

Recruitment Privacy Notice

Dated: May 2023

Summary

This recruitment privacy notice is issued by TransPennine Trains Limited trading as TransPennine Express. We are registered as a controller with the Information Commissioner's Office ("ICO") as detailed below.

- We have appointed a Data Protection Officer. They are responsible for our approach to data protection and protecting your privacy. You can contact them at tpe.dataprotection@tpexpress.co.uk.
- We process (i.e. handle) your personal data to:
 - allow us to consider your application to work for us, and to allow us to comply with various legal obligations imposed on us, or where otherwise permitted by law, as set out in this document;
 - if your application is successful, to allow us to undertake checks and to follow up references, prior to confirming any job offer and to allow us to prepare the relevant legal documentation, such as the contract of employment; and
 - if you accept the offer, to manage your contract of employment and to allow us to comply with the legal obligations imposed on us in respect of your employment. Further information on how and why we will process your personal data in the course of managing your employment is set out in our employee privacy notice.
- Under the UK GDPR and the Data Protection Act 2018 (the key data protection laws in the United Kingdom (the "UK")) ("Data Protection Laws"), we are only permitted to process your personal data where we have a lawful purpose to do so (more about this is below). We will only ever process your personal data in compliance with applicable law.
- We may share your personal data with:-
 - third party suppliers (processors) acting on our behalf, to enable us to handle your job application effectively including but not limited to recruitment agencies, and other third parties who carry out pre-

employment checks such as the Disclosure and Barring Service, and occupational health;

- our professional service providers acting under a duty of confidence, where it is necessary to allow us to obtain their professional advice, including but not limited to insurance assessors and legal service providers;
 - other third parties, where necessary to comply with legal, statutory and regulatory obligations imposed on us or where necessary to respond to any complaints or queries, or where necessary to allow us to establish, exercise or defend legal rights, including but not limited to your legal representatives, HM Courts and Tribunals Service, HMRC and other regulatory bodies as appropriate from time to time; and/or
 - if a transfer or change of franchise takes place or is envisaged, we may transfer your personal data, under the Transfer of Undertakings (Protection of Employment) Regulations 2006, to a franchise operator or the operator of last resort as your prospective employer where your application is ongoing, or where we hold your personal data in connection with an unsuccessful application and your personal data is held in accordance with our retention practices. If this happens, we will inform you of this transfer.
- Except as explained in this recruitment privacy notice, we will not share your data with third parties without your prior consent, unless we are required to do so by law.
 - We will retain your personal data for as long as we need it, which is dependent on whether your application is successful.
 - If your application is unsuccessful, we will retain your personal data for a period of 6 months from the date we notified you that your application was unsuccessful.
 - If your application is successful, i.e. you enter into a contract of employment with us in following your application, your personal data will be retained with your employment file, and will usually be retained for a period of up to 6 years from the end of your employment with us, except where we are legally required to retain such information for longer or shorter periods
 - We may transfer your personal data to a recipient located outside of the UK. If we do this, we will ensure that the recipient is subject to either legislation imposing a similar adequate data protection laws, as confirmed by the UK, or is

subject to contractual terms (as approved by the UK) that require the recipient to provide an adequate level of protection.

- You have key rights under laws aimed at protecting your personal data. This privacy notice sets out your rights in respect of your personal data and how can you exercise them.
- You also have the right to make a complaint to the ICO if you are unhappy with how we have handled your personal data. For more information [click here](#).

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This section sets out who we are. It provides some useful information about us including our company number, registered address and Information Commissioner (“ICO”) Registration number.

2 ABOUT THIS PRIVACY NOTICE

This section tells you when this privacy notice applies (e.g. when you apply for a job with us). It also lets you know how and when we will notify you of any updates to this privacy notice.

3 WHAT PERSONAL DATA DO WE COLLECT ABOUT YOU?

This section informs you of exactly what personal data we collect about you and why. This includes information that is provided to us directly by you (or a third party acting on your behalf) as well as information that we gather from other sources.

4 HOW IS YOUR PERSONAL DATA COLLECTED?

This section explains to you the different ways in which we will collect the personal data that you provide to us.

5 PURPOSES FOR WHICH WE WILL USE YOUR PERSONAL DATA

This section explains the purposes for which we will use your personal data that we hold. We also set out what we consider to be the legal basis for processing your personal data for each purpose, this is to ensure that you have all the information that we are required to provide you by law.

6 WHO WILL HAVE ACCESS TO YOUR PERSONAL DATA?

This section explains who will have access to your personal data. It also explains the reason for our employees accessing your personal data.

7 WHO ELSE MIGHT WE SHARE YOUR PERSONAL DATA WITH?

This section informs you of who we share your personal data with. It also explains the reason for sharing; this is largely so that we can provide our services to you.

8 HOW DO WE PROTECT YOUR PERSONAL DATA?

This section explains how we keep your personal data safe and where it will be held. It also explains how we may process your personal data outside of the United Kingdom, but

that we will only do so using recognised mechanisms which offer an adequate level of protection.

9 HOW LONG DO WE KEEP YOUR PERSONAL DATA?

This section explains the length of time that we will retain your personal data. It also explains why we would hold your personal data for such time periods.

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This section explains that you have rights in relation to your personal data. It also explains what these rights are and how you can go about exercising them.

11 COOKIES

This section explains that we do not use cookies, but the Website owner may do, and where you can find further information about the cookies used.

12 WHO CAN YOU ASK FOR MORE INFORMATION?

This section provides you with contact information should you have any questions or concerns about the way we handle your personal data. It also explains how you can contact the ICO should you be unsatisfied with our response to any of your data protection queries or concerns.

1 About us

We are TransPennine Trains Limited trading as Transpennine Express (company number 12544930) registered in England and Wales whose registered offices are at Great Minster House, 2nd Floor Franchise Resilience And Mobilisation Team, 33 Horseferry Road, London, England, SW1P 4DR.

We are registered as a controller with the Information Commissioner's Office (ICO) under registration number: ZB549466.

2 About this privacy notice

This privacy notice applies to any personal data we collect, hold, store, transfer or otherwise use (collectively referred to as "processing") about you where you have applied for a job with us, including via [www.firstgroupcareers.com], or where you otherwise communicate with us.

This privacy notice may change from time to time and, if it does, the up-to-date version will always be available on our Website. We will also notify you about any important changes to our privacy notice that may affect you or how we process your personal data during your job application.

3 What personal data do we collect about you?

This section informs you of what information we collect about you and why. Personal data means any information about an individual from which that individual can be identified, either on its own or in conjunction with other information we hold or can easily access.

We "process" different kinds of personal data about you which we have grouped together as follows:

- **Identity Data** includes first name, surname, username or similar identifier, title, date of birth and gender.
- **Contact Data** includes your postal address, email address and telephone number(s).
- **Statutory Data** means information that we are legally required to collect, including documentary proof of your identity and entitlement to work and National Insurance number.
- **Application Data** includes your career history, education and any professional qualifications and memberships.

- **Special Category Personal Data** includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data. This is only processed to enable us to comply with our legal obligations under equalities legislation in terms of your application, both in respect of determining whether any reasonable adjustments could be made to allow a candidate with a disability to undertake the advertised role, and to avoid any direct or indirect discrimination to applicants during the recruitment process.
- **Communications Data** includes your preferences in receiving information about any future vacancies similar to the role(s) you have applied for.
- We also collect, create, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data is not considered personal data in law as this data will not, either directly or indirectly reveal your identity. An example of Aggregated Data would be where we use information about your health to calculate the percentage of applicants who have a disability. If this Aggregated Data could be combined with other personal data to directly or indirectly identify you, we will treat this as personal data and in accordance with this privacy policy.
- **Criminal Records Data**, which includes information about criminal offences and convictions, This is only processed, where legally permitted by, for example, the Rehabilitation of Offenders Act 1974, to ensure and evidence your suitability for the role you have applied for. This information will only be retained for a period of 6 months following the conclusion of your application.
- **Other data collected as a result of other pre-employment checks**, including but not limited to references] Disclosure & Barring Service and occupational health.

Unless where you have provided it to us, we will not seek to collect or otherwise process your Special Category Personal Data (including information about your health) or Criminal Records Data, except where:

- we have obtained your prior explicit consent to allow us to process your Special Category Personal Data
- you have volunteered this information and our processing is necessary for compliance with a legal obligation imposed on us, for example, the legal requirement to make reasonable adjustments or to avoid discrimination, and where it's also needed for a substantial public interest reason and/or for a social protection law reason; or

- the processing is necessary for the detection or prevention of crime (including the prevention of fraud) but only to the extent permitted by applicable law.

You can read more about these lawful reasons for processing this more sensitive type of data about you in the relevant sections below. We will also rely on this data being needed for the contract or for legitimate interests or for compliance with other legal obligations (in addition to the special lawful reasons mentioned above).

4 How is your personal data collected?

We use different methods to collect data from and about you including through:

Direct interactions:

We collect personal data about you if you fill in forms on the Website or correspond with us by telephone, email, live chat, social media or otherwise. This includes information you provide when you send us your CV or during any interview. Where you use a third party to make an application on your behalf, we will treat any information they provide on your behalf as if you had provided it.

We may also ask you to share your personal data with us, for example, during any interview, or to allow us to comply with a legal obligation, for example, evidence of an entitlement to work.

Whilst we do not collect any personal data or use cookies, FirstGroup, who operate the website we use for recruitment services, use cookies. For more information, please see their privacy policy.

Information we receive from other sources:

We will not normally process any personal data from third parties unless your application is successful, in which case, we may collect personal data from third parties to allow us to comply with our legal obligations (such as criminal records checks), or where you have consented to us processing such information (e.g. obtaining references). We may also undertake checks using third parties to validate information you have provided to us as part of your application, such as qualifications.

5 Purposes for which we will use your personal data

We must have a legal basis for processing your personal data. We consider that we have a legal basis where:

- it is necessary for us to do so to take steps at your request prior to entering into a contract with you, for example, to consider your job application prior to considering whether to offer you a job, or to prepare a contract of employment;
- it is necessary in order to fulfil our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests; or
- the law otherwise permits or requires it.

Where your personal data is deemed to be special category personal data or criminal conviction data, we must also rely on a separate condition for processing that data. We consider we have a condition for processing your special category data and your criminal conviction data where:

- it is necessary for the purposes of carrying out our obligations and exercising your or our specific rights in the field of employment and social security and social protection law in so far as it is authorised by domestic law providing for appropriate safeguards to your fundamental rights and the interests;
- it is necessary for compliance with a legal obligation imposed on us (the Health and Safety at Work Act 1974);
- it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller (i.e. to protect publicly owned assets);
- it is necessary to fulfil our legitimate interests (or those of a third party), and your interests and fundamental rights do not override those interests; or
- the law otherwise permits or requires it.

Schedule 1 sets out a summary of the personal data we process as part of any application process, together with the reasons why it is processed and the lawful purposes we consider permits that processing activity. In some cases we may use more than one legal basis for processing your personal data; this will depend on the specific purpose for which we are using your personal data. Please [contact us](#) at Tpe.dataprotection@tpexpress.co.uk if you have any queries about the specific legal basis that we rely on for processing your personal data.

6 Communications

This section is to explain how we will ensure that you only receive communications that you wish to receive.

We will use your personal information to send you information about:

1. your application; or
2. other vacancies where we have your consent to send you these messages by email or SMS.

7 Who will have access to your personal data

This section is to explain who, within TransPennine Trains Limited, will have access to your personal data. Your personal data will only be seen or used by our employees who have a legitimate business need to access your personal data to progress your application, and if it is successful, to undertake such steps as is necessary to ensure that you are able to commence working for us.

We take your privacy seriously and have implemented appropriate physical, technical and organisational security measures designed to secure your personal data against accidental loss, destruction or damage and unauthorised access, use, alteration, or disclosure.

8 Who else might we share your personal data with

This section will inform you of who we share your personal data with and why. Except as explained in this privacy notice, we will not share your personal data without your consent unless legally required to do so by law or where we are otherwise permitted by the Data Protection Laws.

We may share your personal data with you, and where appropriate, your family, your associates, and your representatives, for example, your referees.

We may disclose your personal data to the Police or any other law enforcement agency or court to the extent necessary for purposes including preventing, investigating, detecting, and prosecuting criminal offences; preventing threats to public security in accordance with applicable law.

We may also share your personal data with our professional advisors, where they are subject to a professional obligation of confidentiality, to allow them to advise us. This could include our lawyers, accountants, insurers, insurance assessors and/or auditors.

We may also share your personal data with other third parties where necessary to comply with legal, statutory and regulatory obligations imposed on us or where necessary to respond to any complaints or queries, or where necessary to allow us to establish, exercise or defend legal rights, including but not limited to your legal representatives, HM Courts and Tribunals Service, HMRC, and other regulatory bodies as appropriate from time to time.

Your personal data may be processed by the following third-parties on our behalf, to assist us with the recruitment process:

- First Group, who operate our website on our behalf.
- Disclosure and Barring Service, where legally permitted and only for certain roles, to ensure and evidence your suitability for the role you have applied for.
- Occupational Health, only in relation to pre-employment health and drug and alcohol testing.

They will be subject to contractual obligations to treat your personal data as confidential and to ensure that they have implemented adequate measures to protect it from a risk of loss or accidental damage.

If a transfer or change of franchise operation takes place or is envisaged, we may transfer your personal data, under the Transfer of Undertakings (Protection of Employment) Regulations 2006, to a franchise operator or the operator of last resort where your application is ongoing, or where we hold your personal data in connection with an unsuccessful application and your personal data is held in accordance with our retention practices. If this happens, you will be informed of this transfer.

9 How do we protect your personal data?

This section explains how we keep your personal data safe and where it will be held.

We take your privacy seriously and are committed to maintaining the privacy and security of the personal data you provide to us, and the choices you have regarding our collection and use of your personal data.

Once we have received your personal data, we follow strict security procedures as to how your personal data is stored and used, and who sees it, to help stop any unauthorised access, loss or damage to your personal data.

The information that we collect from you may be transferred to and processed by a recipient located outside the United Kingdom (**UK**).

Where your personal data is transferred from the UK to a recipient located in a country not recognised by the UK as providing an adequate level of protection for personal data, we shall only do so where legally permitted, including, where required, using a framework recognised by the United Kingdom to provide an adequate level of protection for personal data. This could including using, for example, the UK's standard International Data Transfer Agreements (IDTAs), and in all cases, only where we are satisfied that any personal data that may be transferred outside the UK will be secure.'

Unfortunately, the transmission of your personal data via the internet is not completely secure and although we do our best to protect your personal data, we cannot guarantee the security of your data transmitted to us over the internet and you acknowledge that any transmission by you of your personal data is done at your own risk.

10 How long do we keep your personal data?

This section explains the length of time that we will retain your personal data.

We will keep your personal data for no longer than is necessary for the purposes for which it was obtained. The criteria for determining the duration for which we will retain your personal data will be dependent on whether or not your application is successful and/or you are subsequently employed by us.

If your application is unsuccessful, you withdraw your application or decide not to accept a job offer, we will retain information relating to your job application for normally a period of 6 months after the conclusion of your application.

If your application is successful, information gathered during your job application will be retained on your employment file for a period of 6 years following the end of your employment, except where we are legally required to retain such information for shorter or longer time periods. Further information about how long we retain information about your employment is contained in our employee privacy notice.

Any information obtained as a result of a Criminal Records check search will be retained for only 6 months from either the date you accept our job offer; or the withdrawal of any job offer, or you decide not to accept our job offer.

After these periods your personal data will be securely destroyed, or in limited situations, may be anonymised so that you can no longer be identified from such information, either on its own or in conjunction with other information we hold or can easily access.

We may also retain personal data about you for statistical purposes (for example, allow us to monitor and evidence our compliance with equality legislation). Where this data is retained for statistical purposes it will always be anonymised, meaning that you cannot be identifiable from that data, either on its own or in conjunction with any other information we hold.

11 What are your rights?

This section explains that you have a number of rights in relation to your personal data. There are circumstances in which your rights may not apply. You have the right to request that we:

- provide you with a copy of the information we hold about you;
- be informed as to how and why we process your personal data, including where we use any automated decision-making systems;
- update any of your personal information if it is inaccurate or out of date;
- delete any personal data we hold about you;
- restrict the way in which we process your personal data;
- be provided with an electronic copy of any of your personal data we hold that can be shared or transferred to a third party;
- stop or restrict the processing of your personal data if you have valid objections to such processing; and
- withdraw any consent you have previously provided us to allow us to process your personal data.

For more information on your rights and how to use them, or if you would like to make any of the requests set out above, please contact our data protection officer by email on Tpe.dataprotection@tpexpress.co.uk.

Please note that not all of the above rights may apply, depending on why we process your personal data. If this is the case, we will explain the reasons why we are unable to comply with your request when we respond to it.

We will seek to respond to all such requests within one month. where the request is particularly complex, we may contact you within that month to notify you that we are extending the deadline for responding by a further month.

We may need additional information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that we comply with our obligations under the Data Protection Laws to protect your personal data.

Where your request is complex or unclear, we may also contact you to seek clarification of your request to allow us to progress your request.

You will not normally have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

12 Who can you ask for more information?

If you have any questions or concerns about how we handle your personal data, or wish to exercise your rights over your personal data, you can contact us via our data protection officer. Our Data Protection Officer is responsible for ensuring that we process your personal data lawfully and in full compliance with the Data Protection Laws, and can be contacted by email at Tpe.dataprotection@tpexpress.co.uk.

If you are not satisfied with our response to any data protection issues you raise with us or any request you have made you have the right to refer the matter to the [Information Commissioner's Office \(ICO\)](#). The ICO is the statutory regulator in the UK tasked with ensuring that organisations comply with data protection laws. However, they will not normally investigate a complaint until you have first contacted us.

Schedule 1

TYPE OF PERSONAL DATA	WHAT IT MAY BE USED FOR	LAWFUL PURPOSE
Personal contact details such as name, title, address, telephone numbers and email address	To contact you during the recruitment process. If you are successful, these contact details will be used to populate your HR records.	<p>Necessary to take steps at your request prior to entering into a contract with you.</p> <p>Necessary to comply with legal obligations imposed on us, such as preparing a contract of employment if successful, as well as to validate your identity.</p>
Date of birth	For equal opportunity monitoring and reporting, to ensure compliance with our legal obligations	<p>Necessary to comply with legal obligations imposed on us, such as legal obligations in respect of the age of employees,</p> <p>Necessary to take steps at your request prior to entering into a contract with you including to validate your identity.</p>
Documentary Proof of identity e.g. passport, visa, driving license	To verify your identity and to confirm your entitlement to work in the United Kingdom	Necessary to comply with legal obligations imposed on us.
National Insurance Number	To ensure that, if your application is successful, we can pay the correct tax and national insurance.	Necessary to comply with legal obligations imposed on us.
Education, qualifications and training records	To ensure you have the correct qualifications and skills to perform the role you have applied for	<p>Necessary to take steps at your request prior to entering into a contract with you.</p> <p>Necessary for the purposes of the legitimate interests pursued by the us or by a third party, except where such interests are overridden by your interests or rights and freedoms which require protection of personal data.</p>

TYPE OF PERSONAL DATA	WHAT IT MAY BE USED FOR	LAWFUL PURPOSE
Professional membership records	To ensure you have the relevant memberships required or desirable in order to perform the role you have applied for	<p>Necessary to take steps at your request prior to entering into a contract with you.</p> <p>Necessary for the purposes of the legitimate interests pursued by the us or by a third party, except where such interests are overridden by your interests or rights and freedoms which require protection of personal data.</p>
References, CVs, cover letters and work history	To ensure and evidence your suitability for the role you have applied for	<p>Necessary to take steps at your request prior to entering into a contract with you.</p> <p>Necessary for the purposes of the legitimate interests pursued by the us or by a third party, except where such interests are overridden by your interests or rights and freedoms of the data subject which require protection of personal data.</p>
Criminal records checks	Where legally permitted, to ensure and evidence your suitability for the role you have applied for	<p>Your consent (only if the above purposes do not apply).</p> <p>Where the processing is authorised by the Rehabilitation of Offenders Act and/or Safeguarding Vulnerable Groups Act or other legislation.</p>

TYPE OF PERSONAL DATA	WHAT IT MAY BE USED FOR	LAWFUL PURPOSE
Race, gender, sexual orientation, disability, nationality or ethnic origin and religious or philosophical beliefs	For equal opportunity monitoring and reporting,	Necessary for the purposes of carrying out our obligations and exercising your or our specific rights in the field of employment and social security and social protection law (equalities legislation) in so far as it is authorised by domestic law providing for appropriate safeguards to your fundamental rights and the interests.
Health records	To ensure suitability for certain safety critical roles and to ensure employee safety in the workplace and to provide appropriate adjustments, both during the application process and in the workplace	Necessary for the purposes of carrying out our obligations and exercising your or our specific rights in the field of employment and social security and social protection law (equalities and health and safety legislation) in so far as it is authorised by domestic law providing for appropriate safeguards to your fundamental rights and the interests.
Location data (e.g. records of entry and exit to the building and, in case of emergency, fire evacuation)	To ensure that, in case of emergency, all parties within the building have been safely evacuated	Necessary for compliance with a legal obligation imposed on us (the Health and Safety at Work Act 1974).
CCTV footage (e.g. when attending the premises for interviews or assessments)	To ensure building security and safety (e.g. to investigate any reports of incidents)	Necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller (i.e. to protect publicly owned assets).
Any personal data	To allow us to exercise, establish or defend legal rights.	<p>Necessary for the purposes of the legitimate interests pursued by the us or by a third party, except where such interests are overridden by your interests or fundamental rights and freedoms (the prevention and/or detection of criminal).</p> <p>Necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller (i.e. to protect publicly owned assets).</p> <p>Necessary for the purposes of the legitimate interests pursued by the us or by a third party, except where such interests are overridden by your interests.</p> <p>As permitted under Schedule 2 of the Data Protection Act 2018.</p>

