

# Privacy policy for Frazer-Nash Australia job applicants

## WHO WE ARE

Frazer-Nash Consultancy Ltd. (company number 02562870, whose registered office is at Hill Park Court, Springfield Drive, Leatherhead, Surrey, England, KT22 7NL) (“Frazer-Nash”, “we”, “us”, “our”) collects, uses and is responsible for certain personal information about you. When we do so, we are subject to the Privacy Act 1988 (Cth), Data Protection Act 2018, and the UK General Data Protection Regulation, any national implementing laws, regulations and secondary legislation, and any related or successor legislation on data protection (“Data Protection Law”).

## WHAT IS THE PURPOSE OF THIS POLICY?

This Policy describes how we collect and use personal information about you during and after the recruitment process. This Policy applies to all job applicants and does not form part of any contract of employment or other contract.

Please read this Policy carefully, together with any other policy or notice relating to your personal information which we may provide on specific occasions when we are collecting or processing personal information about you.

## TERMINOLOGY USED IN THIS POLICY

When we refer to “**personal information**” in this Policy, we mean any information about an individual which can be used to identify that individual.

When we refer to ““**special category**” **personal information**” in this Policy, we mean types of personal information which require a higher level of protection, for example, information revealing racial or ethnic origin, political opinions or religious beliefs.

For the purposes of Data Protection Law, we are a “**data controller**”. This means that we are responsible for deciding how we hold and use personal information about you.

## PERSONAL INFORMATION WE COLLECT ABOUT YOU

We may collect, store, and use the following categories of personal information about you:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses
- Date of birth
- Gender
- Marital status and dependants
- ATO number
- Bank account details, payroll records and tax status information
- Salary, annual leave, pension and benefits information
- Details of the office to which you are applying to work
- Copy of driving licence
- Copy of identification information (for example passport, birth certificate, utility bill)
- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process)
- Employment records (including job titles, work history, working hours, holidays, training records and professional memberships).

We may also collect, store and use the following special category personal information:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions
- Whether or not you have a disability for which we need to make reasonable adjustments throughout the recruitment process, and if so, the nature of that disability to the extent required to make such reasonable adjustments.

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- We may also collect, store and use personal information relating to criminal convictions and offences. Please see below for further information about our collection and use of such information.

## HOW IS YOUR PERSONAL INFORMATION COLLECTED?

We collect personal information about job applicants through the application and recruitment/on-boarding process, either directly from the individual or sometimes from an employment agency or background check provider.

We may sometimes collect additional information from third parties including former employers, credit reference agencies or other background check agencies.

You are not obliged by statute or contract to provide any personal information to the company during the recruitment process, however, we will only ask for information which is required to make an employment decision and carry out appropriate clearances and security checks in line with our business needs.

## HOW WE USE INFORMATION ABOUT YOU

Under Data Protection Law, we can only use your personal information if we have a proper reason for doing so. Most commonly, we will only use your personal information in the following circumstances:

- (i) where we need to do so to take steps (at your request) prior to, or in order to, enter into a contract with you (for example, your employment contract); or
- (ii) where we need such personal information in order to comply with a legal obligation; or
- (iii) 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.

## Situations in which we will use your personal information

The situations in which we may process your personal information are listed below.

- Making a decision about your recruitment or engagement
- Determining the terms on which you work for us
- Checking that you are legally entitled to work in Australia
- Checking that you have, or would be able to obtain, the necessary security clearance to work with certain clients or projects
- Ensuring compliance with your statutory rights
- Complying with health and safety obligations
- To prevent fraud
- Equal opportunities monitoring
- To set up payment arrangements for your salary and expenses should you be offered employment
- Ensuring you will receive benefits from the start of your employment.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

## If you fail to provide personal information

If you fail to provide certain information when requested, we may not be able to process your job application either in whole or at all, or we may be prevented from complying with our legal obligations, and you may be unable to exercise your statutory rights.

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## Change of purpose

We will only use your personal information for the purposes for which we collected it, i.e. to process your recruitment application. If you are unsuccessful in your application, we may wish to continue to hold your personal information in case of future opportunities for which we believe you would be suitable. We will ask for your consent to keep your personal information for this purpose and you will be able to withdraw such consent at any time.

## HOW WE USE SPECIAL CATEGORY PERSONAL INFORMATION

Where it is necessary for us to collect special category personal information (as defined above), we will ensure that such information is suitably protected. We may process special categories of personal information in the following circumstances:

- (i) in limited circumstances, with your explicit written consent; or
- (ii) where we need to carry out our legal obligations or exercise rights in connection with employment; or
- (iii) where it is needed in the public interest, such as for equal opportunities monitoring; or
- (iv) less commonly, we may process this type of information where it is needed in relation to legal claims.

## Situations in which we will use your special category personal information

The situations in which we may process your special category personal information are listed below:

- To ensure we comply with your statutory rights.
- To assess your suitability for employment.
- We will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate adjustments to allow you attend interview.
- To apply for the appropriate level of security clearance as required for your role.
- We may use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting in recruitment. Such personal information used for these purposes is either anonymised or collected with your explicit consent which may be withdrawn at any time.
- We may use your special categories of personal information, and any information about any criminal convictions and offences, where it is needed to establish, exercise or defend legal claims.

## INFORMATION ABOUT CRIMINAL CONVICTIONS

Owing to Frazer-Nash's involvement in work pertaining to national security, we are required by the Attorney General's department to conduct minimum employment/background checks (including criminal record checks) in accordance with the National Identity Proofing Guidelines, and the Protective Security Policy Framework 12 – Eligibility and suitability of personnel guidelines. In some cases the nature of the work will dictate that additional vetting occur(s)?. In that situation, that activity will be completed by the Australian Government Security Vetting Agency (AGSVA).

Whilst it is true that not all our employees, workers and Associates will be involved in work relating to national security, the fact that Frazer-Nash operates an open office environment means that Associates could find themselves working alongside individuals that are, and on this basis, we have taken the view that we have a legitimate business interest in carrying out criminal record checks for *all* job applicants.

We only hold such information for such time as is necessary in order to complete the required checks, thereafter, it is deleted.

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## WHO WE SHARE YOUR PERSONAL INFORMATION WITH

We may share your personal information internally within the company in order to progress your job application and make a decision about recruitment. This will include sharing your information with members of the HR department and recruitment team, managers in the department advertising the vacancy and IT staff if necessary.

We will only disclose your personal information to third parties when the law allows us to do so. These may include, but are not limited to:

- External organisations for the purposes of conducting pre-employment reference and employment background checks
- Former employers or other referees in order to collect references
- Professional advisors
- Regulators to ensure compliance with the law
- Other third parties where it is necessary in order to enter into a contract with you, in order to comply with a legal obligation, or where it is necessary for our interests (or those of a third party)
- Banking providers (where making travel expense payments)
- Affiliated companies within Frazer-Nash's corporate group, such as parent, sister and subsidiary corporations, for their recruitment, recordkeeping and/or reporting purposes
- External organisations for the purposes of conducting aptitude tests and/or other similar activities to aid us in the recruitment process

## KEEPING YOUR PERSONAL INFORMATION SECURE

We have appropriate security measures in place to prevent your personal information from being accidentally lost, or used or accessed unlawfully. We limit access to your personal information to those who have a genuine business need to know it. Those processing your personal information will only do so in an authorised manner and are subject to a duty of confidentiality.

In the event that we become aware of an actual or suspected data security breach, we will promptly take all necessary steps to address such breach.

Where your personal information is shared with third parties, we require all third parties to take appropriate security measures to protect your personal information and to treat it subject to a duty of confidentiality and in accordance with data protection law. We only allow them to process your personal information for specified purposes and in accordance with our written instructions and we do not allow them to use your personal information for their own purposes.

## HOW LONG YOUR PERSONAL INFORMATION WILL BE KEPT

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. To determine the appropriate retention period for personal information, we consider the amount, nature, and sensitivity of the personal information, the potential risk of harm from unauthorised use or disclosure of your personal information, the purposes for which we process your personal information and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you.

## TRANSFERRING DATA OUTSIDE OF AUSTRALIA

This will not be relevant in the majority of cases but because there exists the possibility that it may occur we are required to state what we would do in that circumstance.

As well as our network of offices in Australia, we also have several offices in the UK. As a result, it is possible that from time to time, we may transfer your personal information, or the personal information that you supply to us, to the UK. This would be most likely

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to occur in the event that you are applying to work with a project that is managed by one of our UK offices.

Aside from transfers to the UK, it may also be necessary from time to time, for us to transfer your personal information to other countries. This would be most likely to occur in the event that you are applying to work in another country. In any event we will contact you to inform you of this proposed transfer before it is completed.

## Protecting your personal information

We will ensure that your personal information, or the personal information that you supply to us, is suitably protected.

With regard to transfers of personal information to the UK, we will ensure your personal information is protected by requiring our UK offices to comply with the European Union's (EU's) model clauses on transfers of personal information, or successor UK International Data Transfer Agreement (IDTA) clauses published by the UK Information Commissioner's Office.

For transfers to countries other than the UK that are outside the European Economic Area (EEA), we will safeguard your personal information by (i) ensuring that the transferee country is one which has been granted a UK or European Union (EU) "adequacy decision"; or (ii) by putting in place sufficient safeguards, in accordance with the applicable Data Protection Law, to protect your personal information.

If you would like further information, please do not hesitate to contact us.

## YOUR RIGHTS AND RESPONSIBILITIES

### Your duty to inform us of changes

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

### Your rights in connection with personal information

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

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

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal information, or request that we transfer a copy of your personal information to another party, please contact us using the following email address [datamanagement@fnc.co.uk](mailto:datamanagement@fnc.co.uk).

For more information about your rights, we would recommend that you look at the website at the Office of the Australian Information Commissioner at [www.oaic.gov.au](http://www.oaic.gov.au).

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## **No fee usually required**

You will not normally have to pay a fee to access your personal information (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 information is not disclosed to any person who has no right to receive it.

## **RIGHT TO WITHDRAW CONSENT**

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact us. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

## **HOW LONG WILL WE HOLD YOUR PERSONAL INFORMATION?**

We will only retain your personal information for as long as is necessary to fulfil the purposes for which it was collected and processed.

If your application for employment or engagement is unsuccessful, we will generally destroy your personal information after the end of the relevant recruitment exercise.

This is subject to:

- a) any minimum statutory or other legal, tax, health and safety, reporting or accounting requirements for particular data or records, and
- b) the retention of some types of personal information for up to seven years to protect against legal risk, e.g. if they could be relevant to a possible legal claim in a tribunal or Court.

If you have consented to us keeping your personal information on file, in case there are future suitable employment opportunities with us, we will hold your personal information for a further six months after the end of the relevant recruitment exercise, or until you withdraw your consent if earlier.

If your application for employment is successful, personal information collected during the recruitment process will be retained for the duration of your employment or engagement. Our privacy statement for Frazer-Nash Employees and Workers will then apply to you.

Personal information which is no longer retained will be securely and effectively destroyed or permanently erased from our IT systems and we will also require third parties to destroy or erase such personal information where applicable. In some circumstances we may anonymise your personal information so that it no longer permits your identification. In this case, we may retain such information for a longer period.

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## **AUTOMATED DECISION MAKING**

Our recruitment processes are not based solely on automated decision-making (i.e. when an electronic system uses your personal information to make a decision without human intervention).

## **HOW TO CONTACT US**

If you have any questions about this Policy or how we handle your personal information, please contact the Head of Human Resources & Administration using the following email address [datamanagement@fnc.co.uk](mailto:datamanagement@fnc.co.uk).

In the event you have a complaint relating to our handling of your personal information, you also have the right to lodge a complaint with the Office of the Australian Information Commissioner.

## **CHANGES TO THIS POLICY**

We reserve the right to update this Policy at any time, and we will republish it when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.