

ESI Privacy Notice – Recruitment

Applying for or considering applying for an employment or training contract, vacation scheme, apprenticeship or other work experience at Eversheds Sutherland

In summary...

- We use your personal data to provide legal advice and related services (including marketing communications, where you have requested them), manage our business, recruit new staff, comply with our legal obligations, and improve and monitor the performance of our digital platforms
- We may add your personal data to our global contact database managed by Eversheds Sutherland (International) LLP ("Eversheds Sutherland"), and used by the Eversheds Sutherland network of firms, especially if you're a client or prospective client
- We have measures in place to safeguard your personal data when we transfer it outside the European Union
- We take steps to minimise the amount of personal data we hold about you and to keep it secure
- We delete your personal data when we no longer need it, and we have policies in place to govern when that is
- You have a number of rights in relation to your personal data
- We are happy to answer your questions about any of the above – please send them to dataprotectionoffice@eversheds-sutherland.com

What is this document and why should you read it?

This notice explains how and why Eversheds Sutherland uses personal data about individuals who apply (or enquire about applying) to become our trainees, vacation scheme students, apprentices and/or other work experience students, employees, associates, attorneys at law and/or other colleagues (referred to as "**applicants**" or "**you**"). For the purposes of this notice, the **controller** will be the Eversheds Sutherland entity that you are applying for a role with (the controller is also referred to in this notice as "**Eversheds Sutherland**", "**ES**" "**we**", "**our**" and "**us**").

You should read this notice, so you know what we are doing with your personal data. Please also read any other privacy notices that we give you, that might apply to our use of your personal data in specific circumstances in the future. For example, if you are successful in your application you should read our HR Privacy Notice when you join us.

This notice does not form part of any contract between us and you (including any contract of employment or cooperation that may be offered or any other services contract).

Eversheds Sutherland's data protection responsibilities

"**Personal data**" is any information that relates to an identifiable natural person. Your name, address, contact details, salary details and CV are all examples of your personal data, if they identify you.

The term "**process**" means any activity relating to personal data, including, by way of example, collection, storage, use, consultation and transmission.

Eversheds Sutherland is a "**controller**" of your personal data. This is a legal term – it means that we make decisions about how and why we process your personal data and, because of this, we are responsible for making sure it is used in accordance with data protection laws.

What types of personal data do we collect and where do we get it from?

We collect many different types of personal data about you for lots of reasons. We cannot administer your application without your personal data. Where we don't need your personal data, we will make this clear, for instance we will explain if any data fields in our application forms are optional and can be left blank.

Further details of the personal data we collect and where we get it from are set out at **Schedule 1**.

As you can see from the table at **Schedule 1**, we collect your personal information from you directly and sometimes we obtain it from other people and organisations, including some public sources, such as publically available directories and online resources..

If any of the personal information you have given to us changes, such as your contact details, please inform us without delay by contacting gradrec@eversheds-sutherland.com.

What do we do with your personal data, and why?

We process your personal data for particular purposes in connection with your application or engagement with us, and in connection with the management and administration of recruitment activities and strategies.

We are required by law to always have a "lawful basis" (ie a reason or justification) for processing your personal data. There are six lawful bases for processing – they are set out in the law, and they are where:

- the individual has given his or her consent to the processing;
- the processing of the individual's personal data is necessary to perform a contract with that individual or to take steps at the request of the individual before entering into a contract;
- the processing is necessary to comply with a legal obligation to which we are subject;
- the processing is necessary in order to protect the vital interests of an individual;
- the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in us; and
- the processing is necessary for our legitimate interests, provided those interests are not overridden by the individual's interests, rights or freedoms.

The table at **Schedule 2** sets out the different purposes for which we process your personal data and the relevant lawful basis on which we rely for that processing.

If you would like more information on any of the purposes for which we process your personal data, please contact the Risk team at dataprotectionoffice@eversheds-sutherland.com for more information.

Please note that:

- where our processing is based on your consent, **you can withdraw your consent** at any time. If you do this, it won't impact any processing we've done prior to that date.
- where we process your personal data because it is necessary for our legitimate interests, **you can object** to our processing at any time. If you object, we will stop processing unless we can show you a compelling reason why the processing overrides your privacy rights or where the processing is for the establishment, exercise or defence of legal claims.

In addition, where we have indicated in **Schedule 2** that our processing of your personal data is either:

- necessary for us to comply with a legal obligation; or
- necessary for us to take steps, at your request, to potentially enter into an employment or similar contract with you, or to perform it, and you choose not to provide the relevant personal data to us, we may not be able to enter into our contract of employment or engagement with you.

Anonymised and aggregated data

We may also convert your personal data into statistical or aggregated form to better protect your privacy, or so that you are not identified or identifiable from it. Anonymised data cannot be linked back to you. We may use it to conduct research and analysis, including to produce statistical research and reports, and to support our contextual recruitment and diversity initiatives.

Sensitive personal data (including criminal data)

We are required by law to treat certain categories of personal data with even more care than usual. These are called special categories of personal data – and in this notice, we refer to them as “**sensitive personal data**”. For these categories of personal data, different lawful bases apply.

The table at **Schedule 3** sets out the different purposes for which we process your sensitive personal data and the relevant lawful basis on which we rely for that processing. For some processing activities, we consider that more than one legal basis may be relevant – depending on the circumstances.

Who do we share your personal data with, and why?

Sometimes we need to disclose your personal data to other people.

Inside the Eversheds Sutherland network

We are part of the Eversheds Sutherland network of law firms. Therefore, we may share your personal data with other entities in the Eversheds Sutherland network for our general recruitment analysis and workforce management purposes.

Access rights between members of the Eversheds Sutherland network are limited and granted only on a need to know basis, depending – for example – jurisdictions, departments, job functions and roles.

Where any Eversheds Sutherland entities process your personal data on our behalf (as our processor), we will make sure that they have appropriate security standards in place to make sure your personal data is protected and we will enter into a written contract imposing appropriate security standards on them.

Outside the Eversheds Sutherland network

From time to time we may ask third parties to carry out certain business functions for us, such as the recruitment agencies or human resources advisors. These third parties will process your personal data on our behalf (as our processor). We will disclose your personal data to these parties so that they can perform those functions. Before we disclose your personal data to other people, we will make sure that they have appropriate security standards in place to make sure your personal data is protected and we will enter into a written contract imposing appropriate security standards on them.

In certain circumstances, we will also disclose your personal data to third parties who will receive it as controllers of your personal data in their own right for the purposes set out above, in particular:

- if we transfer, purchase, reorganise, merge or sell any part of our business or the business of a third party, and we disclose or transfer your personal data to the prospective seller, buyer or other third party involved in a business transfer, reorganisation or merger arrangement (and their advisors); and
- if we need to disclose your personal data in order to comply with a legal obligation, to enforce a contract or to protect the rights, property or safety of our employees, clients or others.

We have set out below a list of the categories of recipients with whom we are likely to share your personal data:

- consultants and professional advisors including legal advisors and accountants;
- recruitment agencies appointed by us or you;
- courts, court-appointed persons/entities, receivers and liquidators;
- business partners and joint ventures;
- trade associations and professional bodies;
- insurers; and
- governmental departments, statutory and regulatory bodies.

Where in the world is your personal data transferred to?

As we are an international network of law firms operating under a single brand, we may transfer your personal data to recipients that are established in jurisdictions other than your own. The data protection laws in these jurisdictions may not provide the same level of protection to your personal data as provided to it in your jurisdiction.

If you are employed or engaged by an Eversheds Sutherland entity in the European Union and any disclosures of personal data referred to above require us to transfer your personal data from within to outside the European Economic Area, we will only make that transfer if:

- the country to which the personal data is to be transferred ensures an adequate level of protection for personal data;
- we have put in place appropriate safeguards to protect your personal data, such as an appropriate contract with the recipient. Please contact our Data Protection Office at dataprotectionoffice@eversheds-sutherland.com if you wish to obtain a copy of these;
- the transfer is necessary for one of the reasons specified in data protection legislation, such as the performance of a contract between us and you; or
- you explicitly consent to the transfer.

How do we keep your personal data secure?

We will take specific steps (as required by applicable data protection laws) to protect your personal data from unlawful or unauthorised processing and accidental loss, destruction or damage.

How long do we keep your personal data for?

We will keep your personal data for as long as we need it to fulfil the purposes for which it was collected (recruitment), to protect our legitimate interests (e.g. in court proceedings or for inspection purposes) and in order to comply with our statutory duties.

If you give us your consent with further personal data processing, we will retain your data for the period stipulated in the consent.

We will only retain your personal data for a limited period of time. This will depend on a number of factors, including:

- any laws or regulations that we are required to follow;
- whether we are in a legal or other type of dispute with each other or any third party;
- the type of information that we hold about you; and
- whether we are asked by you or a regulatory authority to keep your personal data for a valid reason.

Please contact our Data Protection Office at [**dataprotectionoffice@eversheds-sutherland.com**](mailto:dataprotectionoffice@eversheds-sutherland.com) to request a copy of our Data Retention Policy.

What are your rights in relation to your personal data and how can you exercise them?

You may have certain legal rights in relation to your personal data, particularly where the Eversheds Sutherland entity you are applying to is based in the European Union which are summarised at **Schedule 4**, in relation to any personal data about you which we hold.

Where our processing of your personal data is based on your **consent** (see **Schedule 2**), you have the right to withdraw your consent at any time. If you do decide to withdraw your consent we will stop processing your personal data for that purpose, unless there is another lawful basis we can rely on – in which case, we will let you know. Your withdrawal of your consent won't impact any of our processing up to that point.

Where our processing of your personal data is necessary for our **legitimate interests** (see **Schedule 2**), you can object to this processing at any time. If you do this, we will need to show either a compelling reason why our processing should continue, which overrides your interests, rights and freedoms or that the processing is necessary for us to establish, exercise or defend a legal claim.

If you wish to exercise any of these rights please contact dataprotectionoffice@eversheds-sutherland.com in the first instance.

If you are based in the European Union or you are applying for a position with an ES entity based in the European Union, you also have the right to lodge a complaint with the relevant data protection supervisory authority – for contact details see [here](#).

Updates to this notice

We may update this notice from time to time to reflect changes to the type of personal data that we process and/or the way in which it is processed. We will update you on material changes to this notice by email and we will publish revised versions of this notice on www.eversheds-sutherland.com.

Where can you find out more?

If you have any queries about how Eversheds Sutherland process your personal data, please contact the Risk team at dataprotectionoffice@eversheds-sutherland.com.

Schedule 1 – Categories of personal data

The table below sets out the different categories of personal data we collect and where we get it from (we've sorted them into groups, to make it more clear for you). As you can see, we collect your personal information from you directly and sometimes we obtain it from other people and organisations, including some public sources, such as publically available directories and online resources.

Type of personal data	Collected from
a) Contact Information	
Name(s) Address(es) Email address(es) Contact details including mobile telephone number(s)	You
b) Personal Information	
Date of birth Gender Marital or relationship status	You Recruitment consultants and

Lifestyle and social circumstances Stage in education, further education and/or employment agencies
Your previous employers

c) Identity and Background Information

LinkedIn profile and other available professional background information about you online You
Recruitment consultants and agencies
Career history, experience and skills Your previous employers
Driving licence information Publicly available information from online resources
Psychometric test results
Right to work, residency and/or other visa information (where unrelated to your race or ethnicity)
Curriculum Vitae (CV) or resume
Details of education, qualifications, results and certificates and other evidence of the same
Images and/or video footage
Application form
Evaluative notes and decisions from job interviews
Preferences relating to job location and salary
Conflicts of interests (including where related to family networks)
Health fitness for work

d) Sensitive Personal Data (see section 5 for further information)

Information relating to actual spent criminal convictions and offences You

e) Recruitment Administration, Performance and Grievance Information

Offered terms and conditions of employment You
Working preferences and feedback in relation to Eversheds Sutherland and our staff
Preference in relation to our use of your personal data
Interview notes and associated feedback



Schedule 2 – Purposes for processing personal data

The table below sets out the different purposes for which we process your personal data and the relevant lawful basis on which we rely for that processing.

For some processing activities, we consider that more than one lawful basis may be relevant – depending on the circumstances.

Where our processing is necessary for our legitimate interests, those interests are the purposes listed below.

Purposes of processing	Lawful basis We are permitted to process your personal data because...				
	1. You have given your consent to the processing (Please also	2. It is necessary to perform a contract with you or because you have asked us to before	3. It is necessary for us to comply with a	4. It is necessary for our legitimate interests or those of third parties (Please	5. It is necessary to protect your vital interests (or those of

	see section 10.2)	entering into a contract	legal obligation	also see section 10.3)	someone else)
Recruitment activities					
Sending you communications regarding our recruitment events, application deadlines and other recruitment related activities and processes	✓				
Communicating with you and providing you with information in connection with our vacancies, our recruitment events and processes and/or your applications or engagement with us from time to time				✓	✓
Administering your application for a job with us and considering your suitability for the relevant role				✓	
Considering your suitability for existing and future vacancies				✓	
Organising and conducting interviews by telephone, video and/or face-to-face				✓	
Communicating with or providing feedback to you and/or your recruitment agent				✓	
Obtaining, considering and verifying your employment references and employment history				✓	
Reviewing and confirming your right to work			✓		
Conducting verification and vetting, including criminal background checks and credit checks where required by law (Note: Sensitive Personal Data, please also see Schedule 3)			✓		
New joiner activities					
Making a job offer to you and entering into a contract of employment with you		✓		✓	
Managing, administering and carrying out the systems, processes and tasks needed to facilitate the commencement and duration of your role with us		✓		✓	
Determining whether any adjustments are necessary to enable you to carry out a role (Note: Sensitive Personal Data, please also see Schedule 3)	✓	✓	✓	✓	
Security and governance					
Monitoring, maintaining and improving the security of Eversheds Sutherland's physical premises and systems, networks and applications			✓	✓	✓
Identifying and authenticating applicants and other individuals				✓	

(**Note:** Sensitive Personal Data, please also see **Schedule 3**)

Ensuring compliance with Eversheds Sutherland policies and procedures
(**Note:** Sensitive Personal Data, please also see **Schedule 3**)



Eversheds Sutherland business operations

Decision-making in relation to the long term prospects of our vacation scheme and more general promotion and succession planning



Developing, operating and collecting feedback on recruitment activities and employee selection processes



Analysing recruitment and retention objectives, processes and staff turnover rates



General staff administration, including workforce management and facilities operations



Identifying and assessing our strategic business direction, resourcing needs and areas for development



Implementing, adapting and enhancing systems and processes to develop or improve our business and/or our recruitment process



Managing, planning and delivering events, projects and initiatives in connection with our global business, Finance, Sales, HR, IT, Marketing and other strategies (for example arranging partner and practice group conferences)



Supporting our diversity programmes and targets (**Note:** Sensitive Personal Data, please also see **Schedule 3**)



Supporting the sale, transfer or merging of part or all of our business or assets, or in connection



with the acquisition of another business

Analysing recruitment-related objectives and results



Collecting feedback in relation to our recruitment and HR activities and processes for continuous improvement purposes



Schedule 3 – Purposes for processing sensitive personal data

The table below sets out the different purposes for which we process your sensitive personal data and the relevant lawful basis on which we rely for that processing. For some processing activities, we consider that more than one legal basis may be relevant – depending on the circumstances.

Sensitive Information - lawful basis We are permitted to process your personal data because...						
Purposes of processing	You have given your explicit consent to the processing	It is necessary for your/our obligations and rights in the field of employment and social security and social protection law	It is necessary to protect the vital interests of the data subject or another person you or they are physically or legally incapable of giving consent	It is necessary for our establishment, exercise or defence of legal claims	It is necessary for reasons of substantial public interest	It is necessary for preventive or occupational medicine, for the assessment of the working capacity of the employee
Recruitment and workforce planning						
Conducting verification and vetting, including criminal background checks where required by law		✓			✓	
Conducting criminal background checks, verification and vetting which are not required by law but needed by us to assess your suitability for your role			✓			

Schedule 4 – Individuals’ rights

Your right	What does it mean?	Limitations and conditions of your right
Right of access	Subject to certain conditions, you are entitled to have access to your personal data (this is more commonly known as submitting a “ data subject access request ”).	<p>If possible, you should specify the type of information you would like to see to ensure that our disclosure is meeting your expectations.</p> <p>We must be able to verify your identity. Your request may not impact the rights and freedoms of other people, eg privacy and confidentiality rights of other staff.</p>
Right to data portability	Subject to certain conditions, you are entitled to receive the personal data which you have provided to us and which is processed by us by automated means, in a structured, commonly-used machine readable format.	<p>If you exercise this right, you should specify the type of information you would like to receive (and where we should send it) where possible to ensure that our disclosure is meeting your expectations.</p> <p>This right only applies if the processing is based on your consent or on our contract with you and when the processing is carried out by automated means (ie not for paper records). It covers only the personal data that has been provided to us by you.</p>
Rights in relation to inaccurate personal or incomplete data	<p>You may challenge the accuracy or completeness of your personal data and have it corrected or completed, as applicable. You have a responsibility to help us to keep your personal information accurate and up to date.</p> <p>We encourage you to notify us of any changes regarding your personal data as soon as they occur, including changes to your contact details, telephone number, immigration status.</p>	<p>Please always check first whether there are any available self-help tools to correct the personal data we process about you.</p> <p>This right only applies to your own personal data. When exercising this right, please be as specific as possible.</p>
Right to object to or restrict our data processing	Subject to certain conditions, you have the right to object to or ask us to restrict the processing of your personal data.	<p>As stated above, this right applies where our processing of your personal data is necessary for our legitimate interests.</p> <p>You can also object to our processing of your personal data for direct marketing purposes.</p>
Right to erasure	Subject to certain conditions, you are entitled to have your personal data erased (also known as the “ right to be forgotten ”), eg where your personal data is no longer needed for the purposes it was collected for, or where the relevant processing is unlawful.	We may not be in a position to erase your personal data, if for example, we need it to (i) comply with a legal obligation, or (ii) exercise or defend legal claims.
Right to withdrawal of consent	As stated above, where our processing of your personal data is based on your consent you have the right to withdraw your consent at any time.	If you withdraw your consent, this will only take effect for future processing.