

## Hallmark Care Homes Privacy notice for prospective team members

This constitutes the Privacy notice for prospective team members, or those that have applied to work at Hallmark Care Homes. Hallmark Care Homes take their obligations under the Data Protection Act 2018 and the UK General Data Protection Regulation seriously. This notice tells you:

- The data we process.
- Why we process the data.
- Our lawful basis for processing this data.
- Who your data is shared with.
- Yours rights relating to the use of your data.

The most current version of the notice is available online, at any time, via our [website](#). Should you require a printed copy of the notice, please contact the recruitment team on [recruitment@hallmarkcarehomes.co.uk](mailto:recruitment@hallmarkcarehomes.co.uk).

We are a data controller, which means that we are responsible for deciding how we hold and use personal information/data about you. We are committed to being open and transparent in all areas, including how we collect and use your data. This notice explains what information we hold about you, how this information is used and your rights under the legislation.

### 1. The name and contact details of our organisation

Our Central Support office is located at 2 Kingfisher House, Woodbrook Crescent, Radford Way, Billericay, Essex, CM12 0EQ and can be contacted on 01277 655655. We have 13 care homes in England and seven in Wales, as well as our Central Support office and this Privacy notice applies to all these locations:

#### England

- Admiral Court Care Home (Hallmark Care Homes (Leigh-on-Sea) Limited); Manchester Drive, Leigh-on-Sea, Essex, SS9 3HP
- Alexandra Grange Care Home (Hallmark Care Homes (Wokingham) Limited); Oaklands Drive, Molly Millars Lane, Wokingham, RG41 2RU
- Anisha Grange Care Home (Hallmark Care Homes (Billericay) Limited); Outwood Common Road, Billericay, Essex, CM11 2LE
- Anya Court Care Home (Hallmark Care Homes (Rugby) Limited); 286 Dunchurch Road, Rugby, Warwickshire, CV22 6JA
- Arlington Manor Care Home (Hallmark Care Homes (Cambridge) Limited); Wellbrook Way, Girton, Cambridge, CB3 0FW
- Banstead Manor Care Home (Hallmark Care Homes (Banstead) Limited); 8 Brighton Road, Banstead, Surrey, SM7 1BS
- Bucklesham Grange Care Home (Hallmark Care Homes (Ipswich) Limited); 141 Bucklesham Road, Ipswich, Suffolk, IP3 8UB
- Central Support office (Hallmark Care Homes Holdings Limited); 2 Kingfisher House, Woodbrook Crescent, Radford Way, Billericay, Essex, CM12 0EQ
- Chamberlain Court Care Home (Hallmark Care Homes (Tunbridge Wells) Limited); 77 Mount Ephraim, Tunbridge Wells, Kent, TN4 8BS
- Henley Manor Care Home (Hallmark Care Homes (Henley Manor) Limited); Mill Lane, Henley-on-Thames RG9 4HD

- Hutton View Care Home (Hallmark Care Homes (Hutton View) Limited); 3 Rayleigh Close, Hutton, Essex, CM13 1AR
- Kew House Care Home (Hallmark Care Homes (SW19) Limited); 58 Spencer Hill Road, Wimbledon, London, SW19 4EL
- Lakeview Care Home (Hallmark Care Homes (Lightwater) Limited); Lightwater Road, Lightwater, Surrey, GU18 5XQ
- Maycroft Manor Care Home (Hallmark Care Homes (Brighton) Limited); 2-8 Carden Avenue, Brighton, Brighton and Hove, BN1 8NA

## Wales

- Bryn Celyn Care Home (Hallmark Care Homes (Maesteg) Limited); Maesteg Park, Maesteg, Bridgend, CF34 9LS
- Cherry Tree Care Home (Hallmark Care Homes (Caldicot) Limited); 209 Newport Road, Caldicot, Monmouthshire, NP26 4AF
- Greenhill Manor Care Home (Hallmark Care Homes (Merthyr) Limited); Duffryn Road, Pentrebach, Merthyr Tydfil, CF48 4BE
- Regency House Care Home (Hallmark Care Homes (Cardiff) Limited); Mill Road, Ely, Cardiff, CF5 4AH
- Shire Hall Care Home (Hallmark Care Homes (Bute Town) Limited); Overstone Court, Dumballs Road, Cardiff, CF10 5NT
- Ty Enfys Care Home (Hallmark Care Homes (Pentwyn) Limited); Marle Close, Pentwyn, Cardiff, CF23 7EP
- Ty Porth Care Home (Hallmark Care Homes (Porth) Limited); Cemetery Road, Porth, Rhondda Cynon Taf, CF39 0BH

## **2. The contact details of our data protection officer**

Our Data Protection Officer is Nick Banister-Dudley who can be contacted via the Central Support office, by phone on 01277 655 655 or by email on [dpo@hallmarkcarehomes.co.uk](mailto:dpo@hallmarkcarehomes.co.uk).

## **3. The purpose of the processing**

We process your data in order to determine whether we are able to instigate an employment relationship with you, as well as adhering to legislative and regulatory requirements. The lawful basis on which we process this data is detailed in more information in sections four and five of this notice.

## **4. The lawful basis for the processing**

We process some of your data in order to enter into and to fulfil our contract of employment with you, or to meet a relevant legal obligation under employment law or other legislation. We process your personal data under this lawful basis when we:

- Provide you with a contract of employment.
- Administer recruitment-related processes such as a DBS check.
- Check your identity.
- Ensure you are legally eligible to work in the UK.
- Ensure that you can practice in a particular role e.g., as a nurse.
- Ensure that you are physically fit to work or practice in a particular role.
- Identify and prevent any potential risks to your health or wellbeing that may arise from your work and ensure you are suitable trained.
- Ensure we can get in touch with you if we need to regarding recruitment matters.
- Request and store references from previous employers.

- Collect details from you, regarding your COVID vaccination or vaccination exemption status. If you do not provide these, we may be unable to continue with your job application. We will use this data as part of our recruitment process. This is in line with The Health and Social Care Act 2008 (Regulated Activities) (Amendment) (Coronavirus) Regulations 2021. An prospective team member can demonstrate their vaccination status via one of three routes: the NHS app, a web-based alternative to the NHS app or via an NHS COVID Pass letter. The information collected will include your name, your vaccination or exemption status and the date your status was checked by the care home.

## 5. The legitimate interests for the processing

'Legitimate interests' is one of the six lawful bases for processing personal data. Legitimate interests can apply in a wide range of circumstances and it puts the onus on us to balance our legitimate interests and the necessity of processing the personal data, against the interests, rights, and freedoms of you, considering the particular circumstances. When determining whether legitimate interest applies, we use a three-part test. This test establishes whether the data will be processed for a legitimate purpose ('purpose test'), whether the processing is necessary to meet that purpose ('necessity test'), and whether your rights are sufficiently protected ('balancing test').

We process your data in our legitimate interests when we:

- Ask you to complete a DISC personality profiling questionnaire which is used to inform the development of the recruitment process (including the questions we ask at interview), creation of induction/support plan, future development plan and to aid communication within the senior team should you be successful in your application. You can opt out of this but doing so may preclude you from the recruitment process.
- Use dashboards to monitor our performance against agreed KPI's.
- Collect and process data such as your name, home address, telephone number, e-mail address, employment history and previous salary as part of the recruitment process to enable us to contact you and check you have the appropriate experience for the position you have applied for.
- Collect the details of your next of kin, so that we are able to contact them in an emergency.

## 6. The personal data we hold about you

We hold a variety of different data for the purposes identified in sections three, four and five of this notice. This includes:

- Your name, address and contact details, including email address and telephone number, date of birth and gender.
- Details of your qualifications, skills, experience, and employment history, including start and end dates, with previous employers and organisations.
- Information about your remuneration, including entitlement to benefits such as pensions or insurance cover.
- Details of your national insurance number.
- Information about your marital status, next of kin, dependants, and emergency contacts.
- Information about your nationality and entitlement to work in the UK and other identity information that may be included on your passport, birth certificate, driving licence, utility bill or other document provided as part of our identity checks.
- Where relevant, details of your registration with the Nursing and Midwifery Council, including registration number/pin.
- Employment references.

We also process special category data. Special category data is more sensitive, and so needs more protection. However, we are required to process the special category data below for the following reasons:

- Race and ethnic origin for equal opportunities monitoring.
- Health data including whether or not you have a disability for which the organisation needs to make reasonable adjustments and your COVID vaccination status.
- Criminal conviction data so that we fulfil our legal obligation of ensuring that fit and proper persons work for our services.

As required by the Data Protection Act 2018 (DPA 2018), we have an Appropriate Policy document (APD) in place as we process special category and criminal offence data. If you would like a copy of this document, please contact the Data Protection Officer on [dpo@hallmarkcarehomes.co.uk](mailto:dpo@hallmarkcarehomes.co.uk).

## 7. The recipients or categories of recipients of the personal data

Internally, your data is only shared with those that require access to it in order to fulfil their role. We do, at times, share your data with external organisations.

We share data with the following organisations to meet a legitimate interest:

- IT management company to enable the creation and maintenance of IT accounts and systems.
- HR and payroll database providers to enable your records to be held electronically and securely.

## 8. The details of transfers of the personal data to any third countries or international organisations (if applicable)

We only transfer data outside of the UK if it is to a country that is covered by an EU 'adequacy decision' (valid as of 31 December 2020), UK 'adequacy regulations' or where there are other appropriate safeguards in place such as standard contract clauses approved by the Information Commissioner's Office. You can contact the Data Protection Officer, should you wish to see a copy of the safeguards we have in place.

## 9. The retention periods for the personal data

The retention periods below state how long we will hold on to your data for:

Data	Retention period
Name Address Date of Birth Telephone Number NI Number Next of Kin Details Medical Check Form (detailing your medical history) Gender Religion Nationality Ethnic Origin Photograph Bank Details	If successful in your application, the data will be retained in line with our Privacy and fair processing notice for current team members. A copy of this is available on our e-learning portal, which you will be able to access when you commence your employment with us.  If your application is unsuccessful, your data will be

Data	Retention period
Employment History and salary Professional Body Registration Numbers DISC profile DBS disclosure ID Employment references	held for two years from our last contact with you.
COVID vaccination or vaccination exemption status	If successful in your application, the data will be retained in line with our Privacy and fair processing notice for current team members.  If your application is unsuccessful, this data will not be retained.

## 10. The rights available to individuals in respect of the processing

The GDPR provides you with the following rights:

- The right to be informed e.g., via Privacy notices such as this one.
- The right of access or your right to make a subject access request.
- The right to rectification or your right to have inaccurate personal data rectified.
- The right to erasure, also known as the right, to be forgotten.
- The right to restrict processing or limit the way your data is processed.
- The right to data portability or the right for you to receive the data you have provided to us in an easy-to-use format or request that this is transmitted to another data controller.
- The right to object or your right to ask a controller to stop processing your data.
- Rights in relation to automated decision making and profiling.

Please note that not all of these rights apply in all circumstances, as it depends on the lawful basis for processing. Further information on your data rights can be found in our Individual Rights and Data Access procedure, a copy of which can be found on our [website](#). You can request a printed copy from the Data Protection Officer. If you would like to exercise any of these rights, please contact the Data Protection Officer on [dpo@hallmarkcarehomes.co.uk](mailto:dpo@hallmarkcarehomes.co.uk) who will support you with this.

## 11. The right to lodge a complaint with a supervisory authority

If you have contacted us but continue to have concerns about the use of your personal data, you can contact the Information Commissioner's Office (ICO). The ICO is the UK's independent body set up to uphold information rights.

The ICO can be contacted through their website: [www.ico.org.uk](http://www.ico.org.uk), or via their helpline on 0303 123 1113.

## 12. The source of the personal data

The data we process comes from you and/or with your direct knowledge in a variety of forms:

- Application forms and/or your CV

- Pre-employment checks including employment references, DBS checks, DISC profiling, checks with professional bodies such as the Nursing and Midwifery Council and ID checks
- Team commencement form
- Medical letters and/or fit notes

In some instances, we are required to get data about you from other organisations such as the Disclosure and Barring Service, but this is always with your knowledge.

### **13. The details of the existence of automated decision-making, including profiling**

Employment decisions are not subject to automated decision-making.

**Author:** Nick Banister-Dudley, Head of Compliance and Data Protection Officer