

Tilney Smith & Williamson Recruitment Data Privacy Notice



Contents

- Contents1
- Introduction.....2
- How do we collect information about you?2
- Types of information we process about you.....2
- How will we use the information we collect about you?3
- Who do we share this information with?5
- Cross borders of personal information.....5
- Retention of your information6
- What are your rights in relation to the personal information we hold about you?6
- Contact us7
- Changes to our privacy notice.....7

Introduction

The privacy of applicants' personal information is very important to us.

We collect, use and store all personal information about applicants in line with data protection laws applicable in the UK, Ireland and the Channel Islands ("DP Law"). This Privacy Notice describes how we collect and use personal information about you during our recruitment process. If your application is successful, our processing of your personal information from the point of you returning a signed employment contract will be in accordance with our Privacy Notice for Employees, Workers and Contractors and this Recruitment Privacy Notice will no longer be applicable to you.

For the purposes of DP Law, the controller of your personal information is TS&W Services Limited, your recruiting entity or partnership is Smith & Williamson LLP or Smith & Williamson Investment Management LLP and/or any other recruiting entity that forms part of the Tilney Smith & Williamson (TS&W) group of companies.

We will only collect, use or store your personal information for specific and legitimate purposes. We collect and use personal information that is received from you or which we gather about you during the course of your application or engagement with TS&W.

Where the personal information we process is received from you, its provision to us is generally a contractual requirement, or is a requirement necessary to enter into a contract, and you are obliged to provide that personal information.

Except as stated below, we confirm we will not disclose or transfer your personal information to any third party for any purpose.

How do we collect information about you?

We collect personal information about applicants through the recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. We may sometimes collect additional information from third parties including former employers, credit reference agencies or other vetting providers.

If you fail to provide certain information when requested, we may not be able to progress your application.

We will collect additional personal information from you from the way you engage with us, such as:

- written job applications;
- contacting us by post, email, telephone, in person or by any other means regarding any vacancy we have or application you have made;
- through subsequent interviews, meetings or other assessments;
- by submitting a Curriculum Vitae or resume either directly to us or via a recruitment agency;
- by providing identity documents, such as your passport or driving licence;
- by providing certificates associated with your qualifications or personal insurance provision;
- by filling in forms (on paper, on our website or on a third party's website);
- through telephone conversations;
- by using platforms or systems we provide as part of the application process; or
- by allowing your personal profile and associated data to be searchable by us on third-party websites, databases (for example to consider you for future vacancies) and social media such as LinkedIn.

Types of information we process about you

The information we collect from you or receive from any third party may include:

- contact information such as your name, title, address(es), personal email address(es) and phone number(s);
- photographs, images of you that are captured on CCTV systems that are in operation inside of and outside of the office building (whether operated by TS&W, on our behalf or to which we have access), video images and voice recordings;
- your employer name, work address, work email address and work phone numbers;
- details of your skills, qualifications, experience and employment history;
- information about your current level of remuneration, including benefit entitlements;
- whether or not you have a disability for which TS&W needs to make reasonable adjustments during the recruitment process;
- information about your entitlement to work in the UK; and
- other recruitment information such as our application forms (e.g. psychometric reports, social economic information).

Special category and other sensitive information

The DP Law sets apart certain personal information as special categories of personal information, e.g. racial or ethnic origin, religious beliefs, physical or mental health, sexual life. We will process these special categories of your personal information only with your explicit consent when it will help us fulfil our obligations to you. If at any time you wish us to stop processing these special categories of your personal information, please contact us using the contact details below.

We receive information from

- Other Tilney Smith & Williamson group companies (for details please see: <https://www.tsandw.com/compliance/registered-details>)
- Third parties who provide services to you or us (e.g. recruitment consultants or [Resource Solutions](#))
- Credit reference and fraud prevention agencies which receive information from other parties, including publically available sources
- Your former employers
- Any party that you authorise to provide us with your personal information, such as vetting providers

How will we use the information we collect about you?

Certain information which we collect from you is needed by us in order to consider your application. We use the personal information you provide us in a number of ways, including:

Where necessary in order take steps at your request to enter into a contract with you

- to communicate with you; or
- to assess and confirm your suitability for employment.

Where necessary to comply with a legal obligation

Certain information which we collect from you is needed by us in order to comply with employment law and to offer you benefits and services associated with your prospective employment, including:

- to comply with relevant laws and regulations;
- to consider your application for a new role within the Group;
- for equal opportunities monitoring and promotion;
- in connection with legal claims, (including disclosure of personal information in connection with legal process or litigation). The latter may include special category information or other sensitive information contained in documents, telephone or video recordings; or
- to fulfil our obligations under any reporting agreement entered into with any regulatory or other authority from time to time.

Where it is in our or a third party's legitimate interests, as listed below, and where these interests are not overridden by your fundamental rights and freedoms

Implementing appropriate physical and electronic security

- for maintaining the security of our computer networks and systems;
- for CCTV and access control systems, e.g. to maintain the security of our offices and ensure the safety of our staff, and also to record and evidence the dates and times individuals (e.g. applicants) enter and leave our premises;
- to monitor your use of our information and communication systems to ensure compliance with our IT policies (including emails you sent us);
- to monitor or record telephone and video conversations or other communications between you and us. Recordings of telephone and video conversations may take place without the use of a warning tone. We use these recordings (or transcripts of them):
 - for training and quality purposes;
 - to help us investigate any complaint you may make or that has been made against us; or
 - as evidence in any dispute or anticipated dispute between you and us.

Profiling

- to use automated processes in addition to manual processes to assess prospective advisers in order to identify those who may be suitable for certain roles; and
- to produce a psychometric report when you apply for certain roles (you will receive a copy of the report).

We may also use automated processes in these circumstances. You have a right to object to automated processing and the psychometric assessment.

Mergers and Acquisitions

- to share information with relevant third parties in the context of a sale or potential sale of a relevant part of our business, subject always to confidentiality obligations.

Compliance with regulatory obligations (e.g. FCA or CBI)

- providing data in relation to the SMCR regime to the FCA; or
- retaining data in relation the SMCR regime for those purposes.

Queries or investigations

- deal with any problems or concerns you may have; and
- deal with and assist TS&W in upholding or enforcing our professional, legal and regulatory obligations, working practices, standards, policies and procedures.

Fraud / crime prevention and detection

- to prevent and detect crime or fraud; and
- to provide information to the authorities if requested during an investigation.

You have the right to object to processing where it is in our or a third party's legitimate interests by contacting us at: The Data Protection Officer, Tilney Smith & Williamson, 25 Moorgate, London, EC2R 6AY or by email: dataprotection@tsandw.com.

With your consent

At TS&W our priority is to attract, develop and retain employees from all socio-economic backgrounds. Our application form contains questions that help us to measure social mobility. Responding to these questions is entirely optional, as is indicated on the form. The responses will only be used for monitoring and reporting on diversity in our workplace.

When it is required, TS&W will seek explicit permission from you to process your special categories of personal information or other sensitive information (e.g. information used during the vetting process). If at any time you wish us to stop processing these special categories of your personal information, please contact us using the contact details below. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

If you withdraw consent, it will not affect the lawfulness of any processing that we carried out before your withdrawal. If you choose to withdraw your consent and it impacts on our ability to employ you, we will explain that to you.

Please note that there are various circumstances where it may be lawful for TS&W to continue processing your personal information, even where you have withdrawn your consent; however, in such circumstances we will advise you of this fact.

Specific purposes for which we may use your **special categories of personal information** include:

- conducting a psychometric assessment to verify your suitability for a role (this will also involve automated decision making);
- to comply with our legal obligations (including monitoring compliance, and complying with, equal opportunities legislation) and to protect TS&W against crime (such as by collecting sensitive information about your criminal convictions, including “spent” convictions in some cases, or by carrying out criminal record checks on you);
- monitoring compliance, and complying with, equal opportunities legislation such as the Disability Discrimination Act 1995, ethnicity monitoring and other equal opportunities legislation;
- for vetting (where necessary); and
- we may also process information in relation to offences and proceedings in the event that a complaint is made against a member of staff, or a complaint is made to a competent body.

If, at any time, you have any queries about, or wish to object to, the way TS&W uses your personal information, please contact dataprotection@tsandw.com.

Who do we share this information with?

TS&W will not usually disclose information about an applicant to any person outside TS&W or the group without that applicant’s prior consent save where to the extent that disclosure is necessary for contractual or legal obligations or for the purposes of processing set out in this Privacy Notice. For example, it may be necessary that TS&W discloses applicants’ personal information with:

- Tilney Smith & Williamson Group companies;
- Our service providers who act only on our instructions (e.g. Recruitment Consultants); and
- Vetting providers

If you have any questions about the circumstances in which we may disclose your personal information to third parties, please contact dataprotection@tsandw.com.

TS&W staff will only have access to applicants’ personal information to the extent it is necessary in order to fulfil their legal obligations or for the recruitment process.

Cross border transfers of personal information

Personal information in our possession may be transferred to other countries (which may include countries outside the UK, Ireland or Jersey).

These countries may have differing (and potentially less stringent) laws relating to the degree of confidentiality afforded to your information and information can become subject to the laws and disclosure requirements of such countries, including disclosure to governmental bodies, regulatory agencies and private persons, as a result of applicable governmental or regulatory inquiry, court order or other similar process.

In the event of a cross border transfer, we will make sure transferring that information is lawful and will only occur where

- we have your consent to share, or the transfer is otherwise legally allowed;
- the transfer is to a country that offers adequate data protection; or
- appropriate legal safeguards have been put in place in accordance with Data Protection Laws.

For further information about the relevant safeguards, please contact the Privacy Office using the details provided below.

Retention of your information

TS&W will only keep your personal information and other information for as long as it is required either to perform our obligations during the recruitment process or to comply with any legal obligations to which we are subject.

If you are successful we will hold your personal information on your employee file and the retention period is set out in TS&W's internal data retention policy.

If you are unsuccessful, we will retain your information for six months. This may be extended if you or TS&W request that we retain it for a longer period in the event that a suitable role opens up in the future.

What are your rights in relation to the personal information we hold about you?

This section explains the rights you have under DP Law with respect to how your personal information is held and used by us. If you wish to request to exercise any of these rights or if you would like further information about them, you can contact us using the details set out in the 'Contact us' section below.

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your application or engagement with us.

You have the right to withdraw your consent to us processing special categories of your personal information or other sensitive information at any time with the exception of circumstances where it is necessary for carrying out obligations in the employment field or to carry out our legal obligations, as outlined above. This will not affect the lawfulness of any processing these special categories of your personal information that we carried out before your withdrawal.

You have the right to ask for a copy of the personal information we hold about you in a written format, free of charge, by contacting us at dataprotection@tsandw.com.

You also have the right, at no cost, to require us, and any third parties who we have shared your personal information with, to correct any inaccuracies in your personal information. This enables you to have any incomplete or inaccurate information we hold about you corrected.

In some cases, you have the right to restrict or suppress further use of your personal information. When you have exercised this right, we can still store your personal information but may not use it further unless you provide your consent for us to do so or as otherwise permitted by law.

You have the right to have the personal information we hold about you erased in certain circumstances unless it prevents us from meeting our legal or regulatory obligations. We may not be able to process your application if you ask us to erase your personal information.

You have a right not to be subject to automated decision making (including automated profiling).

Finally you have the right to lodge a complaint about how we collect, process and store your personal information, with us in writing to this address:

The Data Protection Officer, 25 Moorgate, London, EC2R 6AY

as well as with the relevant supervisory authority:

- Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, United Kingdom
- Data Protection Commissioner, 21 Fitzwilliam Square South, Dublin 2, D02 RD28, Ireland
- JOIC, Jersey Office of the Information Commissioner, 2nd Floor, 5 Castle Street, St. Helier, Jersey, JE2 3BT

Contact us

You may contact the Tilney Smith & Williamson Privacy Office to exercise any of the rights relating to your personal information set out above, or if you have any questions or comments about privacy issues, or wish to raise a complaint about how we are using your personal information by emailing dataprotection@tsandw.com.

The Data Protection Officer, Tilney Smith & Williamson, 25 Moorgate, London, EC2R 6AY or by email: dataprotection@tsandw.com.

Changes to our privacy notice

We keep our Privacy Notice under regular review and we will update this document from time to time. If there are major changes we will tell you about it. This Data Privacy Notice was last updated August 2021.