



# Job Applicant Privacy Notice

August 2020

This statement (the **Statement**) is made on behalf of Bouygues (UK) Limited and all its subsidiaries and affiliated companies in the United Kingdom which includes BY Development Limited trading as Linkcity (together, **Bouygues**) pursuant to section 54(1) of the Modern Slavery Act 2015 (the **Act**).

Bouygues takes its obligations in relation to the identification, prevention and reporting of modern slavery and human trafficking very seriously. It is working hard to identify and reduce the risk of modern slavery or human trafficking in its supply chains or in any part of its business and aims to have a zero tolerance approach to managing the risk of modern slavery. Its anti-slavery policy reflects its commitment to acting ethically and with integrity in all its business relationships. Bouygues adheres to a worldwide group Code of Ethics personally supported by Martin Bouygues, Chairman and CEO of Bouygues SA, and pursuant to this undertakes to comply with the strictest legal and moral standards in the conduct of its operations.

The Statement sets out what Bouygues has done in the financial year ending **31 December 2019** to work towards ensuring that slavery and human trafficking is not taking place in any part of its businesses or supply chains. Its publication has been slightly delayed due to pressures of resourcing following the outbreak of the COVID-19 pandemic.

This notice applies to the subsidiaries of Bouygues Construction SA operating in the United Kingdom, in particular Bouygues (UK) Limited, BY Development Limited, Bouygues E&S Contracting UK Limited, Bouygues E&S Infrastructure UK Limited, Bouygues E&S Solutions Limited, Bouygues E&S UK Limited, Bouygues Travaux Publics SAS (UK branch), Axione UK Limited and VSL Systems (UK) Limited (together referred to as BYCN UK).

BYCN UK is a "data controller". This means that we are responsible for deciding how we collect, hold and use personal information about you. You are being given a copy of this privacy notice because you are applying for work with us (whether as an employee, worker or contractor). It makes you aware of how and why your personal data will be used, namely for the purposes of the recruitment process, and how long it will usually be retained for. It provides you with certain information that must be provided under the General Data Protection Regulation (EU 2016/679) known as "GDPR" and/or the Data Protection Act 2018. BYCN UK is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations. If you have any questions further questions about how we use our data you can contact us using the details at the end of this Notice.

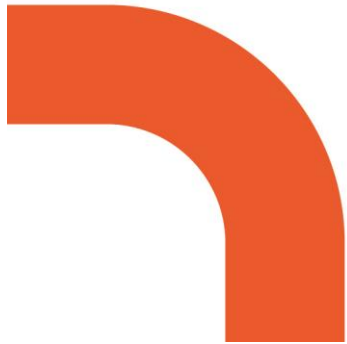
## Data protection principles

We will comply with data protection law and principles, which means that your data will be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.



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- Relevant to the purposes we have told you about and limited only to those purposes.
  - Accurate and kept up to date.
  - Kept only as long as necessary for the purposes we have told you about.
  - Kept securely.

### **What information do we collect?**

BYCN UK collects a range of information about you. This includes:

- your name, address and contact details, including email address and telephone number;
- details of your qualifications, skills, experience and employment history;
- information about your current level of remuneration, including benefit entitlements;
- information about your entitlement to work in the UK; and
- your educational background and familial circumstances;
- data from publicly accessible sources such as LinkedIn and CV Library;

We may also collect, store and use the following types of more sensitive personal information:

- whether or not you have a disability for which the organisation needs to make reasonable adjustments during the recruitment process;
- information about your health, including any medical condition, health and sickness records;
- equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief; and/or
- information about any criminal convictions you may have.

BYCN UK collects this information in a variety of ways. For example, data might be provided by you or the recruitment agency which referred you via application forms, CVs or resumes, via LinkedIn or CV Library, obtained from your passport or other identity documents, or collected through interviews or other forms of assessment, including where appropriate, online tests.

BYCN UK will also collect personal data about you from third parties, such as references supplied by former employers. We will seek information from third parties only once a job offer to you has been made and will inform you that we are doing so.


We may also collect personal data from a background check provider, credit reference agency or, in certain circumstances, the Disclosure and Barring Service in respect of criminal convictions. Further information in respect of criminal conviction checks is set out below.

Data will be stored on your application record on our applicant tracking system. Some of your data will be transferred onto our HR management systems and other IT systems in the event you are offered a position with BYCN UK.

### **Why do we process personal data?**

- BYCN UK will use the personal information we collect about you to:
- Assess your skills, qualifications, and suitability for the role.
- Carry out background and reference checks, where applicable, in order to check suitability, character and fitness for the role.
- Communicate with you about the recruitment process.
- Keep records related to our hiring processes.
- Comply with legal or regulatory requirements, for example to check a successful applicant's eligibility to work in the UK before employment starts.



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- to take steps prior to entering or on entering into a contract with you.
  - to monitor diversity and inclusivity of recruitment and equal opportunities.

BYCN UK has a legitimate interest in processing personal data during the recruitment process and for keeping records of the process: Processing data from job applicants allows us to manage the recruitment process, assess and confirm a candidate's suitability for employment and decide to whom to offer a job. BYCN UK may also need to process data from job applicants to respond to and defend against legal claims.

Where BYCN UK relies on legitimate interests as a reason for processing data, it has considered whether or not those interests are overridden by the rights and freedoms of employees or workers and has concluded that they are not.

The organisation processes health information if it needs to make reasonable adjustments to the recruitment process for candidates who have a disability. This is to carry out its obligations and exercise specific rights in relation to employment.

Where the organisation processes other special categories of data, such as information about ethnic origin, sexual orientation, health or religion or belief, this is for equal opportunities monitoring purposes. This information is not used for the evaluation of your application with us and you are not obliged to record this information with us.

Where the organisation processes data, such as information about social and educational background, it does so for the purposes of monitoring for diversity and inclusion purposes and well as equal opportunities monitoring purposes. It is not used for the evaluation of your application with us and you are not obliged to record this information with us.

Having received your application information we will then process that information to decide whether you meet the basic requirements to be shortlisted for the relevant role. If you do, we will then decide whether your application is strong enough to invite you for interview. If we decide to call you for interview(s), we will use the information you provide to us at that stage to decide whether to offer you a role within BYCN UK. If we decide to offer you a role we may then take up references and/or carry out a criminal record checks and/to carry out any other checks before confirming your appointment.

For some roles, BYCN UK is obliged to seek information about criminal convictions and offences. We will collect information about your criminal convictions history only if we would like to offer you the role (conditional on checks and any other conditions, such as references, being satisfactory). We are required to carry out a criminal records check in order to satisfy ourselves that there is nothing in your criminal convictions history which makes you unsuitable for the role. In particular:, if you are to be considered for a role requiring security clearances, for example within a public body, we may be legally required (for example by the Security Industry Authority) to carry out criminal record checks for those carrying out relevant roles;

- If the role is one which is listed on the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (SI 1975/1023) or is also specified in the Police Act 1997 (Criminal Records) Regulations (SI 2002/233) so is eligible for a check from the Disclosure and Barring Service.
- Roles requiring a high degree of trust and integrity since it involves dealing with or in the vicinity of vulnerable individuals or government classified or highly confidential or sensitive information such as legal or financial information or otherwise the position applied for is very senior and so we would like to ask you to seek a basic disclosure of your criminal records history.

We have in place an appropriate policy document and safeguards which we are required by law to maintain



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when processing such data.

If your application is unsuccessful or you decide not to proceed with your application, the organisation will keep your personal data on file in case there are future employment opportunities for which you may be suited. The organisation will keep your application for 24 months from the date of last recorded contact with you.

### **Who has access to data?**

Your information will be shared internally for the purposes of the recruitment exercise. This includes members of the HR and recruitment team, interviewers involved in the recruitment process, managers in the business area with a vacancy and IT staff if access to the data is necessary for the performance of their roles. If you have selected to be considered for suitable vacancies other than the initial role applied for, your information will be available internally for that purpose.

Apart from the use of the applicant tracking system, Vacancy Filler, (as data processor) BYCN UK will not share your data with third parties. Vacancy Filler is required to take appropriate security measures to protect your personal information in line with our policies and is not allowed to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our contract with them. They will not transfer your data outside the European Economic Area.

We will not transfer your data outside of the European Economic Area in compliance with legislation, any decision on adequacy of data protection laws issued by the courts, some other adequately safeguarded method such as in accordance with Binding Corporate Rules approved by a European data protection regulator or otherwise in accordance with the law.

### **How does the organisation protect data?**

BYCN UK takes the security of your data seriously. It has internal policies and controls in place to ensure that your data is not lost, used, accessed, accidentally destroyed, misused or disclosed, and is not accessed except by our employees or authorised third parties in the proper performance of their duties: We limit access to your personal information to those employees, agents, contractors and other third parties working on the recruitment and on-boarding of new employees and who have a business need-to-know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality. They are not entitled to use your data for their own purposes.

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.

### **For how long does the organisation keep data?**

Your data will be stored for a retention period of up to 24 months from the date of starting your application. Your personal information will be deleted automatically once the data retention period is reached.

Should you wish to remove your details prior to automatic deletion you can do so via the Vacancy Filler Applicant Gateway, which will be sent after your application has started.

If your application for employment is successful, personal data gathered during the recruitment process will be transferred to your personnel file on our management systems (and retained during your employment). The periods for which your data will be held will be provided to you in a new privacy notice.





## Your rights

- As a data subject, you have a number of rights. You can:
- access and obtain a copy of your data on request;
- require the organisation to change incorrect or incomplete data;
- require the organisation to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing;
- object to the processing of your data where the organisation is relying on its legitimate interests as the legal ground for processing; and
- ask the organisation to stop processing data for a period if data is inaccurate or there is a dispute about whether or not your interests override the organisation's legitimate grounds for processing data.

If you would like to exercise any of these rights, please contact [recruitment@bouygues-uk.com](mailto:recruitment@bouygues-uk.com).

## What if you do not provide personal data?

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

## Automated decision-making

Recruitment processes are not based solely on automated decision-making.

## Complaints and Concerns

BYCN UK's Compliance Officer, Deputy Compliance Officer and Chief Information Security Officer are responsible for overseeing BYCN UK's compliance with this notice. If you have any questions about the content of this privacy notice or how BYCN UK handles your data, you can email [GDPR\\_UK@bouygues-construction.com](mailto:GDPR_UK@bouygues-construction.com) or writing to us at Becket House, 1 Lambeth Palace Road, London, SE1 7EU. You also have the right to complain to the Information Commissioner (the UK's supervisory authority for data protection issues) at any time.



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