



Visualsoft

Candidate Privacy Notice

Version 1



1. WHAT IS THE PURPOSE OF THIS PRIVACY NOTICE?

- 1.1. Visualsoft Limited (“**Visualsoft**”, “**we**”, “**us**” or “**our**”) is a controller in relation to your personal data. This means that we are responsible for deciding how we hold and use your personal data.
- 1.2. A copy of this privacy notice has been provided to you because you are applying to work with us, whether as an employee, worker or contractor. A copy of this privacy notice is also available on our website.
- 1.3. This privacy notice makes you aware of how and why your personal data will be used, namely for the purposes of the recruitment exercise, and how long it will usually be retained for. It provides you with certain information that must be provided under the UK General Data Protection Regulation (“**UK GDPR**”).

2. DATA PROTECTION PRINCIPLES

- 2.1. Visualsoft will comply with data protection law and principles, which means that your personal data will be:
 - 2.1.1. used lawfully, fairly and in a transparent way;
 - 2.1.2. collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes;
 - 2.1.3. relevant to the purposes we have told you about and limited only to those purposes;
 - 2.1.4. accurate and kept up to date;
 - 2.1.5. kept only as long as necessary for the purposes we have told you about; and
 - 2.1.6. kept securely.

3. WHAT IS OUR LAWFUL BASIS FOR PROCESSING YOUR PERSONAL DATA?

- 3.1. Visualsoft relies on the following lawful basis for processing your personal data:
 - 3.1.1. **consent** - when you apply for a role or work (as applicable), you provide us with consent to process your personal data for the purposes of the recruitment exercise; and
 - 3.1.2. **legitimate interests** - it is in our legitimate interests to decide whether to appoint you, given that it would be beneficial for us to appoint someone into a role or work (as applicable) that we have identified to be necessary.



4. WHAT PERSONAL DATA DO WE HOLD ABOUT YOU?

- 4.1. For the purposes of this privacy notice, **“personal data”** means any information about you, from which you can be identified. It does not include data where your identity has been removed, i.e. anonymous data.
- 4.2. In connection with your application, we may collect, store and use:
 - 4.2.1. the information that you provide to us in your CV and covering letter, including your name, title, address, telephone number, personal email address, date of birth, gender, employment history and qualifications;
 - 4.2.2. your nationality and immigration status, and information from any related documents, such as your passport or other identification, right to work and immigration information;
 - 4.2.3. a copy of your driving licence;
 - 4.2.4. the information that we receive from your named referee(s), including your employment history and any other information or opinions that your named referee(s) may share about you; and/or
 - 4.2.5. any information you provide to us during an interview.
- 4.3. In isolation, some of the above information may not constitute personal data, however – when combined with other information about you - it may become information from which you can be identified. Therefore, the above information has been included within this privacy notice.

5. HOW IS YOUR PERSONAL DATA COLLECTED?

- 5.1. We collect your personal data from the following sources:
 - 5.1.1. you, the candidate;
 - 5.1.2. the recruitment agency engaged in relation to the recruitment exercise (if applicable);
 - 5.1.3. the recruitment site or service used in relation to the recruitment exercise (if applicable);
 - 5.1.4. the Home Office (if applicable); and/or
 - 5.1.5. your named referee(s).

6. WHAT WILL WE USE YOUR PERSONAL DATA FOR?

- 6.1. Visualsoft will use your personal data to:



- 6.1.1. assess your skills, qualifications and suitability for the role or work (as applicable);
 - 6.1.2. carry out reference checks (if applicable);
 - 6.1.3. communicate with you about the recruitment process;
 - 6.1.4. keep records related to our hiring processes; and/or
 - 6.1.5. comply with legal or regulatory requirements.
- 6.2. We also need to process your personal data to decide whether to enter into a contract with you.
- 6.3. Having received your CV and covering letter, we will process your personal data to decide whether you meet the basic requirements to be shortlisted for the role. If you do, we will decide whether your application is strong enough to invite you for an interview. If we decide to call you for an interview, we will use your personal data to decide whether to offer you the role or work (as applicable). If we decide to offer you the role or work (as applicable), we will take up references before confirming your appointment. Your relationship with us following your appointment will be subject to a separate privacy notice.

7. WHAT HAPPENS IF YOU FAIL TO PROVIDE US WITH YOUR PERSONAL DATA?

- 7.1. If, when requested, you fail to provide your personal data, which is necessary for us to consider your application, we may not be able to process your application successfully.

8. WHAT ABOUT SPECIAL CATEGORY DATA?

- 8.1. For the purposes of this privacy notice, “**special category data**” means particularly sensitive personal data, such as data about your health, racial or ethnic origin, or sexual orientation. Special category data requires higher levels of protection.
- 8.2. In certain circumstances, Visualsoft may also collect, store and use:
- 8.2.1. information about your race or ethnicity, religious beliefs and sexual orientation; and/or
 - 8.2.2. information about your health, including any medical condition, health and sickness records.
- 8.3. We may use your special category personal data:
- 8.3.1. to consider whether we need to provide appropriate adjustments during the recruitment process, for example whether adjustments need to be made for any interview; and/or
 - 8.3.2. to ensure meaningful equal opportunity monitoring and reporting.



9. CRIMINAL CONVICTIONS

- 9.1. We do not envisage that we will process information about criminal convictions.

10. AUTOMATED DECISION-MAKING

- 10.1. You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making.

11. DATA SHARING

- 11.1. Visualsoft may share your personal data with third parties for the purposes of processing your application. These third parties include:

11.1.1. our group companies and Livingbridge Enterprise LLP (acting in its capacity as manager of Livingbridge Enterprise 3 LP) to discuss your appointment and, in certain circumstances, to gain their consent to your appointment;

11.1.2. the recruitment agency engaged to assist us with the recruitment exercise (if applicable);

11.1.3. the recruitment site or service engaged to assist with the recruitment exercise (if applicable);

11.1.4. the Home Office (if applicable); and/or

11.1.5. Workable Software Limited, who provides us with certain recruitment management services.

- 11.2. On rare occasions, we may share your personal data with other third parties, for example in the context of the possible sale or restructuring of the business. In this situation we will, so far as possible, share anonymised data with the other parties before the transaction completes. Once the transaction is completed, we will share your personal data with the other parties if and to the extent required under the terms of the transaction.

- 11.3. All third parties are required to take appropriate security measures to protect your personal data in line with our policies. We do not allow third parties 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.

- 11.4. Where your personal data is transferred outside the UK, we - and all third parties - will ensure that your personal data is transferred subject to adequacy regulations or via a valid cross-border transfer mechanism, such as the Standard Contractual Clauses (SCCs).

12. DATA SECURITY

- 12.1. We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, or altered or disclosed. In addition, we



limit access to your personal data to those employees, agents, contractors and other third parties who have a business need-to-know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality. Details of these measures may be obtained from Visualsoft's Data Protection Officer, using the contact details in clause 16 below.

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

13. DATA RETENTION

- 13.1. We will retain your personal data for a period of 12 months after we have communicated to you our decision about whether to appoint you to the role or work (as applicable). We retain your personal data for that period so that we can show, in the event of a legal claim, that we have not discriminated against candidates on prohibited grounds and that we have conducted the recruitment exercise in a fair and transparent way. After this period, we will securely destroy your personal data in accordance with applicable laws and regulations.

- 13.2. If we wish to retain your personal data 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 data for a fixed period on that basis.

14. YOUR RIGHTS OF ACCESS, CORRECTION, ERASURE AND RESTRICTION

- 14.1. Under certain circumstances, you have the legal right to:

14.1.1. **access** - this enables you to receive a copy of the personal data that we hold about you, so that you can check that we are lawfully processing it;

14.1.2. **request correction** - this enables you to have any incomplete or inaccurate personal data that we hold about you corrected;

14.1.3. **erasure** - this enables you to ask us to delete or remove personal data 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 data where you have exercised your right to object to processing;

14.1.4. **object** - this enables you to object to our processing of your personal data, 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 data for direct marketing purposes;

14.1.5. **restrict** - this enables you to ask us to suspend the processing of your personal data, for example if you want us to establish its accuracy or the reason for processing it; and



14.1.6. **portability** - this enables you to request the transfer of your personal data to another party.

14.2. You will not have to pay a fee to access your personal data - or to exercise any of the other above rights. However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with your request in such circumstances. In the event that we refuse to comply with your request, we will let you know and explain our reason for doing so.

14.3. We may need to request specific information from you to help us confirm your identity and establish that you have standing to make the request. This is another appropriate security measure to ensure that personal data is not disclosed to any person who has no right to receive it.

14.4. It is important that your personal data is accurate and current. Please keep us informed if your personal data changes during the recruitment process.

14.5. If you want to exercise any of the rights detailed in clause 14.1, please contact Visualsoft's Data Protection Officer, using the contact details in clause 16 below.

15. YOUR RIGHT TO WITHDRAW CONSENT

15.1. When you applied for this role or work (as applicable), you provided us with consent to process your personal data for the purposes of the recruitment exercise. You have the right to withdraw your consent at any time. To withdraw your consent, please contact Visualsoft's Data Protection Officer, using the contact details in clause 16 below. Once we have received notification that you have withdrawn your consent, we will no longer process your application and, subject to our retention policy, we will dispose of your personal data securely.

16. DATA PROTECTION OFFICER

16.1. We have appointed a Data Protection Officer to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal data, please contact our Data Protection Officer:

16.1.1. by emailing dpo@visualsoft.co.uk; and/or

16.1.2. by writing to FAO Data Protection Officer, Visualsoft Limited, Visualsoft House, Princes Wharf, Thornaby, Stockton on Tees TS17 6QY.

17. COMPLAINTS

17.1. Whilst we would always ask you to reach out to us in the first instance, you should know that you have the right, at any time, to make a complaint to the Information Commissioner's Office (ICO), who is responsible for data protection issues in the UK.

17.2. The ICO can be contacted:



- 17.2.1. in writing at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF;
- 17.2.2. by telephone on 0303 123 1113 (local rate) or 01625 545 745 (national rate);
- 17.2.3. or online at <https://ico.org.uk>, which sets out email addresses and an email form.

18. DOCUMENT MANAGEMENT

- 18.1. This policy was last reviewed on 1 September 2021.
- 18.2. This policy is owned by Visualsoft's Data Protection Officer. It will be reviewed at least once annually to check its applicability and, if necessary, updated without notice to reflect any changes deemed to be necessary.