

 ***Candidate Privacy Policy***

**Data Controller:** Prospero Group Limited, Ground Floor, Public Trust Building, 442 Moray Place, Dunedin 9016, and all other group companies (“the Organisation”).

The Organisation collects and processes personal data relating to its employees to enable it to fulfil its obligations to candidates who engage the Organisation as a recruitment agency. The Organisation is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations. This privacy notice describes how we collect and use personal information about you during and after your working relationship with us, in accordance with the Privacy Act 2020.

**Definitions**

* Personal data is any official data held about an identifiable person that could be used to identify the person including name, date of birth, address etc.
* Third Party is an organisation or person who is not Prospero Group Limited.

**What information does the Organisation collect?**

The Organisation collects and processes a range of personal information about you which is necessary to enable it to perform its duties and obligations. It will ensure the information is held and kept securely. This information may include:

* your name, address and contact details, including email address and telephone number, personal mobile numbers, date of birth and gender;
* the terms and conditions of your employment;
* details of your qualifications, skills, experience and employment history, including start and end dates, with previous employers and with the Organisation;
* details of your bank account and IRD number;
* information about your marital status, next of kin, dependants and emergency contacts;
* information about your nationality and entitlement to work in NZ;

* details of any disciplinary or grievance procedures in which you have been involved, including any warnings issued to you and related correspondence; and
* assessments of your performance, including appraisals, performance reviews and ratings, performance improvement plans and related correspondence.

The Organisation might also collect and process a range of more sensitive types of personal information about you. This might include:

* information about criminal convictions and offences;
* information about your health, including any medical condition, health and sickness records, including:
	+ where you leave employment and the reason for leaving is determined to be ill- health, injury or disability, the records relating to that decision;
	+ details of any sickness absence;
	+ where you leave employment and the reasons for leaving is related to your health
	+ whether or not you have a disability for which the Organisation needs to make reasonable adjustments.

# How is your personal information collected?

The Organisation may collect this information in a variety of ways. For example, data might be collected through application forms, CVs or resumes; obtained from your passport or other identity documents such as your driving licence; from forms completed by you at the start of your engagement with the Organisation; from correspondence with you; or through interviews, meetings or other assessments.

In some cases, the Organisation may collect personal data about you from third parties, such as references supplied by former employers, information from employment background check providers, and information from criminal records checks permitted by law.

Data will be stored in a range of different places, including in your candidate file and in the Organisation’s systems (including the Organisation's email system).

The Organisation will take all reasonable and appropriate steps to ensure all personal information is protected against loss, damage, misuse and unauthorised access.

# Why does the Organisation process personal data?

The Organisation needs to process data to represent you for recruitment purposes.

In some cases, the Organisation needs to process data to ensure that it is complying with its legal obligations. For example, it is required to check a candidates entitlement to work in NZ.

The Organisation may also use your personal information in the following situations, which are likely to be rare:

* where we need to protect your interests (or someone else’s interests); and
* where it is needed in the public interest.

# Situations in which the Organisation will use your personal information.

Processing your personal information allows the Organisation to:

* run recruitment processes;
* check you are legally entitled to work in NZ;
* engage with our clients for the purposes of finding work for you.

# Situations where we will use your sensitive personal information.

In general, we will not process particularly sensitive personal information about you (such as information about your health, racial or ethnic origin, sexual orientation or trade union membership) unless it is necessary for performing or exercising obligations or rights in connection with your prospective employment with our clients. In general, we will only process your particularly sensitive personal information in the circumstances listed below:

* We will use information about your physical or mental health, or disability status to provide our clients with any information they may require to keep you safe in their workplace, to assess your fitness to work, or to facilitate appropriate workplace adjustments. We need to process this information to exercise rights and perform obligations in connection with our obligations to our clients/your prospective employer.

# Change of purpose

The Organisation will only use your personal information 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 information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law. We do not need your consent where the purpose of the processing is to protect you or another person from harm or to protect your well-being and if we reasonably believe that you need care and support, are at risk of harm and are unable to protect yourself.

# Who has access to your personal information?

We may have to share your data with third parties, including clients or prospective clients (being employers or prospective employers of candidates).

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

We may transfer your personal information outside New Zealand.

If we do, you can expect a similar degree of protection in respect of your personal information. It is only accessible to individuals who need access to the information in order to perform their obligations and duties, or to whom we send it in order to elicit their interest in candidates as prospective employees.

Your information may be shared internally, including with members of Prospero staff, if access to the data is necessary for performance of their roles.

The Organisation shares your data with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so. For example, in order to obtain pre-employment references from other employers, obtain employment background checks from third-party providers and obtain necessary criminal records checks.

# How does the Organisation protect data?

The Organisation takes the security of your data seriously. The Organisation has internal policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by its employees in the performance of their duties. The Organisation’s databases have restricted access, and it is limited to those who have need to process data and is securely protected from general access.

Where the Organisation engages third parties to process personal data on its behalf, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and Organisational measures to ensure the security of data.

# Transferring information outside New Zealand

We might need to transfer the personal information we collect about you to countries outside of New Zealand in order to perform our recruitment services for you.

To ensure that your personal information receives an adequate level of protection we have put in place appropriate measures to ensure that your personal information is treated by third parties outside of NZ in a way that is consistent with and which respects NZ law on data protection: If you require further information about our protective measures, you can request it from our DPO.

# For how long does the Organisation keep your personal information?

The Organisation will hold, store and process your personal data for the duration of your engagement with the Organisation for recruitment services. We will retain your data until you advise us that you no longer wish to avail yourself of the Organisation’s recruitment services. Any protected records will be held indefinitely as required under the Public Records Act 2005.

# Your rights

As a reminder you have a number of rights as data subject,:

* 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;
* request the restriction of processing; and
* request the transfer of your personal information to another party.

If you would like to exercise any of these rights, please contact the Organisation email: privacyofficer@prosperogrp.com

# What if you do not provide personal information?

If you engage with the Organisation as a candidate, for recruitment support, you will be asked to provide sufficient personal information to enable the Organisation to provide to clients/your prospective employers.

The Organisation will advise you on what details it is required to provide to its clients. If you do not wish to provide all or some of that information, the Organisation may not be able to adequately represent you.

# Information about criminal convictions

We envisage that we may hold information about criminal convictions.

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. Where appropriate, we will collect information about criminal convictions as part of the recruitment process or we may be notified of such information directly by you in the course of you working for us.

# Rights to Withdraw Consent

Where you provide us with consent in relation to us processing your personal information for the purposes of your candidate registration or recruitment support, you have the right to withdraw your consent for processing for that purpose at any time. To withdraw your consent, please contact the our Privacy officer at: patrick@prosperoteaching.com. Once we have received notification that you have withdrawn your consent, we will no longer process your application and, subject to our retention policy, we will dispose of your personal data securely.

**Privacy Officer**

As required under the Privacy Act s 23, the Organisation has appointed a Privacy Officer to oversee compliance with this privacy notice. The Privacy Officer is responsible for encouraging compliance with the information privacy principles, dealing with requests made under the Privacy Act, working with the Privacy Commissioner in relation to their investigations, and ensuring the Organisation complies with the Privacy Act. The Privacy Officer will give reasonable assistance to an individual who wishes to make an information privacy request.

If the request has not been made in accordance with the requirements of the Act, or not made to the appropriate agency, the Privacy Officer is to offer suitable guidance and ensure they submit the request in accordance with the Act, to the correct agency. Where the request is made to the Privacy Officer and it is believed the request should be transferred they must ensure to transfer the request in accordance with section 39 of the Privacy Act.

If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO on privacyofficer@prosperogrp.com You have the right to make a complaint at any time to the Privacy Commissioner’s Office , the NZ supervisory authority for data protection issues.

Please sign and date this copy, confirming your agreement to the Organisation accessing, storing, and processing data as laid out in this document.

Candidate Name: ………………………………………….………….… Date: ………………………………………….………….…