

Data Privacy Notice (Applicants for paid and voluntary positions)

Purpose of this Privacy Notice

Adavu respects your privacy and is committed to protecting your personal information (**personal data**).

This privacy notice lets you know how we look after your **personal data** which either you provide to us or we obtain and hold about you and it tells you about your **privacy rights** and **how the law protects you**.

Who are we?

Adavu is a registered charity (no. 1199391) and Charitable Incorporated Organisation (CIO). The Board of Trustees for Adavu is the **controller** for **personal data** used by Adavu staff and volunteers. This is for routine, day to day data protection matters. The Board of Trustees for Adavu is also the **controller** responsible for all **data protection** matters concerning safeguarding and, complaints and discipline issues.

The Data Champion is the Adavu staff member responsible for day-to-day administration of data protection matters. The contact details for the Data Champion are:

Liisa Wiseman
Data Champion
c/o Jericho Foundation
196-198 Edward Road
Balsall Heath
Birmingham B12 9LX

Email: info@adavu.org.uk
Website: www.adavu.org.uk
Tel: 0121 647 1960 (ask for Adavu)

The contact details for the Controller are:

Chair of the Board of Trustees for Adavu
c/o Jericho Foundation
196-198 Edward Road
Balsall Heath
Birmingham B12 9LX

Email: info@adavu.org.uk
Website: www.adavu.org.uk
Tel: 0121 647 1960 (ask for Adavu)

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues (www.ico.org.uk). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

Changes to this Privacy Notice and your Duty to Inform us of Changes

This version was last updated on 6 September 2023.

We have the right to update and amend the provisions of this notice to ensure continual compliance with data protection legislation. We will provide you with copies of the new notice wherever it is practically possible to do so. 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 relationship with Adavu.

The Data We Collect About You

Personal data, or personal information, means any information about a living individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

You will have consented to provide your personal data through completion of the Application for an Appointment within Adavu.

The data that you will have consented to provide includes:

- Your name and contact details (address, email, telephone number)
- Your eligibility to work with reference to immigration status if relevant
- Unspent criminal convictions
- Employment history and qualifications
- Contact details for three referees
- Relevant work experience

We will not make this data available to the public.

How your personal data is collected?

We use different methods to collect data from and about you including through:

- **Direct exchanges.** You may choose to provide personal information to us direct e.g. by speaking to us at Adavu events or when meeting Adavu staff and volunteers in person, by filling in forms (such as a job application form) or by corresponding with us by post, phone, email, What's App, text or otherwise;
- **Automated technologies or interactions.** As you interact with our Adavu website we may automatically collect Technical Data about your equipment, browsing actions and patterns. We may collect this personal data by using cookies, server logs and other similar technologies. Please see website privacy notices and cookie policies available from our website for further details.
- **Third parties or publicly available sources.** We may receive personal data about you from various third parties and public sources as set out below:
 - Referees;
 - Your family members;

- Identity and Contact Data from publicly available sources such as Companies House, the Charity Commission and the Electoral Register based inside the EU.

How we use your personal data

FAIR PROCESSING

Adavu takes its obligations under data protection law (including the General Data Protection Regulation (GDPR)) seriously. Adavu keeps **personal data** as up to date as possible and takes active steps to rectify any personal data we find to be incorrect. Adavu stores and destroys personal data securely and does not collect or retain personal data which is in excess of our processing activities. We take steps to protect all personal data (including **Special Category Data**) from loss, misuse, unauthorised access and disclosure by ensuring that appropriate measures are in place to protect personal data.

Adavu ensures that personal data is processed in accordance with the principles of the GDPR and is processed:

- Lawfully, fairly and in a transparent manner;
- For specified, explicit and legitimate purposes and not processed in a manner which is incompatible with those purposes;
- Accurately, relevantly and limited to what is necessary in relation to the purposes for which it is processed;
- Kept accurate and where necessary kept up to date, with all reasonable steps being taken to ensure that all inaccurate data is erased or rectified without delay;
- Is not kept longer than is necessary for the purposes for which the personal data is processed; and
- In a manner that ensures appropriate security of the Personal Data including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage by using appropriate technical and organisational measures.

HOW WE USE YOUR 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 it is necessary for our **legitimate interests** (or those of a third party) and your interests and fundamental rights do not override those interests.

Legitimate interests means the interests of Adavu in fulfilling its charitable objects. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law).

Consent. We will ask your **consent** to process your data (name, address etc...), that will also include **Special Category Data**. By signing job application forms Adavu will be assuming that you agree to the processing of your personal data (as described below), in accordance with our privacy policy that we will send you.

- Where we need to perform the contract we are about to enter into or have entered into with you. **Performance of Contract** means processing your personal data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract – e.g. employment contract.
- Where we need to **comply with a legal or regulatory obligation**. Comply with a legal or regulatory obligation means processing your personal data where it is necessary for compliance with a legal or regulatory obligation that we are subject to.

In rare cases we may need to use your personal data in the following circumstances:

- Where we need to protect your **vital interests** e.g. in an emergency life or death situation where the emergency services are called to treat you when you are with us. Vital interests means where it is necessary to use your personal data to protect your "vital interests" or those of another person (such as a child) in a life-or-death situation.
- Where we need to perform a task carried out in the public interest e.g. in certain safeguarding situations.

You have the right to withdraw consent at any time by contacting the Data Champion although this will not prevent processing where the law allows us to process for a different reason in addition to consent.

SPECIAL CATEGORY DATA

Where data processing relates to **Special Categories of Data** (e.g. health information) the following processing conditions apply:

- Explicit Consent has been given by the data subject;
- Processing is necessary for carrying out obligations under employment, social security or social protection law, or a collective agreement;
- Processing relates to personal data manifestly made public by the data subject;
- Processing is necessary for the establishment, exercise, defence of legal claims or where the courts are acting in their judicial capacity; or
- Processing is necessary for archiving purposes in the public interest, scientific and historical research purposes or statistical purposes.

PURPOSES FOR WHICH WE WILL USE YOUR PERSONAL DATA

We will use your personal data for the following purposes:

- Adavu to process your employment application and DBS application where required
- Adavu to contact your named referees where required
- Adavu to communicate with yourself the outcome of your application
- If you succeed in your application for employment, the information will be used in the administration of your employment with us

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 you wish to get an explanation as to how the processing for the

new purpose is compatible with the original purpose, please contact the Data Champion. 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. Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

[Disclosures of your personal data](#)

SHARING PERSONAL DATA

We treat all personal data as strictly confidential, except where consent has been provided for it to appear in publications available to general members of the public.

Personal data will not be shared with third parties, other than those listed below unless we are legally obliged to do so or:

- with your explicit consent;
- it is necessary for law enforcement purposes; or
- it is necessary to protect our rights, property or safety of our members, ministers, volunteers or staff.

We may have to share your personal data with the parties set out below:

- External third parties such as:
 - Any third party groups who provide support for Adavu in providing its services.
 - Professional advisers including lawyers, bankers, auditors and insurers based in the UK who provide legal, banking, insurance and accounting services.

We will ask all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow third-parties to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

[TRANSFER of Personal Data Outside of the European Economic Area \('EEA'\)](#)

We may at times transfer and process personal data outside of the EEA. Storing, publishing or transmitting personal data via the internet (this includes by email), is not completely secure and therefore whilst Adavu takes all reasonable and necessary precautions to protect personal data from unauthorised access, you acknowledge that there is a risk that your personal data may be transferred and accessed outside of the EEA.

DATA SECURITY

We implement reasonable and appropriate security measures against unlawful or unauthorised processing of personal data and against the accidental loss of, or damage to, personal data in accordance with our internal data security policy. In addition, we limit access to your personal data to those staff and volunteers who have a need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place reasonable and appropriate procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

DATA RETENTION

We keep your personal data for no longer than reasonably necessary. We keep your personal data for no longer than reasonably necessary. In line with the Adavu Data

Retention Policy we will keep your data for a period of 6 years after your application is submitted. This is in case of any legal claims/complaints or for safeguarding purposes.

YOUR LEGAL RIGHTS

Unless personal data is subject to an exemption under GDPR, such as it is subject to the prevention, investigation, detection or prosecution of a criminal offence, you have the following rights with regards to your personal data:

- Where **consent** is used as the legal basis for processing personal data, you have the right to withdraw consent to the data processing at any time. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent or processing carried out using an alternative legal basis such as performance of a contract or legal obligation;
- The right to request a copy of the personal data which Adavu holds about you (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. If you would like to exercise this right then please complete the relevant **Data Subject Access Form** and forward to the controller as described in section 1 of this privacy notice.
- The right to request that Adavu corrects any Personal Data which is found to be inaccurate. Note that we may need to verify the accuracy of the new data you provide to us;
- The right to request that Adavu erases any Personal Data where there is no good reason for us continuing to process it. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request;
- Where consent or the performance of a contract is used as the legal basis for processing Personal Data, you have the right to **request the transfer** of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you and this right is unlikely to apply to personal data held by us.
- The right to request for a restriction on data processing. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.;
- Where legitimate interest is used as the legal basis for processing Personal Data, you have the right to object to the processing of personal data where there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. Note that in some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms;

- The right to lodge a complaint with the Information Commissioners Office (ICO).

Contacting the ICO

Further information, guidance and advice is available from the ICO at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 0303 123 1113
Web: <https://ico.org.uk/global/contact-us/>

If you wish to exercise any of the rights set out above, please contact the Adavu Data Champion.

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 is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these 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 your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

TIME LIMIT TO RESPOND

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

Authorised by the Adavu Management Committee on: 12/11/18; 10/6/21
Review date due: 07/22

Amended: 11/2018; 21/6/21

Amended by Adavu Trustees according to the GDPR policy: 08/09/2022 and again 6/9/23.

10. GLOSSARY

“**controller**” is the controller described in Section 1 of this privacy notice.

“data subject” is a living, identified or identifiable individual about whom personal data is held. e.g. our clients and family members, volunteers, employees, partners, supporters and donors.

“explicit consent” is a very clear and specific statement of consent.

GDPR means the General Data Protection Regulation ((EU) 2016/679). Personal data is subject to the safeguards specified in the GDPR.

“lawful bases” are the five lawful grounds on which we can lawfully process personal data set out under Article 6 of GDPR. The lawful basis or bases on which we rely are set out under Section 4 of this privacy notice.

“Data Champion” is the Adavu staff member responsible for day-to-day administration of data protection matters.

“personal data” is any information identifying a living individual or information relating to an individual that can be identified from that information/data (alone or in combination with other information in your hands or that can reasonably be accessed). Personal Data can be factual (for example, a name, email address, location or date of birth) or an opinion about that person’s actions or behaviour. Personal information includes an individual’s name, address, date of birth, telephone number, email address, a photograph or disability, health or ethnicity data.

“Processing” “processed” or “process” means any activity that involves the use of personal data. It includes obtaining, recording or holding the data, or carrying out any activity or set of activities on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transmitting or transferring personal data to third parties. E.g. sharing member information by email and shredding when information is no longer required.