

NEST
Job Applicant Fair Processing Notice

1. What is this document and why should you read it?

- 1.1 The purpose of this notice is to explain how the National Employment Savings Trust Corporation ('NEST', 'we', 'our', or 'us') collects and uses your personal information and how we comply with data protection law, including the EU General Data Protection Regulation 2016/679 or 'GDPR'. GDPR' and the Data Protection Act 2018 or 'DPA 2018' In legal terms, NEST is a 'data controller' for this information.
- 1.2 In this notice, we explain some things about the personal information NEST holds, and your rights regarding this information. It's important that you read it carefully, together with any other privacy notices and information that we provide you, from time to time.

2. NEST's data protection responsibilities

- 2.1 As a data controller, we make decisions about what personal data to collect about you and the reasons we use it. We can only do this if we comply with the data protection law and our legal obligations.
- 2.2 "**Personal data**" is any information that relates to an identifiable natural person. Your name, address, contact details, salary details and CV are all examples of your personal data if they identify you.
- 2.3 "**sensitive personal data**" or "**special categories of personal data**" – is personal information which relates to specific issues which are thought to be more privacy sensitive: details about your racial or ethnic origin (including your nationality and visa information, political opinions, religious or philosophical beliefs, trade union membership [biometric data (including fingerprint), data about physical and/or mental health (including occupational health requirements, accident reports, day-to-day health concerns such as diabetes or epilepsy conditions which we should be aware of, dietary requirements, allergies, [drug and alcohol test results] and reasons for any short term or long term absence, sexual orientation, health and safety and accident records and reports, Information relating to actual or suspected criminal convictions and offences.
- 2.4 "**Process**" means any activity relating to personal data, including, by way of example, collection, storage, use, consultation and transmission.

3. What types of personal data do we collect, where do we get it from and on what basis do we process it?

- 3.1 We collect many different types of personal data about you for lots of reasons. We cannot manage our relationship with you without it. Where our collection of your personal data is optional, we will make this clear in any forms collecting details [such as out application forms] and these fields can be left blank.
- 3.2 You provide us with personal data throughout the recruitment process with NEST, from when you apply for a job with us, when you complete a new starter form or other correspondence and in the course of NEST on-boarding you as an employee. We also obtain some personal data from other sources (explained in the **Annex**), and create some personal data ourselves.
- 3.3 We process your personal data for particular purposes in connection with your possible future employment or engagement with us, and the management and administration of our business. We are required by law to have a lawful basis (i.e. a reason or justification) for processing your personal data. For some processing activities, we consider that more than one lawful basis may be relevant – depending on the circumstances.
- 3.4 There are **six** such permitted lawful basis for processing personal data. The **Annex** sets out the different purposes for which we process your personal data and the relevant lawful basis on which we rely for that processing. These bases may be:
- 3.4.1 **Consent:** You have given your consent to the processing (please also see paragraph **9.2**);
 - 3.4.2 **Contract:** It is necessary to perform your employment contract;
 - 3.4.3 **Legal obligation:** It is necessary for us to comply with a legal obligation;
 - 3.4.4 **Legitimate interests:** It is necessary for our legitimate interests or those of third parties;

- 3.4.5 **Vital interests:** It is necessary in an emergency to save your life or protect you from serious harm (or to protect someone else); or
- 3.4.6 **Public task/interest:** It is necessary for use to use a public authority to exercise our official authority or to perform a task in the public interest.
- 3.5 Please note that where we have indicated in the table in the **Annex** that our processing of your personal data is either:
- 3.5.1 necessary for us to comply with a legal obligation; or
- 3.5.2 necessary for us to take steps, at your request, to perform our employment contract with you and you choose not to provide the relevant personal data to us, we may not be able to continue our contract of employment with you.
- 3.6 We are required by law to treat certain categories of personal data with even more care than usual. These are the special categories of personal data explained earlier in this notice. Additional different lawful bases apply to them. The table in the **Annex** also sets out the different purposes for which we process your special category personal data and the relevant lawful basis on which we rely for that processing. We have included criminal related data in this category.
- 3.7 The table explains the legal basis on which we use this type of personal data for the relevant purpose:
- 3.7.1 **Explicit consent:** You have given your explicit consent to the processing (please also see paragraph **8.2**);
- 3.7.2 **Employment and social security/protection law:** It is necessary for your/our obligations and rights in the field of employment and social security and social protection law;
- 3.7.3 **Vital interests:** It is necessary to protect the vital interests of the data subject or another person you or they are physically or legally incapable of giving consent;
- 3.7.4 **Legal claims:** It is necessary for our establishment, exercise or defence of legal claims;
- 3.7.5 **Substantial public interest:** It is necessary for reasons of substantial public interest; or
- 3.7.6 **Preventative or occupational medicine:** It is necessary for preventive or occupational medicine, for the assessment of the working capacity of the employee.
- 3.8 It is your responsibility to make sure the personal data you provide to us is complete and accurate and you must help us to keep it accurate and up to date. If any of the personal information you have given to us changes please inform us without delay by contacting careers@nestcorporation.org.uk
- 3.9 We may also convert your personal data into statistical or aggregated form to better protect your privacy, or so that you are not identified or identifiable from it. Anonymised data cannot be linked back to you. We may use it to conduct research and analysis, including to produce statistical research and reports. For example, to help us understand how many of our total workforce number are on secondments at any given time.
- 3.10 We may produce NEST employer marketing materials, including employee case studies, videos and images for use both internally and externally. It is possible that special category data (sensitive personal data) might be disclosed, as well as personal data in the creation of these materials. In the event that you are invited to contribute to our employer marketing materials, NEST will seek your explicit consent before any materials are published either internally or externally.
4. **Who do we share your personal data with, and why?**
- 4.1 From time to time we may need to pass your personal data on to trusted third parties
- 4.2 We may ask trusted third parties to carry out certain business functions for us on our behalf, such as the administration of our payroll and our IT support. We will disclose your personal data to these parties so that they can perform those functions. Before we disclose your personal data to other people, we will

make sure that they have appropriate security standards in place to make sure your personal data is protected and we will enter into a written contract imposing appropriate security standards on them. Examples of these third party service providers include service providers and/or sub-contractors, include our outsourced payroll, HR and marketing service providers, and our IT systems software and maintenance, back up, and server hosting providers.

- 4.3 In certain circumstances, we will also disclose your personal data to third parties who will receive it as controllers of your personal data in their own right for the purposes set out above, where the relevant disclosure is:
- 4.3.1 if our organisation (or part of it) is reorganised or transferred, we may disclose or transfer your personal data as part of that reorganisation or transfer; and
 - 4.3.2 if we need to disclose your personal data in order to comply with a legal obligation, to enforce a contract or to protect the rights, property or safety of our employees, customers or others.
- 4.4 We have set out below a list of the categories of recipients with whom we are likely to share your personal data:
- 4.4.1 banks in relation to payments to you, employment-related benefits providers and other third parties in connection with your benefits (such as pension trustees);
 - 4.4.2 consultants and professional advisors including legal advisors and accountants;
 - 4.4.3 courts, court-appointed persons/entities, receivers and liquidators;
 - 4.4.4 business partners and joint ventures;
 - 4.4.5 trade associations and professional bodies;
 - 4.4.6 insurers;
 - 4.4.7 the Financial Conduct Authority, Pensions Regulators and the Department for Work and Pensions (DWP);
 - 4.4.8 the Financial Conduct Authority, governmental departments, statutory and regulatory bodies including the Information Commissioner's Office, the police and Her Majesty's Revenue and Customs.
 - 4.4.9 specifically in relation to employer marketing materials, with your explicit consent, your data may be shared with creative agencies involved in the production of marketing materials and may be published externally, for example on the NEST website and on other social media platforms like LinkedIn.

5. **Where in the world is your personal data transferred to?**

- 5.1 Some of the organisations that we share your personal information with may process it overseas. If any disclosures of personal data mean that your personal data will be transferred outside the European Economic Area, we will only make that transfer if:
- 5.1.1 the country to which the personal data is to be transferred ensures an adequate level of protection for personal data;
 - 5.1.2 we have put in place appropriate safeguards to protect your personal data, such as Model Contract Clauses issued by the European Commission along with stringent security measures, (please contact careers@nestcorporation.org.uk if you wish to obtain a copy of these);
 - 5.1.3 the transfer is necessary for one of the reasons specified in data protection legislation, such as the performance of a contract between us and you; or
 - 5.1.4 you consent to the transfer.

6. How do we keep your personal data secure?

6.1 The security of your personal data is very important to us and we take this matter very seriously. We will take steps to ensure that appropriate security measures are in place to protect your personal data from unlawful or unauthorised processing and accidental loss, destruction or damage. We will ensure that third parties who we disclose your personal data will do so as well. We'll use appropriate procedures and security features to process and protect your information. We have in place a robust framework to ensure the security of your data. (For more information, please contact our Data Protection Officer dpo@nestcorporation.org.uk). The information security management systems operated by NEST and our IT managed services provider are all independently certified to the ISO 27001 standard.

7. How long do we keep your personal data for?

7.1 We will keep your personal data during, the recruitment process and then, after it ends, for as long as is necessary in connection with both our and your legal rights and obligations. This may mean that we keep some types of personal data for longer than others. This period will also depend on whether or not you become our employee and our employee privacy notice then explains this.

7.2 We will only retain your personal data for a limited period of time. This will depend on:

7.2.1 any laws or regulations that we are required to follow;

7.2.2 whether we are in a legal or other type of dispute with each other or any third party;

7.2.3 the type of information that we hold about you; and

7.2.4 whether we are asked by you or a regulatory authority to keep your personal data for a valid reason.

7.3 Generally, your recruitment file will usually be held by us for a period of six months from the end of the process.

8. Should you be unsuccessful in your application for the vacancy you have applied for, we may wish to keep your personal details on our records beyond the standard retention period if we think you may be suitable for another position in the future at NEST. By submitting a job application you are giving your consent for NEST to retain your personal details for up to eighteen months after the initial recruitment process. Alternatively, if you would prefer that NEST do not retain your personal details beyond the standard retention period please notify us accordingly via email to careers@nestcorporation.org.uk

8.1 Any personal data contained in any work related correspondence or records may be retained for longer, dependant on the retention period of the record or file that your personal data is held on.

9. What are your rights in relation to your personal data and how can you exercise them?

9.1 You have certain legal rights in relation to any personal data about you which we hold.

9.2 Where our processing of your personal data is based on your **consent** you have the right to withdraw your consent at any time. If you do 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 – in which case, we will let you know. Your withdrawal of your consent won't impact any of our processing up to that point.

9.3 Where our processing of your personal data is necessary to perform a task carried out in the public interest or in exercise of official authority vested in NEST you can object to this processing at any time. If you do this, we will need to show either a compelling reason why our legitimate interests in such processing should continue, which overrides your interests, rights and freedoms or that the processing is necessary for us to establish, exercise or defend a legal claim.

Your right	What does it mean?	Limitations and conditions of your right
Right of access	Subject to certain conditions, you are entitled to have access to your personal data (this is more commonly known as submitting a "data subject access request").	If possible, you should specify the type of information you would like to see to ensure that our disclosure is meeting your expectations. We must be able to verify your identity. Your request may not impact the rights and freedoms of other people, e.g. privacy and confidentiality rights of other staff.

Right to data portability	Subject to certain conditions, you are entitled to receive the personal data which you have provided to us and which is processed by us by automated means, in a structured, commonly-used machine readable format.	If you exercise this right, you should specify the type of information you would like to receive (and where we should send it) where possible to ensure that our disclosure is meeting your expectations. This right only applies if the processing is based on your consent or on our contract with you and when the processing is carried out by automated means (i.e. not for paper records). It covers only the personal data that has been provided to us by you.
Rights in relation to inaccurate personal or incomplete data	You may challenge the accuracy or completeness of your personal data and have it corrected or completed, as applicable. You have a responsibility to help us to keep your personal information accurate and up to date. We encourage you to notify us of any changes regarding your personal data as soon as they occur, including changes to your contact details, telephone number, immigration status.	Please always check first whether there are any available self-help tools to correct the personal data we process about you. This right only applies to your own personal data. When exercising this right, please be as specific as possible.
Right to object to or restrict our data processing	Subject to certain conditions, you have the right to object to or ask us to restrict the processing of your personal data.	As stated above, this right applies where our processing of your personal data is necessary for our legitimate interests. You can also object to our processing of your personal data for direct marketing purposes.
Right to erasure	Subject to certain conditions, you are entitled to have your personal data erased (also known as the " <i>right to be forgotten</i> "), e.g. where your personal data is no longer needed for the purposes it was collected for, or where the relevant processing is unlawful.	We may not be in a position to erase your personal data, if for example, we need it to (i) comply with a legal obligation, or (ii) exercise or defend legal claims.
Right to withdrawal of consent	As stated above, where our processing of your personal data is based on your consent you have the right to withdraw your consent at any time.	If you withdraw your consent, this will only take effect for future processing.

9.4 If you wish to exercise any of these rights please contact our Data Protection Officer at dpo@nestcorporation.org.uk in the first instance.

9.5 If you have any concerns on how we handle your personal data you can raise a complaint with the Information Commissioner's Office, which is the UK data protection regulator. More information can be found on the Information Commissioner's Office website at <https://ico.org.uk/>.

10. Updates to this notice

We may update this notice from time to time to reflect changes to the type of personal data that we process and/or the way in which it is processed. We encourage you to check this notice on a regular basis.

11. Where can you find out more?

11.1 We have appointed a Data Protection Officer whose role is to inform and advise us about, and to ensure that we remain compliant with, data protection legislation. The Data Protection Officer should be your first point of contact if you have any queries or concerns about your personal data. Our Data Protection Officer can be contacted at dpo@nestcorporation.org.uk . If you want any more information about this notice and its contents, or wish to discuss it, you can also contact us:

11.1.1 By email at: careers@nestcorporation.org.uk

11.1.2 By post at: NEST Corporation, 10 South Colonnade, London, E14 4PU; and

11.1.3 By telephone at: 0203 056 3743/3786

Job Applicant Privacy Notice Annex - Categories of Personal Data, their Sources and Legal Basis of Use

Defined Term	Meaning
Core ID Data	Title, Full Name, DOB; (once employed) Employee Number and Job Title
Core Contact Data	Personal home address, personal email address, home and personal mobile telephone numbers

Personal data	Lawful Basis	Source of Information
Recruitment: application screening and references		
Core ID Data (Title, Full Name) Core Contact Data (Title, Full name, Personal Home Address)	Contract	Your application Recruitment Agencies
Core Contact Data (Title, Full name, Personal Home Phone Number, Personal Mobile Phone Number, Personal E-mail Address) Recruitment agent and individual contact name and contact information where relevant Education (including qualifications) Job History and experience Details of referees (title, name, employer/business, contact details)	Public Task/Interest	Your application Recruitment Agencies
Core ID Data, Core Contact Data or relevant employer/role so referee can identify applicant subject of reference Reference from referee (referee’s title, name, employer/business, contact details) and their opinion of / requested factual details about job applicant	Public Task/Interest	Your application Information you provided us Referees
Test taken (Microsoft package test or situational judgment/numerical test, psychometric testing) depending on seniority of individual When (date and time) taken (Automated) Test Results [NOTE any automated test result filters which knock out candidates are decisions open to challenge under GDPR; candidates must be informed and can challenge and request a “human” re-run] Marking / comments Interview notes / selection matrices	Public Task/Interest [Consent to psychometric testing and profiling] [NOTE due to profiling involved, this is likely to require consent]	Our recruitment records Our IT records Test providers

Recruitment: compliance with legal obligations		
Disability (discrimination and adjustments) Right to work documentation (e.g. copy passport, visa) Copies of identification evidence (e.g. passport, driving licence, national ID Card including DOB) DBS Check Results (where checks are mandatory by law) Unspent criminal convictions (as permitted by Rehabilitation of Offenders Act 1974) (where checks are mandatory by law) Sickness record (statutory sick pay only)	Legal obligation <i>For special personal data (health data and criminal offence related data)</i> Employment legal obligation	Your application Information you have provided to us DBS search provider Police Scotland (Basic Check)
DBS Check Results Unspent criminal convictions (as permitted by Rehabilitation of Offenders Act 1974) Financial information (e.g. bank statement, proof of income)	<i>For all personal data</i> Public Task/Interest [Consent (for non-mandatory criminal checks)][NOTE ICO guidance to UCAS reveals strict line on whether this basic checks/requesting unspent conviction data as a matter of course is lawful] <i>For special personal data (criminal offence related)</i> Employment legal obligation (duty of care and health and safety obligations) Substantial public interest (where not mandatory for FCA compliance)	Your application Information you have provided to us
On boarding new starters		
Core ID Data Core Contact Data Education (including qualifications) Job history and experience CV, application, interview questions, answers and notes Test results and results of benchmarking Selection matrices (completed during/following interviews) Employment Contract	Public Task/Interest	Your application Recruitment Agencies Publicly available information from professional online resources e.g. Linked In

Ensuring equal opportunities compliance and for diversity monitoring and reporting		
Nationality Ethnicity Gender Religion Sexual Orientation Disabilities	Public task/interest For ethnicity personal data, substantial public interest	Your application Information you have provided us with
Legal compliance and good governance, including complying with binding requests and cooperating with regulators, police and similar authorities		
Complaints Requests Legal claims, orders, warrants, requests Our records	(Legally binding): legal obligation (and for special category data) substantial public interest or legal claims (Not legally binding): public task/interest (and for special category data) substantial public interest or legal claims	You Third party courts, authorities and regulators Parties to legal proceedings / their advisors