

# **Data Protection**

## **Section 02: Privacy Notices**

### **DP.02.PO.003**

#### **Privacy Notice - Recruitment**

## Issue History

Issue:	Date:	Author:	Comment:
1	May 2018	HR Business Partner	Initial release
2	Jan 2019	Andy Stewart-Wright – Data Protection officer	Minor amendments and renumbered
3	Mar 2022	Andy Stewart-Wright – Data Protection officer	Document rewrite following changed ICO guidance - Renamed from Candidate Privacy Notice
4	Mar 2025	Andy Stewart-Wright – Data Protection officer	General update and template change

## Release Control

Prepared by:	Authorised by:	Date Approved for Release:
HR Business Partner	Business Change Director/Acting HR Director	May 2018
HR Business Partner	Business Change Director/Acting HR Director	Jan 2019
HR Resourcing Manager / Data Protection Officer	HR Director	May 2022
HR Resourcing Manager / Data Protection Officer		Feb 2025

## Document Review

This policy document will be reviewed and audited triennially or when any of the following occur:

- Introduction of new or alteration to existing methods of working
- Internal reorganisation or restructuring where this directly impacts the scope of contents
- After any incident or audit that highlights the need for review of systems and procedures relating to this policy/procedure
- Any relevant changes in legislation, industry standards or best practises

The purpose of the review is to ensure that this document complies with current legislation, industry regulations, governing body standards, etc.

**Note:** It is anticipated that there will be changes to Data Protection Legislation during 2025.

## Contents

Issue History.....	2
Release Control.....	2
Document Review.....	2
Contents.....	3
References.....	4
Definitions.....	4
Data Protection Principles.....	4
1. Purpose.....	5
2. Scope.....	5
3. Introduction.....	6
4. How do we obtain your personal data?.....	6
5. What personal we process about you and why.....	7
6. Lawful basis for processing your personal data.....	8
7. How long we keep your personal data.....	9
8. Data Sharing.....	9
9. Do we use any data processors.....	10
10. Your rights in relation to your personal data that we process.....	10
11. Transfer of personal data.....	11
12. Further information.....	11
Appendix A – Data Processors.....	13

## References

- [Data Protection Act 2018](#)
- [Information Commissioner's Office \(ICO\) Guidance for Organisations](#)
- [Data Protection Policy](#)

## Definitions

A Glossary of Terms and Abbreviations for ALL Data Protection Standards can be found [here](#).

## Data Protection Principles

c2c complies with its obligations under the Data Protection Act 2018 (DPA) and the UK General Data Protection Regulation (UK GDPR).

This includes the following data protection principles:

- Lawfulness, fairness and transparency
  - The personal data shall be processed lawfully, fairly and in a transparent manner
- Purpose limitation
  - Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
- Data minimisation
  - Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed
- Accuracy
  - Personal data shall be accurate and, where necessary, kept up to date
- Storage limitation
  - Personal data shall be kept in a form which permits identification of data subjects for no longer that is necessary for the purposes for which the personal data are processed
- Integrity and confidentiality (security)
  - Personal data shall be processed 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, using appropriate technical or organisational measures
- Accountability
  - c2c and all employees shall be responsible for and be able to demonstrate compliance with data protection legislation

## 1. Purpose

The purpose of this document is to outline c2c's data protection practices in a clear and accessible manner, ensuring that our job applicants are informed about how we use your personal data and information.

In general, this Privacy notices serve several important purposes:

- **Transparency** – This notice will inform individuals about how their personal data is collected, used, stored, and shared by c2c.
- **Compliance** – This notice will help c2c comply with data protection laws and regulations, such as the Data Protection Act 2018 (DPA 2018) and the UK General Data Protection Regulation (UK GDPR), by providing necessary information to individuals.
- **Trust** - By being transparent about our data practices, c2c can build trust with their employees/colleagues/stakeholders.
- **Rights** – This notice will inform individuals about their data protection rights, such as the right to access, correct, or delete their personal data.

## 2. Scope

This Privacy Notice applies to all the processing of all personal data carried out by c2c directly or by third parties on behalf of c2c including processing carried out by Colleagues, joint data controllers, processors and sub-processors etc. for the processing of our employees/colleague's information

In this notice we will advise:

- How do we obtain your personal data
- What personal data we process about you and why
- Lawful basis for processing your personal data
- How long we keep your personal data
- Data sharing
- Do we use any data processors
- Your rights in relation to your personal data that we process
- Transfers of personal data

Personal data means any information relating to an identified or identifiable natural person ("data subject"). An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier, such as a name, an identification number, location data, online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

### 3. Introduction

As an employer, c2c must meet their contractual, statutory and administrative obligations. c2c are committed to ensuring that the personal data of our employees is handled in accordance with the principles set out in the UK Information Commissioner's [Guide to Data Protection](#) and our [data protection policies, procedures and processes](#).

This privacy notice advises you what to expect when c2c collects personal data about you. It applies to all employees, prospective employees, ex-employees, agency staff, contractors, apprentices, secondees, company directors, non-executive directors, prospective directors etc. However, the personal data we will process about you will vary depending on your role and personal circumstances.

c2c is the data controller for the personal data it processes unless this notice specially states otherwise.

#### Data Protection Officer (DPO):

c2c have appointed a Data Protection Officer to ensure we protect personal data of our employees and others. Their duty is to protect the data protection rights and freedoms of individuals and monitor c2c's compliance with data protection legislation.

Our DPO: Andy Stewart-Wright

Email: [dpo@c2crail.net](mailto:dpo@c2crail.net),

Phone: 0330 109 8130

Office address: DPO, c2c, 7th Floor, Centennium House, 100 Lower Thames Street, London EC3R 6DL

This notice should be read in conjunction with our [Customer Privacy Notice](#) and our other [Company Policies and Procedures](#). When appropriate we will provide you a "just in time" privacy notice to cover any additional processing activities not mentioned in this notice.

### 4. How do we obtain your personal data?

We obtain personal data about you from the following sources:

- Directly from you
- From an employment/recruitment agency
- From your employer if you are a secondee
- From your apprenticeship sponsor if you are an apprentice
- From your referee (this could be your current and previous employers)
- From Disclosure & Barring Service
- From Occupation Health and other health providers
- From Her Majesty's Revenue and Customs
- From providers of training and education services, including schools and colleges
- From other train operators
- From the OPC, psychometric assessments
- From the Office of Rail and Road - Train driver licences etc.,
- From other third parties from time to time

## 5. What personal we process about you and why

We use the following information about you in our recruitment processing activities:

- Personal contact details such as your name, address, contact telephone numbers and personal email addresses
- Copies of your driving licence, passport, birth certificate and proof of current address, such as a bank statement or council tax bill
- Evidence of how you meet the requirements of the job, including CVs and online job application forms
- Evidence of your right to work in the UK and immigration status including proof of your national insurance number
- Diversity and equal opportunities monitoring information – this can include information about your race or ethnicity, religious beliefs, sexual orientation, disability and other ‘special category data’
- Information about your health, including any medical needs or conditions
- If you contact us regarding your application, a record of that correspondence
- Details of your use of our recruitment tools and services, such as your recruitment profile and alerts for vacancies
- The status of your application and updates on how it moves forward
- Occupational licence details e.g., EU train drivers licence / CCTV operator’s licence etc.,
- Marital status
- Employment and education history including your qualifications
- Employment and personal references
- Details of any criminal convictions that you declare
- Location of current and previous employment
- Details of any secondary employments
- Security clearance details including basic checks and higher security clearance details according to your job role
- Other information required for some applications

Why is this information used?

- To process your recruitment application
- To move your application forward through the recruitment processes
- To check that you are the right person for the job role
- To check that you have the relevant training, education, experience and skills to undertake the job role
- To check that you are who you say you are
- To check that you are medically fit to undertake the job role
- To check that you can work for us legally in compliance with UK legislation
- To check that you meet rail industry standards for the role you are applying

## 6. Lawful basis for processing your personal data

Depending on the recruitment activity, we rely on the following lawful basis for processing your personal data:

- Consent - where you have given consent to the processing of your personal data for one or more specific purposes - Article 6(1)(a)
- Contract - where processing is necessary for the performance of a contract (normally employee or service contract) - Article 6(1)(b)
- Legal obligation - where processing is necessary for compliance with a legal obligation where c2c is your employer - Article 6(1)(c)
- Legitimate interest - where processing is necessary for the legitimate interest persuaded by c2c - Article 6(1)(f).

### 6.1 Special category data

Where the information we process is special category data, for example your health data, the additional bases for processing that we rely on are:

- Explicit consent - where you have given your explicit consent to the processing of your personal data for one or more specific purposes - Article 9(2)(a)
- Employment, social security, and social protection - which relates to c2c carrying out our obligations and exercising our rights in employment and the safeguarding of your fundamental rights - Article 9(2)(b)
- Made public by the data subject - where you have manifestly made your personal data public - Article 9(2)(e)
- Legal claims or judicial acts - where necessary for the establishment, exercise, or defence of a legal claim - Article 9(2)(f)
- Health or social care - where necessary for the purposes of preventative or occupational medicine and assessing your working capacity as an employee - Article 9(2)(h)

In addition, we rely on processing conditions in Schedule 1 part 1 paragraph 1 and Schedule 1 part 1 paragraph 2(2)(a) and (b) of the Data Protection Act 2018. These relate to the processing of special category data for employment purposes, preventative or occupational medicine and the assessment of working capacity as an employee.

Our [Processing Special Category and Criminal Convictions and Offences Data Policy](#) provides further information about this processing.

### 6.2 Criminal convictions and offences

We process information about prospective employees and current employees' criminal convictions and offences. The lawful basis we rely on to process this data are as follows:

- Article 6(1)(b) which relates to processing necessary for the performance of a contract. In addition, we rely on the processing condition at Schedule 1 part 1 paragraph 1 of the Data Protection Act 2018.

Our [Processing Special Category and Criminal Convictions and Offences Data Policy](#) provides further information about this processing.

## 7. How long we keep your personal data

c2c will hold your personal data compliant with legislation requirements and for such periods as set out in our data retention policy. We only retain your personal information for as long as necessary to fulfil the purpose(s) for which it was collected.

For the purposes of recruitment of a successful applicant, we will retain the supporting recruitment information for up to three years. Unsuccessful applicants' personal information will be removed from our records after 12 months from your most recent application.

We will actively review the personal data we hold and delete it securely or in some cases anonymise it when there is no longer a legal basis or purpose for the data to be retained.

Our [Data Retention Policy and Retention Schedule](#) provides further information.

## 8. Data Sharing

Your information may be shared internally, including with members of Human Resources; Learning and Development, Recruitment, Payroll, Finance, Health and Safety, IT, your potential Line Manager, Occupational Health, and others who are dealing with issues in relation to yourself if access to the data is necessary for the performance of their roles.

c2c shares your data with third-party providers and obtains necessary criminal records checks from the Disclosure and Barring Services. In these circumstances the data will be subject to confidentiality agreements.

c2c also shares your data with third parties, for legal and contractual purposes, that process data on its behalf in connection with various purposes including payroll, such as Her Majesty's Revenue and Customs. For the provision of occupational health services with our nominated contractor - please contact our DPO for who this is at any given time.

We will only share your relevant information with partners or suppliers where there is a valid reason to do so and who have sufficient measures and procedures in place to protect your information and can meet their legal obligations under the data protection legislation. These requirements are set out in contracts or information/data sharing agreements.

## 9. Do we use any data processors

c2c use external data processors, a list of which can be found in Appendix "A" below. Note that this list is not exhaustive and at times will go out of date. Therefore if you require further information, please contact our DPO via email [dpo@c2craill.net](mailto:dpo@c2craill.net), telephone 0330 109 8130 or use this [link](#) and complete the online form.

## 10. Your rights in relation to your personal data that we process

As an individual you have certain rights regarding our processing of your personal data, including a right to lodge a complaint with the Information Commissioner's Office as the relevant supervisory authority for data protection within the UK.

- Your right of access
  - You have the right to ask us for copies of your personal data. There are some exemptions, which means you may not always receive all the information we process
- Your right to rectification
  - You have the right to ask us to rectify information you think is inaccurate. You also have the right to ask us to complete information that you think is incomplete
- Your right to erasure (be forgotten)
  - You have the right to ask us to erasure your personal data in certain circumstances
- Your right to restriction of processing
  - You have the right to ask us to restrict the processing of your information in certain circumstances
- Your right to object to processing
  - You have the right to object to processing if we are able to process your information because the process forms part of c2c legitimate interests
- Your right to data portability
  - This only applies to information you have given c2c. You have the right to ask that we transfer the information you have given us from one organisation to another or give the information to you. This right only applies if we are processing information based on your consent or under, or in talks about entering into a contract and the processing is automated

You are not generally required to pay a charge for exercising your rights. However, a 'reasonable fee' could apply if the request is manifestly unfounded, or excesses or individuals request further copies of their data.

We normally have one month to respond to your request. Contact our DPO via email [dpo@c2craill.net](mailto:dpo@c2craill.net), telephone 0330 109 8130 or use this [link](#) and complete the online form.

## 11. Transfer of personal data

We do not routinely transfer employee personal data overseas but when this is necessary, we ensure that we have appropriate safeguards in place.

c2c will only transfer your personal data outside the UK if there are adequate safeguards and controls in place. These controls are either “Adequacy Regulations” or “Standard Contractual Classes”.

## 12. Further information

### 12.1 Applications automatically declined

During the recruitment process you may be asked eligibility questions dependent on the role that you have applied for. You will not have to disclose sensitive information, and everyone still has an equal opportunity to apply. The system may automatically decline your application if you do not meet the eligibility criteria.

As an example, if you are applying for the role of a Driver, and you are under the age of 21, your application will be declined as there is a minimum age limit to perform train driving roles.

You have the right to challenge this decision by contacting our recruitment team via email. Please contact them via [c2c.recruitment@c2crail.net](mailto:c2c.recruitment@c2crail.net) or alternatively please contact our Data Protection Officer details as referenced in section 10 above.

### 12.2 Reserve lists

For some job roles, we may maintain a reserve list of candidates who met our requirements but were not successful in securing the specific post they applied for.

If we believe that you may be able to join us at a future date, we will ask for your consent to be added to our reserve list for the same or similar suitable roles.

We will refer to the list when other roles are advertised and may contact you if we believe you match the role requirements and will ask for your consent to be put forward for this role.

### 12.3 Reserve Occupational health – including drugs screening

During the recruitment process you may be referred to occupational health. This may result in a face-to-face consultation, a telephone appointment with an occupational healthcare professional and or a medical report from a GP or specialist.

As a train operator, c2c must follow railway group standards. To this effect, some employees are subject to drug and alcohol screening as follows:

- Employees that perform safety critical roles may be tested for Drugs and Alcohol without notice at any time
- Employees that perform safety critical roles who are involved in an Accident or Post Incident
- Prospective employees that perform safety critical roles will be tested for Drugs and Alcohol as part of the application process

- Employees who transfer or are promoted to a safety critical role and are not currently undertaking safety critical work will be subject to a drug and alcohol test before such transfer or promotion
- Employees where there is a cause or reasonable suspicion that they are under the influence of drugs or alcohol whilst at work

For the provision of occupational health services with our nominated contractor - please contact our DPO for who this is at any given time. A link to their privacy notice can be found in [Appendix "A"](#) below.

#### 12.4 Criminal records check

We use the Disclosure and Barring Services to undertake "basic" criminal records checks for all new employees to c2c. These checks are made to ensure that your declaration of criminal convictions is correct and up to date at the time of your declaration. These records are treated in confidence.

#### 12.5 Train driving licences and certificates

All train drivers on the GB mainline railway must by law have a valid train driving licence and complementary certificate to drive mainline trains. c2c will keep a register of your licence and certificates and liaise with the Office of Rail and Road, accordingly, providing relevant information to ensure the licence and certification remain valid.

#### 12.6 Requests for references

We will ask your current or previous employers for references. For example, we may ask them to confirm the dates of your employment, your job role and your reason for leaving. Before being employed by c2c, we will seek your consent to request references and agree a suitable date/time for them to be requested.

## Appendix A – Data Processors

Data processors are third parties who provide certain parts of our employee services for c2c. We have contracts in place with them and they cannot do anything with your personal data unless c2c have instructed them to do so.

Our current main employee data processors are listed below. We appreciate that this list is not exhaustive and at times will go out of date. Therefore if you require further information, please contact our DPO via email [dpo@c2crail.net](mailto:dpo@c2crail.net), telephone 0330 109 8130 or use this [link](#) and complete the online form.

System or processing name	Purpose of processing	Provider	Link to processors privacy notice
Employment Website	Employment website/ jobs board for listing company vacancies	Indeed	<a href="#">Privacy Policy</a>
Employment Website	Professional networking and career development website. Provides careers board to list company vacancies	LinkedIn	<a href="#">Privacy Policy</a>
Microsoft 365	Provision of collaboration tools including outlook, calendars, teams, tasks, word, excel, powerpoint, forms, drive, sharepoint etc.	Bytes Software Services Ltd (Licensing)	<a href="#">Privacy Statement</a>
HMRC	For the provision of tax, national insurance and other statutory benefits and deductions	Her Majesty's Revenue and Customs	<a href="#">Privacy Notice</a>
iTrent	Human Resources and Payroll administration system	MHR	<a href="#">MHR UK Privacy Notice</a>
Manual records - long term storage	Document storage - paper records	Iron Mountain	<a href="#">Privacy Policy</a>
Occupational Health	Occupational Health provider used for pre-employment medicals, management referrals and railway medicals including drug and alcohol testing services	Please contact our DPO for who this is at any given time	

Psychometric assessments	Providing psychometric assessments for driver grades and others within the business when appropriate	The Occupational Psychology Centre (OPC)	<a href="#">Privacy Notice</a>
Recruitment agency	External provider of candidates for vacant positions within c2c	Coburg Banks Ltd	<a href="#">Privacy Policy</a>
Recruitment agency	External provider of candidates for vacant positions within c2c	Ford and Stanley Group	<a href="#">Privacy Policy</a>
Recruitment agency	External provider of candidates for vacant positions within c2c	Ganymede Solutions Ltd	<a href="#">Privacy Notice</a>
Recruitment agency	External provider of candidates for vacant positions within c2c	Intuitive Talent Solutions	<a href="#">Privacy Policy</a>
Recruitment agency	External provider of candidates for vacant positions within c2c	Kennedy Pearce Consulting Ltd	<a href="#">Privacy Policy</a>
Recruitment agency	External provider of candidates for vacant positions within c2c	Portfolio Payroll	<a href="#">Privacy Policy</a>
Recruitment agency	External provider of candidates for vacant positions within c2c	Twin Computer Personnel	
Smartsheet	Collaboration and work management tool. It is used to assign tasks, track project progress, manage calendars, share documents, and manage other work, using a tabular user interface	Smartsheet Inc.	<a href="#">Privacy Notice</a>
Train Drivers Licensing	Issuing and regulating train driver licences in accordance with the Train Driving Licences and Certificates Regulation 2010	Office of Rail and Road (ORR)	<a href="#">Privacy Notice</a>

Document end.