
Data Protection Standard

PIMS.01.02.04

Recruitment Privacy Notice

Data Protection Officer (DPO)
Trenitalia UK Limited (TUK)
Cutlers Court, 2nd Floor
115 Houndsditch
London EC3A 7BR

Issue History

Version	Date	Author (Role Title)	Comments
1	23-May-2018	HR Business Partner	Initial release
2	02-Jan-2019	Data Protection Officer	Minor amendments and renumbered
3	31-Mar-2022	Data Protection Officer	Document rewrite following changed ICO guidance - Renamed from Candidate Privacy Notice

Release Control

Prepared by (Role Title)	Authorised by (Role Title)	Date Approved for Release
HR Business Partner	Business Change Director/Acting HR Director	23-May-2018
HR Business Partner	Business Change Director/Acting HR Director	02-Jan-2019
HR Resourcing Manager / Data Protection Officer	HR Director / Cyber Security Committee	15-May-2022

Document Review and Audit

This Privacy Notice will be reviewed by the Data Protection Officer (DPO) at least every 18 months.

Document Review

Additional reviews will take place when any of the following occur:

- Introduction of new or alteration to existing methods of working
- Internal reorganisation or restructuring
- After any incident or audit that highlights the need for review of systems and procedures relating to this policy/procedure
- Any relevant changes in legislation, industry standards or best practises

Audits

- Regular and ongoing audits will be undertaken by the DPO to ensure continued compliance with this policy
- Audits will be documented and logged in the Privacy Information Management System. Audit reports and recommendations will be submitted to the relevant functional director and relevant Cyber Security Committee for evaluation and monitoring of recommendations to their successful conclusion.
- Persistent and repeated breaches of this policy will be referred to the DPO for onward escalation to the relevant functional director and relevant Cyber Security Committee

References

- [Data Protection Act 2018](#)
- PIMS.01.01 - Data Protection Policy
- Information Commissioner's Office (ICO),
 - [Guide to Data Protection](#)

Glossary of Terms and Abbreviations

A Glossary of Terms and Abbreviations for ALL Data Protection Standards can be found [here](#).

Data Protection Principles

Trenitalia UK (TUK) and Trenitalia c2c (C2C) complies with its obligations under the Data Protection Act 2018 (DPA) and the UK General Data Protection Regulation (UK GDPR).

This includes the following data protection principles:

- Lawfulness, fairness and transparency
 - The personal data shall be processed lawfully, fairly and in a transparent manner
 - Purpose limitation
 - Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
 - Data minimisation
 - Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed
 - Accuracy
 - Personal data shall be accurate and, where necessary, kept up to date
 - Storage limitation
 - Personal data shall be kept in a form which permits identification of data subjects for no longer that is necessary for the purposes for which the personal data are processed
 - Integrity and confidentiality (security)
 - Personal data shall be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures
 - Accountability
 - TUK/C2C and all employees shall be responsible for and be able to demonstrate compliance with data protection legislation
-

Table of Contents

Release Control	2
Document Review and Audit	2
Document Review	2
Audits	2
Glossary of Terms and Abbreviations	3
Data Protection Principles	3
Table of Contents	4
1. Introduction	5
2. Scope	5
3. How do we obtain your personal data?	5
4. What personal data we process about you and why	6
5. Lawful basis for processing your personal data	7
5.1 Special category data	7
5.2 Criminal convictions and offences	7
6. How long we keep your personal data	8
7. Data sharing	8
8. Do we use any data processors	8
9. Your rights in relation to your personal data that we process	8
10. Transfers of personal data	9
11. Further information	9
11.1 Applications automatically declined	9
11.2 Reserve lists	9
11.3 Occupational health - including drugs screening	10
11.4 Criminal records check	10
11.5 Train driving licences and certificates	10
11.6 Requests for references	10
11.7 Disclosures under the Freedom of Information Act	10
Appendix "A" - Data Processors	11

1. Introduction

As employers, Trenitalia UK Limited (TUK) and Trenitalia c2c Limited (C2C) must meet their contractual, statutory and administrative obligations. TUK and C2C are committed to ensuring that the personal data of our prospective employees and current employees is handled in accordance with the principles set out in the UK Information Commissioner's [Guide to Data Protection](#) and our data protection policies, procedures and processes.

This privacy notice advises you what to expect when TUK/C2C collects personal data about you. It applies to all prospective employees and current employees who apply for advertised vacant positions within the respective organisation. The personal data we will process about you will vary depending on your role you have applied for and personal circumstances.

Your employer (either TUK or C2C) is the data controller for the personal data it processes unless this notice specially states otherwise.

Data Protection Officer (DPO):

TUK and C2C have appointed a Data Protection Officer to ensure we protect personal data of our employees and others. Their duty is to protect the data protection rights and freedoms of individuals and monitor both TUK's and C2C's compliance with data protection legislation.

Our DPO: Andy Stewart-Wright

Email: dpo@c2crail.net

Phone: 0330 109 8130

Office address: DPO, Trenitalia, 2nd Floor, Cutlers Court, 115 Houndsditch, London EC3A 7BR

When appropriate we will provide you a "just in time" privacy notice to cover any additional processing activities not mentioned in this notice.

2. Scope

In this notice we will advise:

- How do we obtain your personal data
- What personal data we process about you and why
- Lawful basis for processing your personal data
- How long we keep your personal data
- Data sharing
- Do we use any data processors
- Your rights in relation to your personal data that we process
- Transfers of personal data

3. How do we obtain your personal data?

We obtain personal data about you from the following sources:

- Directly from you
 - From an employment/recruitment agency
 - From your employer if you are a secondee
 - From your apprenticeship sponsor if you are an apprentice
 - From your referee
 - From Disclosure & Barring Service
 - From Occupation Health and other health providers
 - From Her Majesty's Revenue and Customs
-

- From providers of training and education services, including schools and colleges
- From other train operators
- From the OPC, psychometric assessments
- From the Office of Rail and Road - Train driver licences etc.,
- From other third parties from time to time

4. What personal data we process about you and why

We use the following information about you in our recruitment processing activities:

- Personal contact details such as your name, address, contact telephone numbers and personal email addresses
- Copies of your driving licence, passport, birth certificate and proof of current address, such as a bank statement or council tax bill
- Evidence of how you meet the requirements of the job, including CVs and online job application forms
- Evidence of your right to work in the UK and immigration status including proof of your national insurance number
- Diversity and equal opportunities monitoring information – this can include information about your race or ethnicity, religious beliefs, sexual orientation, disability and other ‘special category data’
- Information about your health, including any medical needs or conditions
- If you contact us regarding your application, a record of that correspondence
- Details of your use of our recruitment tools and services, such as your recruitment profile and alerts for vacancies
- The status of your application and updates on how it moves forward
- Occupational licence details e.g., EU train drivers licence / CCTV operator’s licence etc.,
- Marital status
- Employment and education history including your qualifications
- Employment and personal references
- Details of any criminal convictions that you declare
- Location of current and previous employment
- Details of any secondary employments
- Security clearance details including basic checks and higher security clearance details according to your job role
- Other information required for some applications

Why is this information used?

- To process your recruitment application
- To move your application forward through the recruitment processes
- To check that you are the right person for the job role
- To check that you have the relevant training, education, experience and skills to undertake the job role
- To check that you are who you say you are
- To check that you are medically fit to undertake the job role
- To check that you can work for us legally in compliance with UK legislation
- To check that you meet rail industry standards for the role you are applying

5. Lawful basis for processing your personal data

Depending on the recruitment activity, we rely on the following lawful basis for processing your personal data under the UK GDPR:

- Consent - where you have given consent to the processing of your personal data for one or more specific purposes - Article 6(1)(a)
- Contract - where processing is necessary for the performance of a contract (normally employee or service contact) - Article 6(1)(b)
- Legal obligation - where processing is necessary for compliance with a legal obligation where TUK/C2C is your employer - Article 6(1)(c)
- Legitimate interest - where processing is necessary for the legitimate interest persuaded by TUK/C2C - Article 6(1)(f).

5.1 Special category data

Where the information we process is special category data, for example your health data, the additional bases for processing that we rely on are:

- Explicit consent - where you have given your explicit consent to the processing of your personal data for one or more specific purposes - Article 9(2)(a)
- Employment, social security, and social protection - which relates to TUK/C2C carrying out our obligations and exercising our rights in employment and the safeguarding of your fundamental rights - Article 9(2)(b)
- Made public by the data subject - where you have manifestly made your personal data public - Article 9(2)(e)
- Legal claims or judicial acts - where necessary for the establishment, exercise, or defence of a legal claims - Article 9(2)(f)
- Health or social care - where necessary for the purposes of preventative or occupational medicine and assessing your working capacity as an employee - Article 9(2)(h)

In addition, we rely on processing conditions in Schedule 1 part 1 paragraph 1 and Schedule 1 part 1 paragraph 2(2)(a) and (b) of the Data Protection Act 2018. These relate to the processing of special category data for employment purposes, preventative or occupational medicine and the assessment of working capacity as an employee.

Our [Processing Special Category and Criminal Convictions and Offences Data Policy](#) provides further information about this processing.

5.2 Criminal convictions and offences

We process information about prospective employees and current employees' criminal convictions and offences. The lawful basis we rely on to process this data are as follows:

- Article 6(1)(b) which relates to processing necessary for the performance of a contract. In addition, we rely on the processing condition at Schedule 1 part 1 paragraph 1 of the Data Protection Act 2018.

Our [Processing Special Category and Criminal Convictions and Offences Data Policy](#) provides further information about this processing.

6. How long we keep your personal data

TUK/C2C will hold your personal data compliant with legislation requirements and for such periods as set out in our data retention policy. We only retain your personal information for as long as necessary to fulfil the purpose(s) for which it was collected.

For the purposes of recruitment of a successful applicant, we will retain the supporting recruitment information for up to three years. Unsuccessful applicants' personal information will be removed from our records after 12 months from your most recent application.

We will actively review the personal data we hold and delete it securely or in some cases anonymise it when there is no longer a legal basis or purpose for the data to be retained.

Our [Data Retention Policy and Retention Schedule](#) provides further information.

7. Data sharing

Your information may be shared internally, including with members of Human Resources; Learning and Development, Recruitment, Payroll, Finance, Health and Safety, IT, your potential Line Manager Occupational Health, and others who are dealing with issues in relation to yourself if access to the data is necessary for the performance of their roles.

TUK/C2C shares your data with third-party providers and obtains necessary criminal records checks from the Disclosure and Barring Services. In these circumstances the data will be subject to confidentiality agreements.

TUK/C2C also shares your data with third parties, for legal and contractual purposes, that process data on its behalf in connection with various purposes including payroll, such as Her Majesty's Revenue and Customs. For the provision of occupational health services with our nominated contractor - please contact our DPO for who this is at any given time.

We will only share your relevant information with partners or suppliers where there is a valid reason to do so and who have sufficient measures and procedures in place to protect your information and can meet their legal obligations under the data protection legislation. These requirements are set out in contracts or information/data sharing agreements.

8. Do we use any data processors

TUK/C2C use external data processors, a list of which can be found in [Appendix "A"](#) below. Note that this list is not exhaustive and at times will go out of date. Therefore if you require further information, please contact our DPO via email dpo@c2craail.net, telephone 0330 109 8130 or use this [link](#) and complete the online form.

9. Your rights in relation to your personal data that we process

As an individual you have certain rights regarding our processing of your personal data, including a right to lodge a complaint with the Information Commissioner's Office as the relevant supervisory authority for data protection within the UK.

- Your right of access
 - You have the right to ask us for copies of your personal data. There are some exemptions, which means you may not always receive all the information we process
 - Your right to rectification
 - You have the right to ask us to rectify information you think is inaccurate. You also have the right to ask us to complete information that you think is incomplete
 - Your right to erasure (be forgotten)
 - You have the right to ask us to erasure your personal data in certain circumstances
 - Your right to restriction of processing
 - You have the right to ask us to restrict the processing of your information in certain circumstances
-

- Your right to object to processing
 - You have the right to object to processing if we are able to process your information because the process forms part of TUK/C2C legitimate interests
- Your right to data portability
 - This only applies to information you have given TUK/C2C. You have the right to ask that we transfer the information you have given us from one organisation to another or give the information to you. This right only applies if we are processing information based on your consent or under, or in talks about entering into a contract and the processing is automated

You are not generally required to pay a charge for exercising your rights. However, a 'reasonable fee' could apply if the request is manifestly unfounded or excessive or individuals request further copies of their data. We normally have one month to respond to your request. Contact our DPO via email dpo@c2craill.net, telephone 0330 109 8130 or use this [link](#) and complete the online form. Alternatively, you can of course speak to your line manager to exercise your rights.

10. Transfers of personal data

We do not routinely transfer employee personal data overseas but when this is necessary, we ensure that we have appropriate safeguards in place.

TUK/C2C will only transfer your personal data outside the UK if there are adequate safeguards and controls in place. These controls are either "Adequacy Regulations" or "Standard Contractual Clauses".

11. Further information

11.1 Applications automatically declined

During the recruitment process you may be asked eligibility questions dependent on the role that you have applied for. You will not have to disclose sensitive information, and everyone still has an equal opportunity to apply. The system may automatically decline your application if you do not meet the eligibility criteria.

As an example, if you are applying for the role of a Driver, and you are under the age of 21, your application will be declined as there is a minimum age limit to perform train driving roles.

You have the right to challenge this decision by contacting our recruitment team via email. Please contact them via c2c.recruitment@c2craill.net or alternatively please contact our Data Protection Officer details above.

11.2 Reserve lists

For some job roles, we may maintain a reserve list of candidates who met our requirements but were not successful in securing the specific post they applied for.

If we believe that you may be able to join us at a future date, we will ask for your consent to be added to our reserve list for the same or similar suitable roles.

We will refer to the list when other roles are advertised and may contact you if we believe you match the role requirements and will ask for your consent to be put forward for this role.

11.3 Occupational health - including drugs screening

During the recruitment process you may be referred to occupational health. This may result in a face-to-face consultation, a telephone appointment with an occupational healthcare professional and or a medical report from a GP or specialist.

As a train operator, C2C must follow railway group standards. To this effect, some employees are subject to drug and alcohol screening as follows:

- Employees that perform safety critical roles may be tested for Drugs and Alcohol without notice at any time
- Employees that perform safety critical roles who are involved in an Accident or Post Incident
- Prospective employees that perform safety critical roles will be tested for Drugs and Alcohol as part of the application process
- Employees who transfer or are promoted to a safety critical role and are not currently undertaking safety critical work will be subject to a drug and alcohol test before such transfer or promotion
- Employees where there is a cause or reasonable suspicion that they are under the influence of drugs or alcohol whilst at work

For the provision of occupational health services with our nominated contractor - please contact our DPO for who this is at any given time. A link to their privacy notice can be found in [Appendix "A"](#) below.

11.4 Criminal records check

We use the Disclosure and Barring Services to undertake "basic" criminal records checks for all new employees to TUK/C2C. These checks are made to ensure that your declaration of criminal convictions is correct and up to date at the time of your declaration. These records are treated in confidence.

11.5 Train driving licences and certificates

All train drivers on the GB mainline railway must by law have a valid train driving licence and complementary certificate to drive mainline trains. C2C will keep a register of your licence and certificates and liaise with the Office of Rail and Road, accordingly, providing relevant information to ensure the licence and certification remain valid.

11.6 Requests for references

We will ask your current or previous employers for references. For example, we may ask them to confirm the dates of your employment, your job role and your reason for leaving. Before being employed by C2C/TUK, we will seek your consent to request references and agree a suitable date/time for them to be requested.

11.7 Disclosures under the Freedom of Information Act

Although TUK/C2C are not public authorities, we may receive information requests under the Freedom of Information Act (2000) via the Department for Transport. We do not directly respond to Freedom of Information requests from third parties. Personal data is not provided to the DfT. If such a request were received, this would be anonymised before being provided.

Appendix “A” - Data Processors

Data processors are third parties who provide certain parts of our employee services for TUK/C2C. We have contracts in place with them and they cannot do anything with your personal data unless TUK/C2C have instructed them to do so.

Our current main employee data processors are listed below. We appreciate that this list is not exhaustive and at times will go out of date. Therefore if you require further information, please contact our DPO via email dpo@c2craail.net, telephone 0330 109 8130 or use this [link](#) and complete the online form.

System or processing name	Purpose of processing	Provider	Link to processors privacy notice
Employment Website	Employment website/ jobs board for listing company vacancies	Indeed	Privacy Policy
Employment Website	Professional networking and career development website. Provides careers board to list company vacancies	LinkedIn	Privacy Policy
Google Workspace	Provision of email and other collaboration tools including Gmail, Calendar, Meet, Chat, Drive, Slides, Sheets, Forms, Sites etc.,	Google LLC	Privacy Notice
HMRC	For the provision of tax, national insurance and other statutory benefits and deductions	Her Majesty's Revenue and Customs	Privacy Notice
iTrent	Human Resources and Payroll administration system	MHR	MHR UK Privacy Notice
Manual records - long term storage	Document storage - paper records	Iron Mountain	Privacy Policy
Occupational Health	Occupational Health provider used for pre-employment medicals, management referrals and railway medicals including drug and alcohol testing services	Please contact our DPO for who this is at any given time	
Psychometric assessments	Providing psychometric assessments for driver grades and others within the business when appropriate	The Occupational Psychology Centre (OPC)	Privacy Notice
Recruitment agency	External provider of candidates for vacant positions within TUK/C2C	Coburg Banks Ltd	Privacy Policy
Recruitment agency	External provider of candidates for vacant positions within TUK/C2C	Ford and Stanley Group	Privacy Policy
Recruitment agency	External provider of	Ganymede Solutions Ltd	Privacy Notice

	candidates for vacant positions within TUK/C2C		
Recruitment agency	External provider of candidates for vacant positions within TUK/C2C	Intuitive Talent Solutions	Privacy Policy
Recruitment agency	External provider of candidates for vacant positions within TUK/C2C	Kennedy Pearce Consulting Ltd	Privacy Policy
Recruitment agency	External provider of candidates for vacant positions within TUK/C2C	Portfolio Payroll	Privacy Policy
Recruitment agency	External provider of candidates for vacant positions within TUK/C2C	Twin Computer Personnel	
Smartsheet	Collaboration and work management tool. It is used to assign tasks, track project progress, manage calendars, share documents, and manage other work, using a tabular user interface	Smartsheet Inc.	Privacy Notice
Train Drivers Licensing	Issuing and regulating train driver licences in accordance with the Train Driving Licences and Certificates Regulation 2010	Office of Rail and Road (ORR)	Privacy Notice