

BPI

Privacy notice for job applicants

What is the purpose of this privacy notice and to whom does it apply?

BPI (British Recorded Music Industry) Limited (“BPI”, “we” or “us”) is committed to protecting the privacy and security of your personal data. References to your “personal data” include any or all of your personal data, as the context requires, including “special categories of personal data”, which involves more sensitive information about you. This is most likely to include information about your racial or ethnic origin or health data. There are other categories of “special categories of personal data” which are less likely to be processed, but for a full definition, see Article 9 of the General Data Protection Regulation (“GDPR”).

This privacy notice describes how we are or will be processing personal data about you during the application process. We may update this notice at any time and without notifying you before we do so. By “processing”, we mean such actions as collecting, using, storing, disclosing, erasing or destroying your personal data.

Identity and contact details of the data controller and the data protection officer

BPI is a “data controller”. This means that we are responsible for deciding how we hold and use personal data about you.

BPI is not obliged to appoint a statutory data protection officer, but has appointed an internal Data Protection Manager (“DPM”). For any queries, please contact:

BPI Data Protection Manager

Email: dataprotection@bpi.co.uk

Telephone: +44 (0)20 7803 1300

The DPM is responsible for overseeing compliance with this privacy notice and for handling any data protection queries or issues involving BPI. You should contact the DPM in the first instance about any issue involving data protection, whether it involves your data or anyone else’s.

What type of personal data do we process about you?

We may process the following categories of personal data about you:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses and skype address.
- Your date of birth, gender, marital status, nationality and details of dependants.
- Next of kin and emergency contact information.
- Copy of driving licence (if applicable).
- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process).

- Education, training and qualifications.
- Information about suitable adjustments required during the recruitment and selection process.
- Any information you provide us during interview.
- Any information provided to us as a result of any tests (including psychometric tests) you have completed as part of the selection process.

We may also process the following “special categories” of more sensitive personal data:

- Information about your gender, race or ethnicity, religious beliefs and sexual orientation
- Information about your health, including any medical condition, health and sickness absence records.
- Information about criminal convictions and offences.
- Information about political party membership or political affiliations.

How do we collect your personal data?

We collect personal data about you through the application and recruitment process, either directly from you or sometimes from an employment agency. We may sometimes collect additional information from third parties including former employers (in the form of references).

What are the legal bases and the purposes for which we process your personal data?

We will only use your personal data as permitted by law. We may use your personal data in any of the following circumstances (see section below for details of the situations in which we may process your data):

1. Where we have your consent to do so.
2. Where we need to perform the contract we have entered into with you.
3. Where we need to comply with a legal obligation.
4. Where the processing is necessary to protect anybody’s vital interests (used rarely).
5. Where the processing is necessary to perform a task in the public interest
6. Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests. We are required to specify what the legitimate interests are (see below for further details).

Please note that there is a separate section below that covers additional legal bases for processing more sensitive information about you.

Necessary to comply with a legal obligation

The following purposes come under this category:

- Checking that you are legally entitled to work in the UK. – your nationality and immigration status and information from related documents, such as your passport and other identification and immigration documentation.

- Compliance with the Equality Act 2010.

Necessary for our legitimate interests or those of a third party

- Personal data provided by you as part of your application form or CV, including your name, title, addresses, telephone numbers and personal email addresses and skype address – the legitimate interest is to make and maintain contact with you throughout the recruitment process.
- Personal data provided by you on your CV and application form and obtained during interview, and/or selection testing – the legitimate interests are: to ascertain your suitability through the selection procedure and, ultimately, for employment/engagement and to defend legal claims or exercise legal rights, including obtaining legal advice.
- Personal data obtained through external referees or background screening providers (which may include address history, employment history, education background, criminal records information (see below for more details), credit history and employment history - the legitimate interests are: for verifying the information provided by you on your CV, to verify the relevant qualifications/requirements for the role and to ensure that there are no issues that could place unnecessary risks on us or third parties.

If you fail to provide personal data

If you fail to provide certain information when requested, and we are unable to obtain it from a third party or publicly available source, we may not be able to perform the contract we have entered into with you (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers). Depending on the nature and importance of the information requested, we may either have to cease employing or engaging you or withdraw an offer of employment or engagement.

Change of purpose

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so, before we start using it for that unrelated purpose.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is permitted by law.

How we use special categories of personal data

“Special categories” of personal data require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data. We may process special categories of personal data in the following circumstances:

1. In limited circumstances, with your explicit written consent.
2. Where we need to carry out our legal obligations including obligations under employment and social security law and in line with our policies.

3. Where it is needed in the public interest, such as for equal opportunities monitoring (where such information is provided by you in line with our data protection and related policies).
4. Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.

Sometimes, we may process this type of information where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

Purposes for processing special categories of personal data

We will use your special categories of personal data in the following ways:

- We will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness and other absence and to administer benefits.
- We may use this information where it is needed in relation to legal claims.

Do we need your consent?

We do not need your consent if we use special categories of your personal data 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 or to use data for purposes not related to those for which we have collected it. 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. We will at the same time inform you of the consequences of not consenting and you are also reminded of your right to withdraw your consent at any time, in any cases where your consent has been sought.

Information about criminal convictions

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy and related policies.

Sometimes, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so.

With whom might we share your personal data?

We may have to share your data with third parties, including third party service providers and any sub-contractors of those service providers. See below for further details.

We require third parties to respect the security of your data and to treat it in accordance with the law.

We do not envisage having to transfer your personal data outside the EU but will let you know if the position changes and will ensure that any such transfer will be made in accordance with data protection legislation.

Why might we share your personal data with third parties?

We may share your personal data with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so. It is unlikely that we would share any such personal data with third parties until you have taken up a position with us, at which point you will be issued with a new privacy notice for employees, workers and contractors.

What safeguards are in place in relation to the transfer of your personal data outside of the EU?

Neither we nor our third party suppliers envisage transferring your personal data outside the EU. If the position changes, we will let you know and also let you know of the safeguards we will be putting in place to keep your personal data secure.

How long will we retain your personal data?

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. For unsuccessful applicants or those who choose not to join BPI, we retain personal information for a period of 6 months after we have communicated our decision about whether to appoint you to the role. We retain your personal information for that period so that we can show, in the event of a legal claim, that we have not discriminated unlawfully against candidates. After that period, we will securely destroy your personal data unless we have asked you, and you have agreed, to allow us to keep it for a longer period in case another suitable vacancy should arise.

Any background vetting information obtained as part of the recruitment process will be securely disposed of after six months, in line with the ICO's Code of Practice (Employment Practices Code).

If you are successful at interview and accept a job with us, we will retain certain information as part of your personnel file (such as CV and application form, interview notes and other tests you may have undergone).

What are your rights and obligations as a data subject?

Your duty to inform us of changes

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your working relationship with us.

Your rights in connection with personal data

Under certain circumstances, by law you have the right to:

- Request access to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it. See the Data Subject Access Request Procedure for more details.
- Request correction of the personal data that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.

- Request erasure of your personal data. 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 (see below).
- Object to 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.
- Request the restriction of processing of your personal data. This enables you to ask us to suspend the processing of personal data about you, for example if you want us to establish its accuracy or the reason for processing it.
- Request the transfer of your personal data to another party.

If you want to review, verify, correct or request erasure of your personal data, object to the processing of your personal data, or request that we transfer a copy of your personal data to another party, please contact the DPM in writing.

No fee usually required

You will not have to pay a fee to access your personal data (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.

What we may need from you

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 data is not disclosed to any person who has no right to receive it.

What are your rights to withdraw consent to processing?

You may withdraw your consent to allow us to continue processing your personal data, but only where consent was sought as a lawful means of processing your personal data.

In the limited circumstances where you may have provided your consent to the processing of your personal data 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 the DPM. 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.

What are your rights to lodge a complaint about the way in which your personal data are being processed?

Firstly we would urge you to contact the DPM in writing so that we can try to resolve your complaint to your satisfaction. If you are not satisfied with the DPM’s response, you may contact the Information Commissioner’s Office (“ICO”) on 0303 123 1113.

You are free to contact the ICO at any time. However, the DPM may be able to answer your concerns or questions more quickly.

Personal data received from someone other than you

If we obtain personal data from someone other than you (such as a referee), we will provide you with information as to the source of such personal data and, if applicable, whether it came from publicly available sources.

What data security measures are in place to protect your personal data?

We have put in place measures to protect the security of your information. Details of these measures are available upon request but in brief, BPI uses secure encrypted systems. You are required to help with this by ensuring that your personal data and that of your colleagues and third parties are kept secure. You should not share your personal data, or that of others, unless there is a genuine business reason for doing so. There are locked cupboards with employee / contractor / candidate personal data held securely within the Legal department. Electronic data of this nature is held securely on our systems to which access is restricted via login/password to those with a legitimate need to access that information.

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, 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 (or subject to their own data protection/confidentiality obligations if they are acting as data controllers in their own right) and they are subject to a duty of confidentiality.

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.

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 data. If you are successful in your application to work for BPI, you will be issued with a slightly different Privacy Notice, for employees, workers and contractors.

If you have any questions about this privacy notice, please contact the DPM.