



Job Applicant – Privacy Notice

This privacy notice explains how we collect and use personal data about you during our recruitment processes, in accordance with the General Data Protection Regulation (**GDPR**). This privacy notice applies to applicants for positions within Wigan Athletic [Phoenix 2021 Limited] and Wigan Athletic Community Trust.

Each company is a “data controller” for the purposes of this privacy notice. In relation to decisions made separately or jointly as to how we hold and use personal data about you. Your employer has the main responsibility in this regard but other group companies may also have responsibility from time to time. We are required under data protection legislation to notify you of the data contained in this privacy notice. Wigan Athletic [Phoenix 2021 Limited] will have primary responsibility for complying with data controller responsibilities under the GDPR. For the purposes of this privacy notice, each company within the Group are referred to collectively as “we” and “us”.

Our **Data protection officer** is Victoria Norton, Head of HR who can be contacted on 01942 774000.

As part of any recruitment process, the recruiting company within the Group collects and processes personal data relating to job applicants. The Group is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

What information does the Group collect?

The Group collects a range of information about you. This includes:

- your name, address and contact details, including email address and telephone number;
- recruitment information including copies of references, CVs, cover letters or job applications, interview notes and assessment forms;
- details of your qualifications, skills, experience and employment history;
- information about your current level of remuneration, including benefit entitlements;
- information about your entitlement to work in the UK.

We may also collect, store and use the following more sensitive types of personal data (also known as ‘special category personal data’:

- whether or not you have a disability for which the organisation needs to make reasonable adjustments during the recruitment process;
- information about medical or health conditions;
- information about criminal convictions and offences;
- equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health, and religion or belief.

How is your personal data collected?

The Group and/or the recruiting company within the Group collects this information in a variety of ways. For example, data might be contained in application forms, CVs or resumes, obtained from your passport or other identity documents, criminal record check, self- declaration where appropriate, social media or collected through interviews or other forms of assessment.

The organisation will also collect personal data about you from third parties, such as references supplied by former employers, information from employment background check providers and

information from criminal records checks. We will seek information from third parties, such as reference requests, only once a job offer to you has been made and will inform you that we are doing so. We may also require you to complete a medical questionnaire once an offer of employment has been made to you.

Data may be stored in a range of different places, including on your application record, in HR management systems and on other IT systems (including email).

For what reasons does the Group process personal data?

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to process your data in order to enter into or to administer a contract of employment with you.
- To ensure that we are complying with our legal obligations. For example, we are required to check a successful applicant's eligibility to work in the UK before employment starts. The organisation has a legitimate interest in processing personal data during the recruitment process and for keeping records of the process. Processing data from job applicants allows the organisation to manage the recruitment process, assess and confirm a candidate's suitability for employment and decide to whom to offer a job. The organisation may also need to process data from job applicants to respond to and defend against legal claims. Where there is a legitimate interest which requires us to process your personal data. In order to do so, our legitimate interests must not be overridden by your rights and freedoms. .
- We may also use your personal data in the following situations, which are likely to be rare:
 - Where we need to protect your interests (or someone else's interests).
 - Where it is needed in the public interest or for official purposes.

We will not use your data for any purpose other than the recruitment exercise for which you have applied and the collation of statistical information regarding the specific recruitment campaign.

Situations in which we will use your personal data

We need all the categories of data in the list above ('What information does the Group collect?') primarily to allow us to perform our contract with you and to enable us to comply with legal obligations. In some cases we may use your personal data to pursue legitimate interests, provided your interests and fundamental rights do not override those interests.

The situations in which we will process your personal data include those listed below:

- Making a decision about your recruitment or appointment;
- Determining the terms on which you work for us;
- Checking you are legally entitled to work in the UK;
- Business management and planning, including accounting and auditing;
- Assessing qualifications for a particular job;
- Running our recruitment and selection processes;
- Maintaining accurate and up-to-date recruitment records and contact details;
- Responding to and defending against legal claims.

Processing of special category personal data

In general, we will not process special category data unless it is necessary for performing or exercising obligations or rights in connection with employment. On rare occasions, there may be other reasons for processing, such as it is in the public interest to do so. The situations in which we will process your special category data are listed below.

- We process health information to determine if we need to make reasonable adjustments to the recruitment process for any candidates who have a disability. This processing is necessary to carry out our legal obligations under Equality Act laws.
- We may also process health information to determine if a job applicant can meet the requirements of the role.
- Where we process information about ethnic origin, sexual orientation, religion or belief or other protected characteristics, this is to ensure meaningful equal opportunities monitoring. Data that we use for these purposes is anonymised or is collected with the express consent of employees, which can be withdrawn at any time. Employees are entirely free to decide whether or not to provide such data and there are no consequences of failing to do so.
- We may request a Criminal Record Check after a risk assessment for a post reveals that one is required and/or that the information is proportionate to the role. This process will be completed and analysed by the HR and Safeguarding Team.

Do we need your consent?

We do not need your consent if we use special categories of your personal data in accordance with our written policy to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. 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. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

Who has access to data?

Your personal information and equal opportunities monitoring information will be processed and analysed by the HR and Safeguarding team for the purpose of managing your application and for the statistical monitoring of job applications. Your equal opportunities will be held securely in the HR department and not shared with the recruiting manager as part of the recruitment process.

Interviewers involved in the recruitment process and managers in the business area with a vacancy will have access to your job history, current level of remuneration, qualifications, and personal statement to enable them to shortlist your application. Your name and contact details will be shared with the recruiting manager and interview panel once the shortlisting process has been completed. This information will be held securely within the business.

We will not share your personal data with third parties, unless your application for employment is successful and it makes you an offer of employment. The organisation will then share your name with former employers to obtain references for you; your name and email address and to obtain necessary background checks and criminal records checks with the Disclosure and Barring Service. For the completion a criminal record check where required for the role will we also share your information with GB Group Plc and the Football Association.

The organisation will also share your equality opportunities monitoring information with the Premier League in an anonymised collated form for statistical purposes.

The organisation will not transfer your data outside the European Economic Area.

How does we protect your personal data?

We take the security of your personal data seriously. We have internal policies and controls in place prevent your personal data from being lost, accidentally destroyed, misused or disclosed, or in an unauthorised way. Your application will be saved onto a secure section of the relevant Group company's server and anonymised copies will be sent via an internal email or printed and shared with the recruiting manager to enable them to complete the shortlisting process. Hard copies of the anonymised applications will be made available to the recruiting managers for the assessment and

interview process. Once this process is complete applications will be returned to HR and held securely until destroyed in line with process detailed below.

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 are subject to contractual restrictions.

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.

For how long do we keep your personal data?

If your application for employment is unsuccessful, we will hold your data on file for 6 months to one year after the end of the relevant recruitment process. At the end of that period your personal data is deleted or destroyed.

If your application for employment is successful, personal data gathered during the recruitment process will be transferred to your personnel file and retained during your employment. The periods for which your data will be held will be in line with our data retention guidelines.

Your rights

As a data subject, you have a number of rights. You can:

- access and obtain a copy of your personal data on request (commonly known as a 'data subject access request');
- require us to correct incorrect or inaccurate data;
- require us to delete or remove your personal data, for example when there is no good reason for us to continue to process it, for example, where the data is no longer necessary for the purposes of processing;
- object to the processing of your personal data where we are relying on its legitimate interests as the legal ground for processing and there is something about your particular situation which makes you want to object to the processing on this ground; and
- ask the organisation to suspend the processing of your personal data for a period of time, for example, if you think your personal data is inaccurate and you want us to establish its accuracy or there is a dispute about whether or not your interests override the organisation's legitimate grounds for processing data.
- Request transfer of your personal information to another party.

If you would like to exercise any of these rights, please contact Victoria Norton, Head of HR on 01942 774000. You can make a subject access request by completing the organisation's [form for making a subject access request](#).

You will not have to pay a fee to access your personal information (or to exercise any of the other 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 the request in such circumstances. We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

Right to withdraw consent

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact Louise Kerrigan. Once we have received notification that you have withdrawn your consent, we will no longer

process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

If you believe that the organisation has not complied with your data protection rights, you can complain to the Information Commissioner.

What if you do not provide personal data?

You are under no statutory or contractual obligation to provide personal data to us during the recruitment process. However, if you do not provide the information, we may not be able to process your application properly or at all.

You are under no obligation to provide information for equal opportunities monitoring purposes and there are no consequences for your application if you choose not to provide such information. We do however ask that all employees provide this information to enable the company to monitor and analyse equal opportunity information regarding its workforce.

Automated decision-making

Recruitment processes are not based solely on automated decision-making.

Changes to this privacy notice

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

If you have any questions about this privacy notice, please contact Victoria Norton.