



xpate HR Data Privacy Notice

1. Introduction

xpate process personal data in accordance with the General Data Protection Regulation (GDPR), the UK Data Protection Act 2018 (DPA) and any country specific legislation applicable to xpate.

This notice applies to potential future employees, workers and contractors in the xpate, who are applying for jobs at xpate, with details around what data we collect from you directly, other parties or automatically, how we use it, the purposes for doing so, who we share it with, how we justify the processing (i.e. the legal basis) and how long we keep it for.

This notice does not form part of any contract of employment or other contract to provide services.

2. What is personal data

For the purposes of this privacy notice, personal data is any information that relates to an identifiable individual. Personal data does not include anonymous or non-personal data (i.e., data that cannot be associated with or tracked back to a specific individual).

3. Information xpate collect from you, purpose and legal basis

We collect your personal data throughout the application and recruitment process when you register and apply for vacancies on the careers section of our website. However, we may also collect information about you from individuals who you provide as references or our other recruitment agencies or background check providers. We only use this information in line with this privacy notice and privacy commitments of the relevant group company we have collected your information from.

We also collect personal data in the course of your employment with us.

Please see an overview of the data we collect from you (e.g. when you like, post, apply for a job or otherwise interact with our social media pages such as Facebook, Twitter, LinkedIn, or

other social media channels), the purposes for doing so and the legal basis we rely on in order to process it.

A. Personal contact details

Data elements

- Name
- Home address
- Telephone number
- Email address

Purposes

- To provide you with recruitment and career services, where you register and make applications for a job on our career page.
- To have our careers team contact you were you have indicated an interest in working with xpate.
- When you contact us or otherwise interact with us, including via e-mail, letter, phone or chat function.
- So that we can contact you about a role you have applied for and keep you up to date on its progress.
- To provide you with service messages, including messages requesting your feedback on our services and notifying you about changes to our website, services or changes to our terms, conditions and policies.
- To provide you with direct marketing communications, such as job alerts. We will only do this in line with your preferences and you can opt-out of receiving such communications at any time.
- To share your contact details, including name, email address, contact telephone number and account status with selected media partners and affiliates for the purposes of them being able to offer their own marketing services to you. We only do this where we have your consent and in line with your marketing preferences. You can opt-out of this at any time.

Legal basis

- Performance of contract
- Legal obligation

B. Demographic information

Data elements

- Date of birth
- Marital status
- Birthplace
- Nationality
- Country of residence
- Gender
- Preferred language
- Citizenship
- Immigration status
- Visa information immigration

Purposes

- So that we can check that you are legally entitled to work in the country of workplace.
- To promote equality and diversity in the workplace.
- To comply with any duty under the Equality Act 2010/ Equal Opportunities Act 2006 so we can consider making reasonable adjustments to your working environment or role, if appropriate.

Legal basis

- Performance of contract
- Legal obligation

C. National identification numbers

Data elements

- National insurance number
- Passport
- ID cards

Purposes

- So that we can check that you are legally entitled to work in the country of workplace.
- As part of our fraud checks so that we can check that you are who you say are.

Legal basis

- Performance of contract
- Legal obligation

D. Recruitment information

Data elements

- Copies of right to work documentation
- Pre-employment screening
- Information about criminal convictions and offences, if required by law
- References
- CVs/application forms
- Notes of interviews
- Results of assessments and psychometric testing
- Employment history
- Start date
- Location of workplace

Purposes

- To evaluate whether or not to proceed with your application and offer you a contract of employment or a contract for services (as applicable) with xpate.
- To determine the terms and conditions of your employment or engagement.
- To protect, investigate and deter against fraudulent, unauthorised or illegal activity. Including undertaking necessary security and identifying verification checks.
- Please note, we will only collect details related to criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so to assess suitability for roles.
- As part of the onboarding process for new recruits or suppliers and depending on the location and the role for which you have applied or the service you intend to provide, we may need to undertake certain searches relating to you. These searches may provide us with what is known as 'special category data', being personal data that relates to your ethnic origin, political opinions, religious or similar beliefs, trade union membership, health, sex life, financial background, criminal proceedings or convictions. Where we need to undertake these searches, we will let you know in advance what searches will be undertaken and the reason for them. You can object to us undertaking these searches, however, if you do object then it is likely that we will be unable to proceed with your application.

Legal basis

- Performance of contract
- Legal obligation

E. Education details

Data elements

- Educational background
- Qualifications
- Training record

Purposes

- This allows us to assess your qualifications, skills and experience for a particular role and to assess your suitability for a role for which you have applied or services you intend to provide.

Legal basis

- Performance of contract
- Legitimate interests

F. Financial/payroll information

Data elements

- Bank account details
- Tax codes and status information
- Salary (current, preferred and offered)
- Pension
- Benefits
- Compensation history

Purposes

- This is so we can administer your pay, benefits and pension scheme, under the terms of your contract of employment.
- Inviting you to participate in share plans and/or granting awards under share plans and/or administering participation in share plans (if relevant to you).
- Liaising with your pension provider.

Legal basis

- Performance of contract
- Legal obligation

G. Information about your use of our electronic systems

Data elements

We monitor/record the use of our IT systems including:

- Email
- Internet
- Company mobile
- Computers
- Tablets

Purposes

- Detect and block attempts to compromise company's workstations.
- Defend the company against cyber-attacks.
- Block internet resources not deemed necessary to conduct employees' work.
- Gather evidence in respect of any potential wrongdoing.
- To ensure compliance with our IT policies.
- To have our careers team contact you were you have indicated an interest in working with xpate.
- To ensure network and information security, including preventing unauthorised access to our systems.
- Authorising, granting, administering, monitoring, maintaining and terminating access to or use of company assets including systems, facilities, records, property and infrastructure within the organization.
- To comply with valid legal processes, such as; search warrants, subpoenas, summons or court orders, litigation, investigations or dispute resolution.

Legal basis

- Performance of contract
- Legitimate interests

H. Technical information

Data elements

- Internet protocol (IP) address used to connect your computer or device to the Internet
- Time/date of access
- Device ID
- Login information (username/password)
- Browser type and version
- Web page(s) visited

- Language used
- Time zone setting
- Browser plug-in types and versions
- Device operating system platform
- Mobile carrier
- Location or GPS/geo-location
- Software crash reports

Purposes

- Our servers keep an activity log unique to you that collects this administrative and traffic information when you interact with our services.
- This will also help us to develop and improve our website to enhance your experience and to develop and improve our website to enhance your experience.

Legal basis

- Legitimate interests

I. Social media posts or details

Data elements

- Publicly accessible comments and opinions.

Purposes

- Where available to us when you have applied for a job through these channels.

Legal basis

- Legitimate interests

J. Photographs and other visual images

Data elements

- CCTV footage
- Swipe-card information
- Photographs

Purposes

- To ensure compliance with our policies regarding theft, health and safety and harassment.
- Supporting the prevention and detection of crime.
- Maintaining the safety and security of our employees.
- Issuing employee passes for building access.

Legal basis

- Legal obligation
- Protect the vital interests of data subjects and others
- Legitimate interests

K. Balance Test

Where we rely on legitimate interest as a ground for processing your information, we carry out a 'balancing test' to ensure that our processing is necessary and that your fundamental rights of privacy are not outweighed by our legitimate interests, before we go ahead with such processing. We keep a record of these balancing tests.

Where we are processing data based on your consent, you have the right to withdraw that consent at any time. You should be aware that, depending on the context, this could result in the company being unable to perform some elements of your contract of employment (such as being able to administer benefits).

4. Who we share your data with

Other than as mentioned in this notice, we will only disclose information about you to third parties if we are legally obliged to do so or where we need to comply with our contractual duties to you, which may include:

- Any xpate company;
- Professional advisers, such as our accounting and legal advisers, where they require information to provide advice to xpate;
- In order to comply with (and/or where we believe we are under a duty to comply with) any legal obligation, to enforce our terms of use and any other agreement or to protect the rights, property, safety, or security of xpate, third parties, visitors to our website or the public;
- Third party service providers who provide products or services to xpate, who administer or provide incentives, employee benefits, pensions, payroll as well as those who provide and support our management and data storage systems;
- We share your information with trusted third-party suppliers of information verification services (including credit reference agencies) for the purposes of

validating the information you provide to us in the course of interacting with us or entering into a contract with us;

- We may share your information with trusted third-party suppliers of email distribution services for the purposes of sending you job alerts in accordance with your preferences;
- Government agencies and any other regulatory authority we may be subject to for the purpose of demonstrating compliance with applicable law and regulations;
- Regulatory authorities, such as FCA;
- We share your information where we engage the services of trusted third-party suppliers to provide technical support, and to maintain your account with us, such as analytics and search engine providers that assist us in the improvement and optimisation of our site;
- Potential purchasers of xpate; and
- Governmental or quasi-governmental organisations.

All of our third-party providers are required to take appropriate security measures to protect your personal data in line with this notice. We do not allow our third-party providers to use your data for their own purposes.

5. Data Transfers

xpate is a global organisation, headquartered in the United Kingdom. Therefore, to ensure the provision of effective and efficient services and communication throughout the xpate, we may be required to transfer your personal data between our international offices, including Canada, Latvia, Singapore, Honk Kong and such other countries as advised from time to time.

Your personal data may be stored and processed outside of the European Economic Area (EEA), in countries that may have different data protection rules to our own. However, we will only transfer your personal data outside of the EEA where appropriate safeguards have been put in place and to comply with the GDPR, including standard model clauses (approved by the European Union) and our intra-group agreement.

6. How long we store your data for

Your personal data will only be retained for as long as is reasonably necessary and in line with our Data Retention Policy. For example:

Record Type	Retention Period	Source
Unsuccessful candidates: application forms, CVs, references, interview notes, correspondence	Delete after 6 months from the date of appointment of the successful candidate.	Disability Discrimination Act 1995 Equality Act 2006 and 20106(1)(c)(iv) Data Protection Act 2004

Successful candidates: all other recruitment documentation	For the duration of employment and for 6 years after employment ceases. (Latvia – 75 years)	Disability Discrimination Act, 1995 Equality Act 2006 and 2010 Limitation period
Identification documents of foreign nationals (ensuing from the obligation to retain copies of documents used to perform immigration checks)	For the duration of employment and for 5 years after employment ceases.	Best practice

After the expiration of the retention period, personal data will be securely deleted/destroyed, as long as it is no longer necessary for the initiation/fulfilment of the contract or in relation to other legal proceedings.

What this means in practice will vary as between different types of information and when we consider our approach, we take into account any ongoing need for the information, as well as our legal obligations for example in relation to tax, health and safety, employment rights and potential or actual disputes or investigations.

7. Overview

In the course of conducting our business, we may monitor our premises and property as well as email and telephone communications.

For example, potential future employees may have their communications recorded and monitored when communicating with an xpate employee in the recruitment team regarding a job role.

Another example is where visitors attend a job interview at one of our office locations, some of which are equipped with surveillance cameras for the purposes of protecting employees and third parties against theft, vandalism and damage to xpate goods and property. Recorded images are routinely destroyed (in line with our Data retention notice) and not shared with third parties unless there is suspicion of a crime, in which case it may be turned over to the police or other appropriate government agency or authority.

This section is not meant to suggest that all potential future employees will in fact be monitored or their actions subject to constant surveillance. It is meant to bring to your attention the fact that such monitoring may occur and may result in the collection of personal data from potential future employees, as described above.

8. How we protect your data

xpate takes the security of your personal data very seriously, therefore we have put in place strong internal controls and security measures to protect it from accidental loss, unauthorised access, use, alteration and disclosure.

Access to your personal data is restricted to employees, workers and agents who strictly need it. We take steps to ensure that third parties who have access to your personal data only process it on our instructions and are subject to a duty of confidentiality. For more information about security please read xpate's information security policies.

Should a breach of personal data occur, the individual committing or discovering the breach must inform their line manager and DPO as soon as possible and retain any evidence you have in relation to the breach.

We have in place procedures to deal with any suspected data breaches and we will notify you and any applicable regulator of a breach where we are legally required to do so.

Your privacy rights

Under the GDPR and the Data Protection Act 2018, you have a number of rights with regard to your personal data, which you can exercise by either contacting the HR team or DPO:

Right to be informed

You have the right to be provided with clear, transparent and easily understandable information about how we use your personal data and your rights; this is why we are providing you with the information in this privacy notice.

Access to your information

You have the right to request a copy of your personal data. All requests will be dealt with as required by applicable law.

Correcting or erasing your information

Where we hold information about you that is inaccurate or incomplete, you have the right to ask us to rectify or complete it.

Erasement of your information

You have the right to request erasure of the personal data xpate hold about you, also known as the 'right to be forgotten' under the GDPR. There are, however, certain situations where processing is necessary and exempt from erasure, such as compliance with a legal obligation or the establishment, exercise or defence of legal claims.

Restriction of processing

You have the right to restrict your personal data being processed, which means that you can ask us to limit what we do with it. This is an alternative option rather than completely objecting or erasing the personal data xpate holds about you.

Right to data portability

You have the right to obtain from us and re-use your personal data for your own purposes. This only applies, however, where the processing is carried out by automated means, to personal data that you have provided to us yourself (not any other information) and where the processing is based on your consent or for the performance of a contract.

Right to object to processing

You can object to us processing your personal data in certain circumstances, including where

we are using it for the purpose of the company's legitimate business interests. However, we will continue to process your information if, after reviewing your objection, we find that our interest overrides any of your concerns or where such processing is permitted by applicable law.

Right to withdraw your consent

In limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal data 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 DPO. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose(s) you originally agreed to, unless we have another legitimate basis for doing so in law.

Right to make a complaint

Please contact DPO if you have any queries regarding your rights or wish to make a complaint. The privacy team will then liaise with the relevant Data Protection Officer as necessary.

You can also issue a complaint to the Data Protection Commissioner's Office about any matter concerning your personal data. Full contact details including a helpline number can be found on the UK Information Commissioner's Office website at www.ico.org.uk. However, we take our obligations seriously, so if you have any questions or concerns, we would encourage you to raise them with us first, so that we can try to resolve them.

Automated decision-making information

We use automated decision-making in the recruitment process to enable us to make a long-list of candidates which are then subject to review to produce a short-list. We only use automated decision-making to identify applications that would not be able to proceed for a legal reason, including where the applicant is under the age of 18.

If you are unhappy with the rejection of your application following automated decision-making, you can apply to HR department or DPO to obtain intervention in your application, to express any concerns you may have about the process, and/or to contest the decision made.

Changes to this notice

xpate will keep this privacy notice up to date and notify you of any changes. However, we will not use your personal data in any new ways without informing you or where applicable asking for your consent.

This privacy notice was last reviewed June 2021.

Contact details

If you have any questions about anything in this privacy notice, concerns about how xpate manage your personal data or if you would like to exercise your rights in relation to the processing of your personal data, please contact hello@xpate.com