

## PRIVACY NOTICE FOR APPLICANTS

### **What is the purpose of this privacy notice and to whom does it apply?**

The Solicitors Disciplinary Tribunal Administration Limited (“SDT”, “SDTAL”, “we” or “us”) is committed to protecting the privacy and security of your personal data. References to your “personal data” include any or all of your personal data, as the context requires, including “special categories of personal data”, which involves more sensitive information about you (for a full definition, see Article 9 of the retained UK General Data Protection Regulation (“UK GDPR”)).

This privacy notice describes how we are or will be processing personal data about you during the recruitment and selection process.

This notice applies to anyone applying to the SDT for any contract to provide services whether as an employee, worker, contractor or Tribunal Member. It does not form part of any contract of employment or other contract to provide services. We may update this notice at any time and without notifying you before we do so.

### **Identity and contact details of the data controller**

The SDT is a “data controller”. This means that we are responsible for deciding how we hold and use personal data about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

The contact details of the SDT are:

2<sup>nd</sup> Floor  
45 Ludgate Hill  
London  
EC4M 7JU

Our main office number is 0207 329 4808.

Our main email address is: [enquiries@solicitorsdt.com](mailto:enquiries@solicitorsdt.com).

Applications for appointment as a Tribunal Member are processed under the Solicitors Disciplinary Tribunal Appointment Protocol 2020 (“the Protocol”). For such applications, The Master of the Rolls is also a data controller of applicants’ personal data. You may contact The Master of the Rolls’ Private Office regarding any issue involving data processed by the Master of the Rolls at the following address:

The Master of the Rolls’ Private Office  
Solicitors Disciplinary Tribunal Appointment Process – Data Protection  
Room E214  
Royal Courts of Justice, Strand, London, WC2A 2LL

## **What type of personal data do we process about you?**

We may process the following categories of personal data about you:

- The information you have provided to us in your application form
- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses
- Your age
- Outside interests as required to be provided under our Declaration of Personal Interests procedure
- Outside interests relevant to the recruitment and selection procedure
- Evidence of right to work and third party references
- Your work and career history
- Education, training and qualifications
- Membership of professional bodies relevant to your application
- Information about any reasonable adjustments required during the recruitment and selection process
- Any information you provide to us during interview
- Any information provided to us as a result of any tests (including psychometric tests) you have completed as part of the selection process.

We may also process the following “special categories” of more sensitive personal data:

- Information about your gender, race or ethnicity, religious beliefs and sexual orientation
- Information about your health, including any medical condition, health and sickness absence records
- Information about criminal convictions and offences
- Information about political party membership or political affiliations.

## **How do we collect your personal data?**

We collect personal data about you through the application and recruitment process, either directly from you or sometimes from an employment agency or other third party recruitment provider. We may collect additional information from third parties including former employers (in the form of references).

## **What are the legal bases and the purposes for which we process your personal data?**

We will only use your personal data as permitted by law. We may use your personal data in any of the following circumstances (see section below for details of the situations in which we may process your data):

1. Where we have your consent to do so
2. Where we need to perform the contract we have entered into with you
3. Where we need to comply with a legal obligation
4. Where the processing is necessary to protect anybody’s vital interests (used rarely)
5. Where the processing is necessary to perform a task in the public interest

6. Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests. We are required to specify what the legitimate interests are (see below for further details)

***Necessary to comply with a legal obligation***

The following purposes come under this category:

- Checking that you are legally entitled to work in the UK – your nationality and immigration status and information from related documents, such as your passport and other identification and immigration documentation.
- Compliance with the Equality Act 2010.

***Necessary to perform public interest task***

- The completion of equality and diversity monitoring forms in order to ensure meaningful equal opportunity monitoring and reporting.

***Necessary for our legitimate interests or those of a third party***

- Personal data provided by you as part of your application form or CV, including your name, title, addresses, telephone numbers and personal email addresses – the legitimate interest is to make and maintain contact with you throughout the recruitment and selection process.
- Personal data provided by you on your application form/CV and obtained during interviews and/or selection testing – the legitimate interests are: to ascertain your suitability for progression through the selection procedure and, ultimately, for employment/engagement.
- Personal data obtained through external referees or background screening providers (which may include address history, employment history, education background, criminal records information (see below for more details)) – the legitimate interests are: for verifying the information provided by you on your application form/CV, to verify the relevant qualifications/requirements for the role, to verify your employee declaration and as necessary for compliance and as required by regulatory bodies, and to ensure that there are no issues that could place unnecessary risks on us or third parties.

**If you fail to provide personal data**

If you fail to provide certain 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 consider your application and/or progress it through the recruitment and selection process, or we may be prevented from complying with our legal obligations (such as to ensure your health and safety or make reasonable adjustments).

**Change of purpose**

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal data for an unrelated purpose, we will notify

you and we will explain the legal basis which allows us to do so, before we start using it for that unrelated purpose.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is permitted by law.

### **How we use special categories of personal data**

“Special categories” of personal data require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data. We may process special categories of personal data in the following circumstances:

1. In limited circumstances, with your explicit written consent.
2. Where we need to carry out our legal obligations including obligations under employment and social security law and in line with our policies.
3. Where it is needed in the public interest, such as for equal opportunities monitoring (where such information is provided by you in line with our data protection and related policies) to ensure equal access to employment opportunities with us.
4. Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards or to consider whether we need to provide appropriate adjustments during the recruitment process, for example whether adjustments need to be made during a test or interview.

Less commonly, we may process this type of information where it is needed in relation to legal claims.

### **Information about criminal convictions**

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy and related policies.

We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so. As the SDT is required by statute to appoint only persons of good character, we ask everyone who applies to confirm whether they have been convicted of an unspent criminal offence and, if so, to provide details.

### **With whom might we share your personal data?**

We may have to share your data with third parties, including third-party service providers and any sub-contractors of those service providers. We may share your personal data with third parties, such as a search consultancy, where required by law or where it is necessary to process your application. For applications for appointment as a Tribunal Member we may share your personal data (name and SRA number) with the Solicitors Regulatory Authority (“SRA”) for the purpose of a regulatory check.

We require third parties to respect the security of your data and to treat it in accordance with the law.

We do not envisage having to transfer your personal data outside the EU but will let you know if the position changes and will ensure that any such transfer will be made in accordance with data protection legislation.

### **How secure is your information with third party service providers?**

All our third party service providers are required to take appropriate security measures to protect your personal data in line with our policies. We do not allow our third party service providers to use your personal data for their own purposes unless they are data controllers in their own right in relation to your personal data. Where they operate as our “data processors” (i.e. they process your personal data on our behalf and acting only on our instructions), we only permit them to process your personal data for specified purposes and in accordance with our instructions.

### **What about disclosure to other third parties?**

We may share your personal data with other third parties, for example with the SRA, to external legal or other professional advisers, or to otherwise comply with the law.

### **What safeguards are in place in relation to the transfer of your personal data outside of the EU?**

Neither we nor our third party suppliers envisage transferring your personal data outside the EU. If the position changes, we will let you know and also let you know of the safeguards we will be putting in place to keep your personal data secure.

### **How long will we retain your personal data?**

If you are not offered, or do not take up, a role with us, we will retain your personal information for a period of six months after we have communicated to you our decision about whether to appoint you. If your application was for a position as a Tribunal Member, we will retain your personal information for a period of 12 months after the decision has been communicated to you (or 12 months after the expiry of any period during which you were included in the reserve list).

We retain your personal information for that period so that we can show, in the event of a legal claim, that we have not unlawfully discriminated against candidates 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 Records Management Policy. If you are offered and accept a role with us, we will retain some of the information provided to us during the recruitment stage, including application form/CV. Further details will be provided when you join.

## **What are your rights and obligations as a data subject?**

### ***Your duty to inform us of changes***

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

### ***Your rights in connection with personal data***

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

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

If you want to review, verify, correct or request erasure of your personal data, object to the processing of your personal data, or request that we transfer a copy of your personal data to another party, please contact the Data Protection Co-Ordinator in writing.

### ***No fee usually required***

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

### ***What we may need from you***

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal data is not disclosed to any person who has no right to receive it.

### **What are your rights to lodge a complaint about the way in which your personal data are being processed?**

Firstly we would encourage you to contact the Data Protection Co-Ordinator in writing so that we can try to resolve your complaint to your satisfaction. Alternatively, or additionally, you may formally complain using our External Complaints Procedure – details of which are on our website.

You are also free to contact the Information Commissioner's Office on 0303 123 1113 at any time.

### **Personal data received from someone other than you**

If we obtain personal data from someone other than you (such as a referee, or information from the SRA), we will provide you with information as to the source of such personal data and, if applicable, whether it came from publicly available sources.

### **What data security measures are in place to protect your personal data?**

We have put in place measures to protect the security of your information. Employee/contractor/candidate personal data are held securely within the HR department. Electronic data of this nature are held securely on our systems to which access is restricted via login/password to those with a legitimate need to access that information.

Third parties will only process your personal data on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

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

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.