Mumbai, India; and
2. our Parent Bank.

We may share your personal data with our regulators when we have a duty to do so for example under SMCR.

In rare cases we may be required to share your personal data with law enforcement authorities (known under data protection law as “competent authorities”) who are discharging their statutory law enforcement functions.

We must be satisfied that sharing your personal data with a law enforcement authority is lawful. This means we must have a lawful basis under Article 6 of the UK GDPR before we share your personal data.

There might be a legitimate interest to share personal data of a candidate that suspected of an offence such as employment application fraud, with a law enforcement authority to ensure they have all the necessary information for a proper and fair investigation.

## Data Transfer outside UK

When your personal data is transferred to countries outside of the UK those countries may not offer an equivalent level of protection for personal data to the laws in the UK.

UK DPA provides for safeguards for when we transfer your personal data abroad or make it available to persons overseas.

If the recipient is in the EEA or a country deemed to be “adequate” then no further safeguards will be needed. The following countries and territories have a full finding of adequacy:

Andorra, Argentina, Faroe Islands, Guernsey, Isle of Man, Israel, Jersey, New Zealand, Switzerland and Uruguay as well as UK to EU and vice versa.

We rely on Standard Contractual Clauses (SCCs) when transferring your personal data outside the UK to India who are a country not deemed adequate. The UK Government have ruled that SCCs offer sufficient safeguards, meaning they are acceptable methods to transfer your data out of the UK.

## Your data protection rights

As an individual you have rights under UK data protection laws in relation to your personal data, for example you the right to request that we rectify any incorrect information during the recruitment process.

Under the UK's DPA you have rights including:

1. Right of access: you have the right to ask us for copies of personal data we retain;
2. Right to rectification: you have the right to ask us to rectify personal data you think is inaccurate. You also have the right to ask us to complete data you think is incomplete.
3. Right to erasure: you have the right to ask us to erase your personal data in certain circumstances;
4. Right to restriction of processing: you have the right to ask us to restrict the processing of your personal data in certain circumstances; and
5. Right to object to processing: you have the right to object to the processing of your personal data in certain circumstances;
6. Right to data portability: you have the right to ask that we transfer the personal data you gave us to another organisation, or to you, in certain circumstances:
  - a. you will receive your personal data in a structured, commonly used and machine-readable format (for example an open format like CSV, XML or JSON);
  - b. you can request that we transmit this data directly to another data controller;
  - c. your rights do not create an obligation for us to allow you more general and routine access to our systems – only for the extraction of your personal data following a data portability request; and
  - d. your rights do not create an obligation for us to adopt or maintain processing systems which are technically compatible with those of other organisations. We will take a reasonable approach which will not create a barrier to transmission.

You are not required to pay any charge for exercising your rights under law. If you make a request, we have one month to respond to you.

## Subject Access Rights

You have the right to ask us whether or not we are using or storing your personal data. You can also ask us for copies of your personal data, verbally or in writing.

This is called the right of access and is commonly known as making a Subject Access Request (or SAR).

SARs are useful if you wish to find out:

- what personal data we hold about you;
- how we are using it;
- who we are sharing it with; and
- where we got your data from.

**The UK Information Commissioner's Office (ICO) recommends that you put a SAR in writing if possible because this gives you a record of your request.**

Please email our DPO with the following information (please prepare beforehand):

1. your first, middle and last names (including any aliases, if relevant);
2. up to date contact details for you such as email and best contact number;
3. a comprehensive list of what personal data you want to access, based on what you need (for example if you require data relating to a specific period in your recruitment process then please state this clearly);

4. any details, relevant dates, or search criteria that will help us identify what you want; and
5. how you would like to receive the information (e.g., by email or printed out).

**Please avoid:** (1) including other information such a dispute (2) threatening or offensive language.

**Please email our DPO:** [dpo.uksub@bankofbaroda.com](mailto:dpo.uksub@bankofbaroda.com) **Important:** please place the following in the subject line of your email - **Subject Access Request** alongside your first and last name and the date of your request (DD/MM/YYYY).

## Complaints

If you have any complaints about how we use your personal data, please contact us our DPO.

If we cannot resolve your complaint, you have the right to complain to the Information Commissioner's Officer (ICO) in the United Kingdom.

The ICO's address: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, United Kingdom

Helpline number: 0303 123 1113

ICO website: <https://www.ico.org.uk>