

# Job Applicant Privacy Policy

Last Modified: 14<sup>th</sup> September 2018

This Privacy Policy sets out the way in which RSM Malta ("Firm", "we" or "us"), collects and processes Personal Information relating to job applicants, as well as the steps we take to protect such information. We take data privacy seriously and are committed to managing your personal data professionally and in compliance with Applicable Data Protection and Privacy Laws. This policy is made compliant with the General Data Protection Regulation (the "GDPR"), (Regulation (EU) 2016/679).

## 1. Introduction

1.1. This privacy policy is based on the following data protection principles:

- The processing of personal data shall take place in a lawful, fair and transparent way;
- The collection of personal data shall only be performed for specified, explicit and legitimate purposes and will not be further processed in a manner that is incompatible with those purposes;
- The collection of personal data shall be adequate, relevant and limited to what is necessary in relation to the purpose for which they are processed;
- The personal data shall be accurate and where necessary, kept up to date;
- Every reasonable step shall be taken to ensure that personal data that is inaccurate, having regard to the purposes for which it is processed, is erased or rectified without delay;
- Personal data shall be kept in a form which permits identification of the data subject for no longer than it is necessary for the purpose for which the personal data is processed;
- All personal data shall be kept confidential and stored in a manner that ensures appropriate security.

1.2. By submitting your personal data, you shall:

- declare that you have read, understood and accepted this Privacy Notice;
- declare that the information given is complete and true to the best of your knowledge, and understand that incorrect statements could lead to your application being rejected;
- declare that consent was obtained from any third party whose details are included in the information provided;
- authorise us to verify statements contained in your application and to make any necessary checks.

## 2. What information do we collect?

2.1. We will collect the following or some of the following information:

Data item	Details
Curriculum Vitae	<ul style="list-style-type: none"><li>• Name &amp; Surname</li><li>• Postal address</li><li>• Email address</li><li>• Telephone number</li><li>• Nationality</li><li>• Qualifications</li><li>• Employment history &amp; details of work experience</li><li>• Skills</li></ul>
Application forms	<ul style="list-style-type: none"><li>• Job preferences</li><li>• Salary expectations</li><li>• Notice period</li><li>• Any special requirements</li><li>• Type of employment sought</li></ul>

Referral details	<ul style="list-style-type: none"> <li>Names &amp; contact details of referees. It is your responsibility to obtain consent from references prior to providing us personal information about them</li> </ul>
Interview notes	<ul style="list-style-type: none"> <li>Any additional information collected during the interviewing process</li> <li>Interviewer notes</li> </ul>

2.2. We may collect this information in a variety of ways. From you, from third parties or public sources as needed to support the recruitment process. We shall carry out checks, subject to your consent where required by law. For the avoidance of doubt, we do not wish to receive any confidential or proprietary information which you have received from your previous employers.

2.3. If you apply through a recruitment agency, it is suggested that you read their privacy policy. We are bound by a contractual agreement stipulating the terms and conditions of such a service, including but not limited to the period for which your information will be retained by RSM Malta. More information in section 6.

### **3. Why does RSM Malta process your personal data?**

3.1. We need to process your personal data to assess your suitability for the role applied for and eventually to possibly enter into a contract with you.

3.2. The legal basis we rely on for processing your personal data is article 6(1)(b) of the GDPR, which relates to processing necessary to perform a contract or to take steps at your request, before entering a contract.

3.3. The legal basis we rely on to process any information you provide as part of your application which is special category data, such as health information is article 9(2)(b) of the GDPR, which also relates to our obligations in employment and the safeguarding of your fundamental rights, and article 9(2)(h) for assessing your work capacity as an employee and making reasonable adjustments if necessary.

3.4. In some cases, we need to process data to ensure that we are complying with our legal obligations, including duties emerging from Employment, Anti-discrimination, and Data Protection laws.

3.5. We have a legitimate interest in processing personal data during the recruitment process and for keeping records of the process, as necessary for the establishment, exercise, or defence of legal claims.

### **4. Who has access to your data?**

4.1. Your information may be shared internally for the purposes of the recruitment exercise with selected personnel. This includes members of the Human Resources department and managers in the respective business areas.

4.2. If you use our online application system, your details will be stored within our Human Resources Management System.

4.3. We will not share any of the information you provide with any third parties for marketing purposes.

4.4. We may disclose your personal data to other third parties, including:

- To comply with our legal obligations or contracts, or to respond to a court order, administrative or judicial process, such as a subpoena or search warrant;
- In response to lawful requests by public authorities (such as national security or law enforcement);
- As necessary to establish, exercise or defend against potential, threatened or actual litigation;
- Where necessary to protect RSM Malta's, your interests, or those of any another person; or

- In connection with the sale, assignment or other transfer of all or part of our business.

## **5. How does RSM Malta protect data?**

5.1. We take the security of your data seriously. We have controls and internal policies in place to protect your data against loss, misuse and unauthorised access, alteration, disclosure, or destruction. Moreover, all efforts are taken to ensure the ongoing confidentiality, integrity, availability, and resilience of systems and services processing personal information.

5.2. If we learn of a security systems breach, we will inform you of the occurrence of the breach in accordance with Applicable Laws.

## **6. For how long does RSM Malta keep your personal data?**

6.1. If your application for employment is unsuccessful or in instances where you have applied through a recruitment agency, we will hold your data on file for 12 months after the end of the relevant recruitment process. At the end of that period your data shall be securely removed.

6.2. In instances of false statements including but not limited to false representations of one's qualifications or inconsistencies in one's employment history, we shall retain a record of any necessary details in our legitimate business interest for the possible establishment, exercise or defence of legal claims.

## **7. Your rights**

7.1. We respect your privacy rights and shall provide you with reasonable access to your personal data. Your principal rights are:

- the right for information
- the right to access
- the right to rectification
- the right to erasure
- the right to restrict processing
- the right to object to processing
- the right to data portability
- the right to lodge a complaint with the supervisory authority and/or seek judicial remedy; and
- the right to withdraw consent

If you wish to exercise any such right please contact [dataprotection@rsm.com.mt](mailto:dataprotection@rsm.com.mt). We will acknowledge your request as soon as practically possible and will action such requests within thirty (30) calendar days starting from the day after the request is received. This period may be extended for particularly complex requests in accordance with Applicable Law.

If you believe that we have not complied with your data protection rights, you can complain to the Lead Supervisory Authority's Data Protection Commissioner [idpc.info@idpc.org.mt](mailto:idpc.info@idpc.org.mt).

## **8. What if you do not provide personal data?**

8.1. You are under no statutory or contractual obligation to provide data to RSM Malta during the recruitment process. However, if you do not provide the information, we may not be able to process your application.

## **9. Data Protection Officer**

9.1. We have a Data Protection Officer ("DPO") who is responsible for matters relating to privacy and data protection. The DPO can be reached at the following address:

[dataprotection@rsm.com.mt](mailto:dataprotection@rsm.com.mt)

Data Protection Officer  
RSM Malta,  
Mdina Road  
Zebbug ZBG 9015  
Malta.

## **10. Changes to this Privacy Policy**

10.1. Please note that this Privacy Policy may change from time to time. If we change this Privacy Policy in ways that affect how we use your personal information, we will advise you of the choices you may have as a result of those changes. We will also post a notice on our website that this Privacy Policy has changed.