



## **Rheilffyrdd Ffestiniog ac Eryri Ffestiniog & Welsh Highland Railways**

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### **GDPR PRIVACY NOTICE FOR APPLICANTS**

#### **FOR WORK WITH THE FESTINIOG RAILWAY COMPANY**

#### **What is the purpose of this document?**

The Festiniog Railway Company is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. You are being sent a copy of this privacy notice because you are applying for work with us (whether as an employee, worker or contractor). It makes you aware of how and why your personal data will be used, namely for the purposes of the recruitment exercise, how long it will usually be retained for and your rights in relation to that information. It provides you with certain information that must be provided under the General Data Protection Regulation ((EU) 2016/679) (GDPR).

This notice is non-contractual and we may update this notice at any time.

#### **Data protection principles**

We will comply with data protection law and principles, which means that your data will be:

- Held and used lawfully, fairly and in a transparent way;
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes;
- Adequate and relevant to the purposes we have told you about and limited only to those purposes;
- Accurate and kept up to date;
- Kept only as long as necessary for the purposes we have told you about;

- Kept securely.

### **The kind of information we hold about you**

In connection with your application for work with us, we may collect, store, and use the following categories of personal information about you:

- The information you have provided to us in your curriculum vitae and covering letter;
- The information you have provided on our application form, including name, title, address, telephone number, personal email address, date of birth, gender, employment history, and qualifications;
- Any information you provide to us during an interview;
- Any information provided during an application process including referee details, right to work checks, DBS information, salary details, sickness and disciplinary records.

This list is not exhaustive but is intended to give you a clear idea of your personal information which we process.

We may also collect, store and use the following "special categories" of more sensitive personal information:

- Information about your race or ethnicity, religious or philosophical beliefs, sex life or sexual orientation, trade union membership and political opinions;
- Information about your health, including any medical condition, health and sickness records;
- Information about actual or alleged criminal convictions and offences.

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.

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.

### **How is your personal information collected?**

We collect personal information about candidates from the following sources:

- You, the candidate;
- Any recruitment agency, from which we collect data;
- Disclosure and Barring Service in respect of criminal convictions;
- Your named referees;
- Information already made public by you in some other way (e.g. in the public domain via social media);
- Other third parties, for example, a member of our staff or a customer.

### **How we will use information about you and why it is being collected**

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. We will use the personal information we collect about you to:

- Assess your skills, qualifications, and suitability for the role;
- Carry out background and reference checks, where applicable;
- Communicate with you about the recruitment process;
- Keep records related to our hiring processes;
- Comply with legal or regulatory requirements;
- To make reasonable adjustments or to carry out a risk assessment.

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:

- Recruitment agencies, which provide details of your CV and other information which you have given to them;
- Our outsourced executive search consultancies;

- Our outsourced psychometric testing provider;
- HMRC, regulatory authorities, and Government Departments to comply with our legal obligations;
- Other third parties where we have a legitimate reason to share it (such as contractors, benefits providers or external professional advisors) and have put the necessary safeguards in place to protect your information. Where possible the information will be anonymised but if this is not possible, the recipient of the information will be asked to comply with the required policies and procedures and to put adequate security and confidentiality measures in place (unless an exception applies, and/or we are under a professional or legal obligation to disclose the information);
- Courts and tribunals where necessary for establishing or defending legal claims;
- The Disclosure and Barring Service where applicable to the work in question.

We may transfer the personal information we collect about you to countries outside the European Economic Area. To ensure that your personal information is protected we have put in place appropriate measures to ensure that your information is treated by those organisations in a way that is consistent with EU and UK data protection laws.

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.

We take data protection very seriously. The information we obtain during the course of your application to work with us will only be used for the purposes of assessing your application, and in relation to any subsequent work with us should your application be successful. If you join us, 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.

### **On what grounds do we process your personal information?**

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:

- it is in our legitimate interests to decide whether to appoint you to a role and ensure we engage the best person for the job and our business, and where necessary establish or defend legal claims;

- it is necessary for us to comply with our legal obligations, for example, in relation to compliance with employment laws and regulatory requirements; and
- it is necessary in order to take steps at your request prior to entering potentially into a contract with you.

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.

### **If you fail to provide personal information**

If you fail to provide information when requested, which is a statutory or contractual or necessary for us to consider your application (such as evidence of qualifications or work history), we may not be able to process your application successfully. For example, if we require a DBS check or you fail to provide us with information to carry out a right to work check. If that is the case, we will endeavour to give you adequate opportunity to provide the information.

### **How we use special categories of information**

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 use your particularly sensitive personal information in the following ways:

- It is necessary for our or your obligations or rights in the field of employment law or social security law. For example, we will use information about your disability status to consider whether we need to provide appropriate adjustments during the recruitment process, for example during the interview process;
- The personal information has been manifestly made public by you, for example it is in the public domain via social media;
- It is necessary in relation to legal claims, for example, you bring a claim against us alleging that we have not appointed you because of a particular protected characteristic that applies to you;

- 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. We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.

### **Information about criminal convictions**

We envisage that we will process information about criminal convictions.

We will collect information about your criminal convictions history if we would like to offer you a role depending on whether the role requires it (conditional on checks and any other conditions, such as references, being satisfactory). In certain circumstances we are required 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. In particular:

- We are legally required to obtain a full criminal record history from a DBS certificate (also including a DBS Barred list check if the work is regulated activity) for those whose main purpose of work with us involves working with children or vulnerable adults;
- Where the role requires a high degree of trust and integrity we may ask you to obtain a basic disclosure of your criminal records history, for example to obtain a Personal Licence to sell alcohol.

We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data.

### **Data sharing**

#### **Why might you share my personal information with third parties?**

We will only share your personal information with third parties for the purposes of processing your application. All our third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

## **Data security**

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need-to-know. They will only process your personal information in accordance with our data protection policies and procedures.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

## **Data retention**

### **How long will you use my information for?**

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 Privacy Notice detailing how we will process your data during our work relationship with you and after it ends.

We will retain your personal information for a period of 9 months after we have communicated to you our decision not to appoint you to a role. We retain limited personal information for that period for legal reasons or as may be required under our legal obligations. After this period, we will securely destroy your personal information in accordance with our data retention policy.

If we wish to retain your personal information on file, on the basis that a further opportunity may arise in future and we may wish to consider you for that, we will write to you separately, seeking your explicit consent to retain your personal information for a fixed period of 12 months on that basis.

## **Rights of access, correction, erasure, and restriction**

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

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it;

- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected;
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below);
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes;
- **Request us to stop or restrict the processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it;
- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the General Manager.

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 General 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/>.

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 General Manager.