



## Job Applicant Privacy Notice

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### Overview

The Isle of Man Financial Services Authority (“the Authority”) is registered with the Isle of Man Information Commissioner as a data controller under Isle of Man data protection legislation. The Authority collects and processes personal data to carry out its functions under relevant legislation and may share personal data with other parties where there is a lawful basis for doing so. Information on how the Authority collects and processes personal data can be found in the main [Privacy Policy](#) on the Authority’s website:

<https://www.iomfsa.im/terms-conditions/privacy-policy/>

This document is the Job Applicant Privacy Notice and provides specific information on privacy matters for individuals applying for jobs at the Authority. This document should be read in conjunction with the Authority’s main [Privacy Policy](#).

### Questions and Answers (Q&As)

#### Why does the Authority collect personal data from job applicants?

The Authority collects and processes personal data relating to job applicants in order to carry out its recruitment process. The Authority is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

The Isle of Man has data protection laws describing what an organisation must do if it processes personal data and what rights you have in respect of your data. Please see the Information Commissioner’s website for more details: <https://www.inforights.im/>.

## What personal data does the Authority collect about you?

The Authority collects the following personal data about you as part of the recruitment process:

- Full name, previous name(s), gender, marital status and date of birth
- Contact details including email address, telephone numbers, home address and previous address(es)
- Details of your academic and professional qualifications, skills, experience and employment history, including start and end dates with previous employers
- Information about your current employment, remuneration and benefits
- Information you supply about how you meet the criteria for the role
- Information about your criminal record (including details of any spent convictions if you are applying for the roles of Chief Executive, Head of Division or Senior Manager)
- Information on disciplinary action, disqualifications, suspensions, civil litigation, bankruptcy or disqualifications
- Information about your nationality and your entitlement to work in the Isle of Man
- Details of your employment, academic or personal references and contact details for your referees.

The Authority may collect this information in a variety of ways. For example, data may be collected from: application forms; CVs; your passport and other identity documents such as your driving licence; correspondence with you; or through interviews.

The Authority may also collect personal data about you from third parties, such as references supplied by former employers, information from providers of employment background checks, information from criminal record checks and right to work checks, including work permit and immigration checks. The Authority will seek information from third parties once a job offer to you has been made and will seek your permission before doing so.

## Why does the Authority process personal data about you?

The Authority will only process your personal data if it has a lawful basis for doing so.<sup>1</sup> The main lawful bases that apply to the Authority's processing of personal data of job applicants are as follows:

Lawful basis for processing	Explanation
Processing is necessary in order to take steps at your request prior to entering into an employment contract.	As part of the recruitment process, the Authority needs to process certain personal data prior to entering into a contract with you. The Authority will not use your data

<sup>1</sup> There are six lawful bases: consent, contract, legal obligation, vital interests, public interest and legitimate interest.

Lawful basis for processing	Explanation
	for any purpose other than for recruitment purposes and you are free to withdraw from the process at any time. Should your job application be successful and you subsequently become an employee of the Authority, other lawful bases for processing your personal data will then apply (there is a separate Employee Privacy Notice).
Processing is necessary for <b>compliance with a legal obligation to which the Authority is subject</b> (e.g. for the purposes of recruiting staff).	In some cases, the Authority needs to process personal data to ensure that it is complying with its legal obligations. For example, it is a requirement to check a successful applicant's eligibility to work in the Isle of Man before employment starts.
Processing is necessary for the purposes of the <b>legitimate interests pursued by the Authority or by a third party</b> .	The Authority has a legitimate interest in processing certain personal data about you during the recruitment process and for keeping records of the process. Processing data from job applicants allows the Authority to manage the recruitment process, assess and confirm a candidate's suitability for employment and decide on whom to offer a job to. The Authority may also need to process data from job applicants to respond to and defend against legal claims.

### Does the Authority process any sensitive personal data about you?

Some sensitive personal data (referred to as 'special category' data), about job applicants (such as information about health or medical conditions) may be processed by the Authority to carry out its employment law obligations, such as those in relation to prospective employees with disabilities.<sup>2</sup> The main conditions that apply to the processing of special category data of job applicants by the Authority are as follows:

Condition
Processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the Authority or of the employee in the field of <b>employment and social security and social protection law</b> .
Processing is necessary for the purposes of <b>preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Isle of Man law</b> .
The job applicant has given <b>explicit consent</b> to the processing of their personal data for one or more specified purposes.

<sup>2</sup> The special categories of personal data are: race, ethnicity, political opinions, religious or philosophical beliefs, trade union membership, genetic or biometric data, health, sex life or sexual orientation.

Should your job application be successful, the Authority will look to establish if you have any health or disability issues for which the Authority may need to make suitable adjustments to planned working arrangements. The Authority will do this after a job offer has been made. Such processing of personal data is necessary for the Authority to carry out its obligations and exercise specific rights in relation to employment. The Authority will only process health data which is necessary to satisfy its duty of care to job applicants. Any health data will be held securely and will only be shared where necessary to protect the interests of job applicants and with the express permission of the individual concerned. The only exception to this will be in an emergency situation where the Authority believes the sharing of health data is necessary to protect the vital interests of the job applicant or of another individual and the job applicant is incapable of giving consent.

The Authority processes personal data about job applicants relating to criminal convictions and offences in order to carry out its obligations and exercise specific rights in relation to employment. If you apply for a senior role (i.e. Chief Executive, Head of Division or Senior Manager) then the Authority will obtain a record of your disclosure of any spent convictions as part of enhanced considerations around your suitability for the role.

### **How does the Authority store and protect your personal data?**

Personal data will be stored in different places depending on the circumstances. These may include your application record, in Human Resources ('HR') management systems and on other IT systems (including email). The Authority will share your data with other data controllers and data processors where this is necessary for the purposes described in this Privacy Notice. Please see below for further details.

The Authority takes the security of your personal data seriously and it has internal policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed and it not accessed except by relevant employees in the performance of their duties.

### **How long does the Authority keep your personal data for?**

If your application for employment is unsuccessful, the Authority will hold your personal data for 12 months after the end of the relevant recruitment process. At the end of that period your data will be deleted or destroyed.

If your application for employment is successful, personal data gathered during the recruitment process will be transferred to your personnel file and retained during your employment. The periods for which your data will be held are set out in the Authority's Record Retention Schedule (link: <https://www.iomfsa.im/media/2481/iomfsa-recordretentionschedule310718.pdf>).

### **Does the Authority share your personal data with other parties?**

Your information may be shared with relevant Authority staff for the purposes of the recruitment exercise. This includes the HR team, interviewers and any other members of staff who are decision makers in the recruitment process.

The Authority will not share your data with third parties unless your application for employment is successful and it makes you an offer of employment. Once you give permission to do so, the Authority will share your data with former employers to obtain references for you and the Disclosure and Barring Service to obtain necessary criminal record checks.

The Authority will not transfer your personal data to countries outside the Isle of Man without either your consent or an appropriate lawful basis for doing so. Similarly, the Authority does not authorise third parties to transfer your data outside the Isle of Man unless either of those conditions are met. The Authority is under an obligation to ensure that any personal data transferred outside of the Isle of Man, the European Economic Area ('EEA') or a jurisdiction with an adequacy decision for the European Union's General Data Protection Regulation ('GDPR') (such as the United Kingdom) is subject to appropriate safeguards.

### **What rights do you have over your personal data?**

As a data subject, you have a number of rights over your personal data and how it is processed:

- **Right to be informed** – About how the Authority uses your personal data. This Privacy Notice explains how we collect and process your personal data as an employee of the Authority.
- **Right of access** – Access and obtain a copy of your data and certain processing information on request.
- **Right to rectification** – Request the Authority to change incorrect or incomplete data.
- **Right to erasure** – Request the Authority to delete your data, for example where the data is no longer necessary for the purposes of processing.
- **Right to restrict processing** – Request the Authority to restrict processing of your data, for example where there is no longer an appropriate basis for processing.
- **Right to data portability** – To receive personal data you have provided to the Authority in a structured, commonly used and machine readable format where it is processed by automated means. You may also request that the Authority transmit this data to another controller.
- **Right to object** – Object to the processing of your data by the Authority. This only applies in certain circumstances and will therefore depend on the purpose and lawful basis for processing.
- **Rights related to automated decision making including profiling** – However, the Authority does not currently carry out any automated decision making.

If you would like to exercise any of these rights, please contact the Authority's Data Protection Officer (see contact details below).

If you believe that the Authority has not complied with your data protection rights, you can make a complaint to the Isle of Man Information Commissioner, whose details can be found on [www.inforights.im](http://www.inforights.im). You may have a right to other remedies.

### **What happens if you do not provide personal data?**

You are under no statutory or contractual obligation to provide data to the Authority during the recruitment process. However, if you do not provide the information, the Authority may not be able to process your application properly or at all.

## **Other information**

### **Contact details**

If you have any queries on data protection matters or wish to exercise any of your rights in relation to your personal data, please contact the Authority's Data Protection Officer:

<b>Data Protection Officer</b>	Andrew Kniveton
<b>By email</b>	<a href="mailto:dataprotection@iomfsa.im">dataprotection@iomfsa.im</a>
<b>By telephone (direct)</b>	+44 (0)1624 689304
<b>By post</b>	Data Protection Officer Isle of Man Financial Services Authority PO Box 58 Finch Hill House Douglas Isle of Man IM99 1DT

### **Changes to this Privacy Notice**

This Privacy Notice may change. If any significant change is made to this Privacy Policy we will notify you.

This Privacy Notice was last updated on 25 May 2021.