



Guernsey Financial
Services Commission

Privacy Notice for External Recruitment Candidates

This Privacy Notice explains how the Guernsey Financial Services Commission (the “Commission”) is committed to protecting the privacy and security of employment candidate information. It describes how the Commission processes the personal data of employment candidates and sets out the rights of the candidates to whom that data relates (“data subjects”). Any questions about personal data obtained from employment candidates should be directed to the Commission’s Data Protection Officer, or the Deputy Director and Head of HR.

As a ‘data controller’, specified within the Data Protection (Bailiwick of Guernsey) Law, 2017, (“DP Law”), the Commission is responsible for processing personal data.

This Privacy Notice covers employment candidates at all stages of the recruitment process for permanent and temporary positions and potential external contractors. The Commission has a separate notice which applies to Commission employees.

This Privacy Notice does not form part of any verbal or written offer or agreement and the Commission may amend it at any time.

It is important that you read this Privacy Notice when the Commission is processing personal information about you, so that you are aware of how and why the Commission is using such information.

Why we collect personal data

To comply with its contractual, statutory, and management obligations and responsibilities, the Commission is required to process personal data relating to employment candidates, including “special category data”, as defined in the DP Law, which includes information relating to health, racial or ethnic origin, and criminal data. All such data will be processed in accordance with the provisions of the DP Law and the Commission’s Policy on Data Protection as amended from time to time.

For the purposes of the DP Law, the term ‘processing’ includes, but is not limited to, collection of personal data, the storage and use of such data, access and disclosure, and destruction. In certain circumstances, the provisions of the DP Law permit the Commission to process recruitment candidate’s personal data.

Further information on the purposes for which personal data is processed is given below:

Contractual responsibilities

The Commission's contractual responsibilities include those arising from the contract of employment.

The situations (which are not exhaustive) in which the Commission will process this personal information are:

- Determining the terms on which you may work for the Commission.
- General administration of the contract the Commission is entering into with you.

Statutory responsibilities

The Commission's statutory responsibilities are those required by legislation.

The situations (which are not exhaustive) in which the Commission will process this personal information in order to fulfil its statutory obligations include:

- Checking you are legally entitled to work in Guernsey.
- Liaising with Population Management in relation to permit holders, providing information about job level/title, working hours.
- Complying with health and safety and anti-discrimination obligations.
- Collecting income tax and social insurance information in order to deduct contributions from the payroll.

Management responsibilities

The management responsibilities are those necessary for the organisational functioning of the Commission. The data processed to meet management responsibilities includes, but is not limited to, data relating to: recruitment and employment; health and safety; security; e-mail address and telephone number; and criminal data.

The situations (which are not exhaustive) in which the Commission will process this personal information in order to fulfil its management responsibilities include:

- Making decisions about salary and compensation.
- Making a decision about your recruitment or appointment.
- Assessing qualifications for a particular task, project or job.
- Assessing training and development requirements.
- Ascertaining your fitness to work and if any reasonable adjustments are required.
- Undertaking our pre-screening exercises including collecting relevant references.

The Commission may collect additional personal information in the course of recruitment related activities throughout the recruitment and selection period. Some of the above purposes will overlap and there may be several grounds which justify the Commission using your personal information.

The categories of information we hold

The Commission may process certain categories of personal information about you during the recruitment and selection process, including but not limited to:

Successful and unsuccessful candidates

- Personal contact details including name, address, email address and telephone numbers.
- Date of birth.
- Gender.
- Recruitment information (including CV, covering letter, interview notes and references).
- Evidence that you meet the Certificate or Permit requirements under the Guernsey Population Management Law.
- Evidence of your right to work in the UK / immigration status.
- Details of any reasonable adjustments requested/granted during the recruitment process for candidates who have a disability.

Successful candidates

- Marital status and dependants.
- Next of kin, emergency contact and group life benefit nominee(s) information.
- Social Security number, Income Tax number and tax coding.
- Bank account details and payroll records.
- Salary, annual leave, pension and benefits information.
- Start date.
- Place of employment.
- Copy of drivers licence or passport.
- Full employment records for Commission employment (including contracts, job titles, job descriptions, working hours, absences, training records and professional memberships).

The Commission processes special category data, including but not limited to:

- Information about race or ethnicity.
- Information about health, including medical conditions, disabilities and any reasonable adjustments that may be required.
- Information about criminal convictions, allegations and offences.

Special Category Data

The DP Law defines 'special category data' as information about racial or ethnic origin; political opinions; religious beliefs or philosophical beliefs; trade union membership; genetic data; biometric data; health data; personal data concerning an individual's sex life or sexual orientation; and criminal data.

(a) The Commission will process data about a recruitment candidate's health where it is necessary, for example, to make any necessary arrangements or adjustments to the workplace. This processing will not normally happen without the candidate's knowledge and consent.

(b) Save in exceptional circumstances, the Commission will process data about a recruitment candidate's racial and ethnic origin, their sexual orientation or their religious or philosophical beliefs only where they have volunteered such data and only for the purpose of upholding the Commission's equal opportunities policy.

(c) Criminal data about a recruitment candidate will be held as necessary.

Disclosure of personal data to other bodies

For the performance of the employment contract, the Commission may be required to transfer a successful candidate's personal data to third parties. To obtain police checks, prior to employment, limited data is provided to the appropriate authorities by way of a consent form that the recruitment candidate and employer complete.

In order to fulfil its statutory responsibilities, the Commission is required to provide some of a successful candidate's personal data to government departments or agencies e.g. completing Revenue Service new arrival data as applicable and the provision of salary and job title information to the Population Management Department for the purposes of obtaining Housing Permits for future employees.

Keeping personal data up-to-date

The DP Law requires the Commission to take reasonable steps to ensure that any personal data it processes is accurate and up-to-date. It is the responsibility of the recruitment candidate to inform the Commission of any changes to the personal data that they have supplied to it during the course of the recruitment and selection process.

If you fail to provide certain information when requested, the Commission may be prevented from complying with its legal obligations (such as to ensure the health and safety of its workers).

Data security

The Commission has put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way. The Commission limits access to your personal data to those employees, agents, contractors and third parties who have a business need to know.

Exercising data subject rights

Under the DP Law, it is possible for recruitment candidates to request access to any of their personal data held by the Commission, subject to certain restrictions. Any data subject who wishes to exercise rights under the Data Protection Law in relation to the GFSC, should send their request to our Data Protection Officer: dpo@gfsc.gg.

Where a data subject has reason to make a complaint in relation to the GFSC's processing of their personal data or protection of their data subject rights, a written complaint may be made to the [Data Protection Commissioner](#).

[The Data Protection Law](#) provides for a data subject who has reason to complain about the handling of their complaint by the Data Protection Commissioner to appeal to court where specified grounds exist.

Requesting erasure

You can request the erasure of your personal data in certain circumstances, which include the following:

- The personal data is no longer necessary for the purposes for which it was collected or otherwise processed;
- The processing of the personal data is based solely on your consent, and you have withdrawn that consent;
- You object to the processing and the Commission is required to cease processing the personal data in accordance with the DP Law;
- The personal data has been unlawfully processed; or
- The personal data is required to be erased in order to perform or comply with any statutory duty imposed on the controller.

As set out above, you have the right to ask the Commission to delete or remove personal data where, *inter alia*, you have successfully exercised your right to object to processing on the grounds of public interest, or for historical or scientific purposes. To request erasure of your personal data you should submit a request in writing to the Data Protection Officer and the Deputy Director and Head of HR.

You also have the right to request the restriction of processing of your information in certain circumstances. This enables you to ask for the processing of your information to be suspended, for example, if you want the Commission to establish the accuracy of the information or the reason for processing the information. To request restriction of your personal data you should submit a request in writing to the Data Protection Officer and the Deputy Director and Head of HR.

Right to withdraw consent

There may be circumstances where you wish to withdraw your consent to the processing (and/or transfer) of your personal data during the recruitment and selection process. To withdraw your consent please contact the Data Protection Officer and the Deputy Director and Head of HR. Once your notification to withdraw consent has been received, the Commission will no longer process your information for the purposes you originally agreed to, unless there is a legitimate basis for doing so in which case the Commission may continue to process your personal data.

Retention periods for personnel data

The Commission keeps data on unsuccessful recruitment candidates for up to 6 months. The data for successful recruitment candidates is kept in accordance with the Commission's internal Data Retention and Destruction Policy.

Changes to this privacy notice

The Commission reserves the right to update this Privacy Notice at any time.

If you have any questions about this Privacy Notice, please contact dpo@gfsc.gg or ahitchon@gfsc.gg.