

## **Data Fair Processing Notice – Applicant Data**

### **1. ABOUT THIS DOCUMENT**

As an applicant to work with the English National Ballet (ENB) as an employee, casual worker, or for any form of internship or work experience, or under a contract for services, we will need to obtain and process certain information about you. In accordance with our obligations under the Data Protection Act 2018 (the “Act”) and the General Data Protection Regulation ((EU) 2016/679) (GDPR) this document acts as the ENB’s ‘fair processing notice’ for applicants and outlines what personal data we will collect about you, what lawful basis/bases we have for processing that personal data as well as what will happen to the personal data following the completion of the application process, whether successful or unsuccessful. This notice will not form part of any employee’s contract of employment, or worker’s terms of employment or any contractor’s contract for services, and we may amend it at any time.

### **2. DATA PROTECTION PRINCIPLES**

When collecting and processing your personal data we will comply with the data protection principles as outlined in the Act and GDPR, which say that personal data must be:

- (a) Processed fairly, lawfully and in a transparent manner.
- (b) Processed for the specific purposes for which it was collected.
- (c) Adequate, relevant and not excessive for the purpose for which it was collected.
- (d) Accurate and up to date.
- (e) Not kept longer than necessary for the purpose for which it was collected.
- (f) Processed in a secure manner.

“Personal data” means any information relating to an identified or identifiable natural person. It may include contact details, employment history, information from an agency, other personal information, referee details, interview or audition assessments, photographs, expressions of opinion about you or indications as to our intentions about you. “Processing” means doing anything with the data, such as accessing, disclosing, destroying or using the data in any way.

### **3. FAIR AND LAWFUL PROCESSING**

To process your personal data, we must have a “lawful basis” for doing so. As an applicant to ENB, we will collect personal data relating to you to enable us to evaluate your application, how far to proceed with your application and whether to offer you work or a contract of employment or a contract for services (as applicable) with the ENB. The lawful basis on which we will be relying to process your personal data is “legitimate interest”. It is in the ENB’s legitimate interests to obtain limited personal data about you to enable us to assess your application. Given the limited nature of the personal data we will collect and process we see there being no negative impact on your rights in obtaining and processing that data.

As an employer, we are required to conduct a check of documentary evidence of the right to work in the UK for all our workers and employees, and are permitted to conduct this check before work commences, during the recruitment process.

As part of the application process, certain roles will require additional checks to be conducted. There may be a requirement to check your professional qualifications for the post you have applied for. For some roles there may be a requirement, including but not limited to, a criminal records check via the DBS. A DBS check may provide us with what is known as 'special category personal data', relating to personal data regarding any criminal proceedings or convictions. Where we need to undertake these searches, we will let you know in advance what searches will be undertaken and the reason for them. The lawful basis for this processing will be 'legal obligation'. If we are undertaking these searches it is because the job (or engagement) you are applying for requires us to undertake them. You can object to us undertaking these searches, however, if you do object then it is likely that we will be unable to proceed with your application.

As part of the application process, we collect diversity data for the purpose of equal opportunities monitoring. This is gathered for statistical reporting purposes only and the data is anonymised, so that it cannot be identified as personal data.

#### **4. HOW WE ARE LIKELY TO USE YOUR PERSONAL DATA**

As outlined above, we will use your personal data to allow us to assess your suitability for the role for which you have applied or service you intend to provide (as applicable).

Should you be successful in your application then the personal data collected will then form part of your employment or engagement records and will be retained in accordance with your contract of employment/contract for services (as applicable) and in accordance with the ENB's Data Privacy and Fair Processing Notice – Workforce Data, which is provided to our workers, employees, guest creatives and contractors..

Where we have collected data relating to criminal proceedings and convictions this will only be used to conduct appropriate background searches (such as via the DBS) and will not be retained once the search has been completed.

#### **5. DATA RETENTION**

We will not keep your personal data for longer than is necessary for the purposes outlined above. All personal data is retained in accordance with the requirements for processing your application. If your application is not successful, it will be deleted 12 months after the processing is completed, unless you agree to a longer period of retention so that we may notify you of other suitable positions that you may wish to apply for.

#### **6. PROCESSING IN LINE WITH YOUR RIGHTS**

You have the right to:

- (a) Request access to any personal data we hold about you.
- (b) Ask to have inaccurate data held about you amended.

(c) Prevent processing that is likely to cause unwarranted substantial damage or distress to you or anyone else.

(d) Object to any decision that significantly affects you being taken solely by a computer or other automated process.

## **7. PROVIDING INFORMATION TO THIRD PARTIES**

Some of your personal data may be provided to third parties where we use their services to comply with our obligations to you as our employee. As an example, we may pass certain of your personal data to a third-party if a DBS check is required. Information regarding the identity of these third parties, and the purposes for which we provide them with personal data, is available upon request from the HR Department at [hr@ballet.org.uk](mailto:hr@ballet.org.uk).

We may also provide your personal data to third parties where we are undertaking background searches relating to you. We will notify you of the identity of these third parties and you will be able to give your consent prior to undertaking the searches.

## **8. DATA SECURITY**

We will ensure that appropriate measures are taken against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data.

We have in place procedures and technologies to maintain the security of all personal data from the point of collection to the point of destruction. We will only transfer personal data to a third party if they have in place their own adequate measures that are satisfactory to us.

## **9. SUBJECT ACCESS REQUESTS**

Irrespective of whether your application is successful you have the right to know what personal data we hold about you. If you wish to access your personal data, please contact the HR Department at [hr@ballet.org.uk](mailto:hr@ballet.org.uk) and we will arrange for your personal data to be provided to you in accordance with our legal obligations under the Act.

## **10. BREACHES OF DATA PROTECTION PRINCIPLES**

If you consider that the data protection principles have not been followed in respect of personal data about yourself as an applicant you should contact the HR Department at [hr@ballet.org.uk](mailto:hr@ballet.org.uk). Any reported concern will be investigated with the utmost seriousness and professionalism and in accordance with our obligations under the Act and GDPR.

If you believe that we have not handled any complaints relating to your personal data appropriately, you can contact the Information Commissioner's Office (see [www.ico.gov.uk](http://www.ico.gov.uk)) who will be able to guide you as to your options should you wish to pursue the matter further.

Last reviewed: August 2023

Reviewed by: Ingrid Firminger, Head of HR