# Independent Commission for Reconciliation and Information Recovery

## Privacy Notice – Job applicants

February 2025

# Privacy Notice — Job Applicants

## 1. Introduction

1.1 The Independent Commission for Reconciliation Information Recovery ("**ICRIR**", **we**", "**us**" and "**our**") is committed to protecting Personal Data. "Personal Data" is defined in the UK General Data Protection Regulation ("**UK GDPR**") as any information relating to an identified or identifiable natural person. In the UK, it will only be lawful to process Personal Data to the extent that doing so is fair, lawful and transparent.

1.2 This Privacy Notice sets out important information about the rights that individuals who apply for a position or positions at the ICRIR have in relation to their Personal Data, and how we may collect and process it on receipt of any such application. This Privacy Notice addresses each of the following matters in turn:

1.2.1 what Personal Data we collect, and who from;

1.2.2 why we collect your Personal Data, and our legal bases for doing so;

1.2.3 who we share your Personal Data with;

1.2.4 your rights;

1.2.5 how we store your Personal Data, and for how long; and

1.2.6 where to seek further information.

1.3 Please take the time to read this Privacy Notice carefully and contact us using the details provided at the end of this Privacy Notice if you have any questions.

## 2. What Personal Data do we collect?

2.1 We collect, store and process your Personal Data so that we can consider and assess your suitability for a position with us. We have set out below the main categories of Personal Data which we collect:

2.1.1 personal contact information including your name, personal telephone number and/or personal e-mail address;

2.1.2 demographic information such as your date of birth, gender and marital status;

2.1.3 documents gathered during the recruitment process including your CV, statement of suitability, references, professional memberships and qualifications;

2.1.4 information about any actual or potential conflicts of interest that might be relevant to the role you have applied for;

2.1.5 the results of any assessments we ask you to carry out during

the recruitment process;

2.1.6 documents confirming your identity such as your passport or driving licence;

2.1.7 documents evidencing your right to work (including information about your immigration status where relevant);

2.1.8 information about your career history.

2.2 In addition to the above, we may also collect information which is classed as "Special Category Personal Data" for the purposes of Article 9 of the UK GDPR. Special Category Personal Data is Personal Data which reveals information about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation, or is genetic data or biometric data which is processed for the purpose of identifying a natural person.

2.3 From time to time, and only where relevant to your employment or required by law, we may collect the following types of Special Category Personal Data from you:

2.3.1 information about your health, disabilities and any support we can provide you or any reasonable adjustments to your role that you require; and

2.3.2 information about your racial or ethnic origin, gender, religious beliefs, sexual orientation, political opinion, disability status, age, marital or civil partnership status, and whether you have dependents, so that we can monitor equality, diversity, and inclusion within our organisation in line with our obligations under Section 75 of the Northern Ireland Act 1998. This monitoring enables us to ensure that our recruitment processes and employment opportunities promote equality of opportunity and are free from discrimination.

2.4 If you accept a position with us, we will require you to undergo a vetting/security clearance process before commencing work. This is so that your suitability for your position can be assessed, as well as your proposed level of security clearance. Such assessment will take account of any information relating to criminal convictions and offences ("**Criminal Offence Data**"). We engage Cabinet Office to act as an intermediary between us and United Kingdom Security Vetting ("**UKSV**"). Our input into the vetting/security clearance process is only sought in complex or difficult cases.

2.5 In addition to the Personal Data that we collect from you directly, we may also receive Personal Data about you from third parties. These may include, for example, former employers for referencing purposes, third parties that assist us with vetting such as Cabinet Office and UKSV, and credit reference agencies. It may also include recruitment agencies, in circumstances where we have engaged such organisations to assist us with recruitment.

## 3. Why do we collect your Personal Data?

3.1 We collect and process your Personal Data for the following purposes:

3.1.1 to be able to correspond with you as needed for your application;

3.1.2 to consider and assess your suitability for the position you have applied for;

3.1.3 to assess whether there are any actual or potential conflicts of interests that might be relevant to the role you have applied for;

3.1.4 so that we can offer you any support you may require for the position you have applied for, and consider what reasonable adjustments we are able to implement;

3.1.5 for the purposes of monitoring equality, diversity and inclusion;

3.1.6 to comply with our regulatory requirements; and

3.1.7 to comply with our legal obligations.

3.2 We will only process your Personal Data for the purposes we have identified in this section, and only to the extent such processing is lawful.

## 4. Lawful bases for processing

4.1 Each time we collect and process Personal Data, we are required to have a lawful basis for doing so. These are prescribed by Article 6 of the UK GDPR as follows:

4.1.1 **Consent:** where an individual has provided their free and informed consent for us to process their Personal Data for one or more specific purposes.

4.1.2 **Performance of a contract**: where it is necessary to process Personal Data in order for us to fulfil our obligations under a contract to which the relevant individual is a party. This legal basis is commonly relied upon in an employment setting.

4.1.3 **Legal obligations**: where processing is necessary in order to comply with a legal obligation to which we are subject. This could include, for example, sharing your information with a regulator for tax purposes.

4.1.4 **Vital interests**: where processing is necessary in order to protect the vital interests of individual, or of another natural person.

4.1.5 **Public interest**: where processing is necessary for the performance of a task which is carried out in the public interest, or in the exercise of our official authority.

4.1.6 **Legitimate interests**: where processing is necessary for the

purposes of our own legitimate interests, except where our interests are overridden by the interests or fundamental rights and freedoms of the individual whose Personal Data we are processing.

4.2 The lawful basis or bases that we rely on for processing Personal Data will depend on the particular purpose for which we collected and process it. The legal bases we will primarily rely on for processing your Personal Data is legitimate interests, and legal obligations, as detailed below:

4.2.1 legitimate interests is the legal basis we generally rely on when processing your Personal Data for the purposes set out at 3.1.1 - 3.1.5; and

4.2.2 legal obligations is the legal basis we generally rely on when processing your Personal Data for the purposes set out at 3.1.5 - 3.1.7.

4.3 In addition, in order for our processing of Special Category Personal Data to be lawful, we are required to satisfy one or more of the additional conditions prescribed by Article 9 of the UK GDPR. Of relevance to us, these include that processing is necessary:

4.3.1 for the purposes of meeting obligations in the field of employment;

4.3.2 for reasons of substantial public interest; and/or

4.3.3 in connection with the establishment, exercise or defence of legal claims.

4.4 By way of example, we note that under section 75 of the Northern Ireland Act 1998, we are expressly required to have regard to the need to promote equality of opportunity between persons of different religious beliefs, racial groups, sexual orientation, gender and more. The processing we undertake for this purpose will be in reliance on the substantial public interest ground.

4.5 Lastly, in terms of our processing of Criminal Offence Data, this will only be lawful to the extent that such processing is carried out under the "control of official authority" or it is otherwise "authorised by domestic law". The latter condition is met in the present case on the basis that it is necessary for us to process Criminal Offence Data for employment purposes.

## 5. Who do we share your Personal Data with?

5.1 We will share your Personal Data with the following third parties, and for the following purposes:

5.1.1 **Data Processors**: as your Personal Data will be stored on our IT infrastructure, it will be shared with the Data Processors we have engaged to manage this on our behalf, including ITAssist. We have arrangements in place with our Data Processors to

ensure they are required to handle and protect your Personal Data in accordance with Data Protection Legislation at all times.

5.1.2 Where applicable, with **external panel members** for the purposes of assessing your application. In all cases this is done in line with our wider approach set out in this Notice.

5.2 Except as otherwise stated in this section, we will keep your Personal Data confidential and we will not transfer it to any third party, nor will we transfer it outside of the UK.

## 6. Your rights

6.1 As noted at paragraph 1, individuals have rights in relation to their Personal Data, including in relation to the way that it may be collected and used. As a Data Controller of your Personal Data, we are required to comply with the UK GDPR, and to give effect to your rights. Details of your rights are set out below.

6.1.1 **Right to be informed**: You have the right to be informed about our collection and use of your Personal Data. In particular, and in order for us to comply with our obligation to be transparent about our use of your Personal Data, you have the right to know the purposes for which we process your Personal Data, the retention periods for your Personal Data and who it may be shared with. This information is contained within this Privacy Notice.

6.1.2 **Right of access**: You have the right to access the Personal Data that we hold about you. This type of request is referred to as a Subject Access Request, or a “SAR”. As well as being entitled to receive a copy of your Personal Data, you are also entitled to certain pieces of information, such as who we may have shared your Personal Data with, or the length of time we expect to hold it for.

6.1.3 **Right to rectification**: We are required to take reasonable steps to ensure the Personal Data we hold about you is accurate and complete. You have the right to ask us to correct or complete any inaccurate or incomplete Personal Data that we hold about you.

6.1.4 **Right to erasure**: You have the right to ask us to erase the Personal Data that we hold about you. This is also known as the 'right to be forgotten'. There are however some exceptions to this right.

6.1.5 **Right to restrict processing**: You have the right to request that the processing of your Personal Data is restricted. This could include, for example, a request that we stop processing your Personal Data for a certain period of time. Similarly to the right to erasure however, there are exceptions to this. For example, we may not be able to ‘pause’ processing your Personal Data in circumstances where it is necessary in order

to perform tasks which are in the public interest.

6.1.6 **Right to data portability**: You have the right to receive copies of any Personal Data which you personally provided to us in a structured, commonly used and machine-readable format, so that you can transmit it to another Data Controller of your choice.

6.1.7 **Right to object**: You have the right to object to us processing your Personal Data where the legal basis we rely on for doing so that processing is necessary: (i) for the performance of a task carried out either in the public interest or in the exercise of official authority vested in us; or (ii) for the purposes of our own legitimate interests. You also have the right to object to your Personal Data being processed for marketing purposes, without exception.

6.1.8 **Right not to be subject to automated decisions**: You have the right not be subject to solely automated decisions. An automated decision is one that is made by a computer without any human input, using your Personal Data, that has a legal or other significant effect on you. We do not carry out automated decision-making.

6.2 In most cases, your rights are not absolute. The UK GDPR and Data Protection Act 2018 ("**DPA 2018**") provide several exemptions to your rights which give us a lawful basis for declining to give effect to your rights, where applicable. Your right of access, by way of example, is limited in circumstances where your Personal Data is mixed with that of another individual, and it would not be reasonable to disclose it without their consent.

6.3 In practice, our ability to rely on an exemption will depend on the purpose for which we are processing your Personal Data, and whether it would be necessary and proportionate to give effect to your rights or not, having regard to all relevant circumstances. Please note that we consider requests relating to your rights on a case-by-case basis, and do not routinely rely on exemptions, nor apply them in a blanket fashion.

## 7. How do we store your Personal Data, and for how long?

7.1 Your Personal Data is stored within our secure Government IT system. We have technical and organisation measures in place to ensure your Personal Data is protected, including:

7.1.1 encryption of our data and IT equipment;

7.1.2 regular data protection training for our employees;

7.1.3 regular testing of our technology;

7.1.4 restricted access controls (i.e. measure to ensure only people who need to access your Personal Data is able to do so); and

7.1.5 physical security measures.

7.2 We will retain your Personal Data in accordance with our Data Retention and Destruction Policy, a copy of which can be made available on request. If you are unsuccessful in your job application, we will store your Personal Data for six months, before destroying it. If you are successful, we will store your Personal Data throughout your employment, and for six years thereafter. At the conclusion of that period, we will review whether it is still needed.

## 8. Further information

8.1 Our Data Protection Officer ("**DPO**") is responsible for overseeing this Privacy Notice, and our compliance with laws relating to the processing Personal Data. If you would like further information about the matters addressed in this Privacy Notice, or you would like to exercise your rights or otherwise comment on the matters outlined above, our DPO is contactable at data@icrir.independent-inquiry.uk.

8.2 Please also note that if you are dissatisfied with a response you receive to a request for further information or to a complaint, or you would prefer to contact them directly in the first instance, you may also contact the Information Commissioner's Office ("**ICO**"). The ICO is the UK's supervisory authority in respect of Personal Data.

8.3 Lastly, please note our DPO will review this Privacy Notice on an annual basis, or sooner should the need arise, to ensure it remains fit for purpose. This Privacy Notice was last updated in February 2025.