EXTRA GDPR NOTES ABOUT APPLICANTS & EMPLOYEES

How long should we keep personal details of ex-employees?

We believe a year is more than sufficient. After an employee has left, is there any reason for you to keep their details? We recommend that after a year you just keep the name of the ex-employee and a record of the date they started in your employment and the date they left. These details could potentially be needed for a future reference - but we cannot see the reason for keeping someone’s address, data of birth, bank details etc...

How about candidates who apply for a role. How long should we keep CVs on file for?

The GDPR does not set out any specific minimum or maximum periods for retaining personal data. It says that, “Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those

purposes.” Therefore, you need to look at what you are using the data for and determine what the necessary time period for you to keep the data is.

For example, if a candidate is unsuccessful for a role, do you need to keep their details on file at all? Likewise, if a candidate is successful they will become an employee and you can keep their history and background details on file.

For potential candidates, if you store their data it is advisable to notify them that you will be doing this and will be in touch about future roles. At this point you can give them the option to delete their details from your file.

Can we collect publicly available information - name, email, contact details - and create a database of this publicly available information?

You can, but you need consent to do so. The information is publicly available, but they have not consented for you personally to ‘process’ their information. Therefore, you need to let the individual know what you are planning to do with the information and give them the chance to opt-in. You cannot just start marketing to them. Once you have their

consent you can continue to send emails, as long as you give them the chance to opt-out.

What happens if someone applies for a job through LinkedIn? Generally, you can see a candidate’s LinkedIn profile who applied for a job? Is that profile under GDPR as it is in the public domain?

See above answer first.

Social media is tricky. We would think that when the GDPR comes into force, platforms such as LinkedIn will need to safeguard themselves, i.e. have in their guidelines to tell users that information they share will be available to third parties. If this is done or not though, you must make sure that when you first email someone with details in the public domain you give them the opportunity to ‘opt-in’ to further communications from you.