

Scottish Rail Holdings Limited

Applicant Privacy Notice

1 What is the purpose of this document?

- 1.1 Scottish Rail Holdings Limited (“SRH”, “we”, “our”, “us”) is a “controller” in relation to personal data. This means that we are responsible for deciding how we hold and use personal information about you. You are being sent a copy of this privacy notice because you are applying for work with us (whether as an employee, consultant, secondee, contractor or agency staff (“you”, “your”, “SRH Personnel”). It makes you aware of how and why your personal data will be used, namely for the purposes of the recruitment exercise, and how long it will usually be retained for. It provides you with certain information that must be provided under the UK General Data Protection Regulation (“UK GDPR”).
- 1.2 If you have any general questions in relation to this Privacy Notice, please contact the General Counsel on GC@railholdings.scot in the first instance, failing which the Data Protection Officer (“DPO”). At the time of issue of this notice, we have outsourced our DPO position to Thorntons Law LLP, with the point of contact being Loretta Maxfield, Partner. Loretta can be contacted on DPO@railholdings.scot.

2 Data protection principles

We will comply with data protection law and principles, which means that your data will be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept securely.

3 The kind of information we hold about you

- 3.1 In connection with your application for work with us, we will collect, store, and use the following categories of personal information about you:
- The information you have provided to us in your curriculum vitae and covering letter.
 - The information you have provided on our application form, including name, title, address, telephone number, personal email address, date of birth, gender, employment history, qualifications.
 - Any information you provide to us during an interview.
 - Any other information included as part of the application process such as aptitude and other test results (if undertaken by you).
 - We may receive limited information arising from the Scottish Government vetting process in terms of whether you are a suitable candidate to work with SRH.
- 3.2 We may also collect, store and use more sensitive personal information about your health, including any medical condition where relevant to the recruitment process or role.

4 How is your personal information collected?

4.1 We collect personal information about applicants from the following sources:

- You, the applicant.
- The recruitment agency (if any) which we have engaged to assist us with the vacancy for which you have applied, from which we may collect personal data and / or special category personal information referred to above as they receive from you.
- Scottish Government's Security Vetting department, who will carry out background checks for your baseline security clearance in the event of a conditional offer of employment being made to you. This would include a check with the Disclosure and Barring service in respect of criminal convictions.
- A credit reference agency, in respect of your credit history as part of the baseline security clearance check process referred to above.
- Your named referees, from whom we collect the information disclosed in their reference replies.

4.2 It is possible that we may obtain or receive other categories of information about you during the recruitment and onboarding process. Where this happens we will ensure this is handled in line with applicable data protection law.

5 How we will use information about you

5.1 We will use the personal information we collect about you to:

- Assess your skills, qualifications, and suitability for the role.
- Carry out background and reference checks, where applicable.
- Communicate with you about the recruitment process.
- Keep records related to our hiring processes.
- Comply with legal or regulatory requirements.

5.2 It is in our legitimate interests to decide whether to appoint you to the role since it would be beneficial to SRH to appoint someone to that role.

5.3 We also need to process your personal information to decide whether to enter into a contract of employment with you.

5.4 Having received your CV and covering letter or your application form and the results from any tests which you have taken, we will then process that information to decide whether you meet the basic requirements to be shortlisted for the role. If you do, we will decide whether your application is strong enough to invite you for an interview. If we decide to call you for an interview, we will use the information you provide to us at the interview to decide whether to make a conditional offer to you. If you accept such a conditional offer, we will then take up references and carry out a baseline security check, or have such undertaken by third parties on behalf, before confirming your appointment.

6 If you fail to provide personal information

If you fail to provide information when requested, which is necessary for us to consider your application (such as evidence of qualifications or work history), we will not be able to process your application successfully. For example, if we require a credit check or references for this role and you fail to provide us with relevant details, we will not be able to take your application further.

7 How we use particularly sensitive personal information

We will use particularly sensitive personal information about your disability status to consider whether we need to provide appropriate adjustments during the recruitment process, for example whether adjustments need to be made during an interview or test.

8 Information about criminal convictions

8.1 If we make you a conditional offer, you will be required to undergo security vetting checks including obtaining a Disclosure Scotland Check. This is carried out by the Scottish Government and SRH does not receive this information beyond limited information confirming whether you are a suitable candidate to work with us.

8.2 If you accept the conditional offer and you begin working for SRH, it is possible that we may obtain or receive criminal data about you during the course of your employment and should this occur, this will be processed in line with data protection law and an Appropriate Policy document.

9 Data sharing - Why might you share my personal information with third parties?

9.1 We will only share your personal information with the following third parties for the purposes of processing your application:

- the recruitment agency (if any) supporting in filling the vacancy for which you have applied;
- your named referees in the event of references being taken up;
- the Scottish Government's Security team in relation to a baseline security check if undertaken; and
- Solvd, our outsourced HR provider in relation to our new arrivals processes.

9.2 All our third-party service providers and other entities in the SRH group are required to take appropriate security measures to protect your personal information in line with our policies.

9.3 We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

10 Data security

10.1 We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those SRH Personnel and other third parties who have a business need-to-know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

10.2 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.

11 Data retention - How long will you use my information for?

11.1 We will retain your personal information for a period of 12 months after we have communicated to you our decision about whether to appoint you to a 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 against

applicants on prohibited grounds and that we have conducted the recruitment exercise in a fair and transparent way. After this period, we will securely destroy your personal information in accordance with our Personal Data Retention Policy.

11.2 If we wish to retain your personal information on file, on the basis that a further opportunity may arise in future and we may wish to consider you for that, we will write to you separately, seeking your explicit consent to retain your personal information for a fixed period on that basis.

12 Rights of access, correction, erasure, and restriction

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

- **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information 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 information. This enables you to ask us to delete or remove personal information 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 information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information 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. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction** of processing of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

12.2 If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the General Counsel on GC@railholdings.scot in the first instance, failing which our DPO at DPO@railholdings.scot.

13 Right to complain

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO) who is responsible for data protection issues in the UK. ICO can be contacted on casework@ico.org.uk or alternatively:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113

Website: <https://ico.org.uk/global/contact-us>

14 Review and amendment

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.

Acknowledgement of receipt

I acknowledge that I have received a copy of SRH's Applicant Privacy Notice and that I have read and understood it.

Signature

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Name

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Date: