

PUBLIC

# Candidate Privacy Notice

Document No. RSM-HR-N-023

Version. 3.0

Dated. October 2024

# Document Information

<b>Title</b>	Candidate Privacy Notice	<b>Version</b>	3.0
<b>Date</b>	17 <sup>th</sup> October 2024		
<b>Document No.</b>	RSM-HR-N-023		
<b>Classification</b>	Public		
<b>Prepared by</b>	HR	<b>Document Owner</b>	HR

## Distribution:

- Controlled copies of the document will be made available to all Candidates of the entity.
- Uncontrolled copies may be issued to any external party with the consent of the Human Resources Manager.

## Revision history:

Sr. No.	Date	Version No.	Updated by	Reviewed by	Approved by
1	29/08/2018	V1	Data Protection Officer	HR Committee	HR Committee
2	06/10/2023	V2	Data Protection Officer	HR Committee	HR Committee
3	17/10/2024	V3	Data Protection Officer	HR Committee	HR Committee

## 1. Introduction

- 1.1 This Privacy Notice (hereafter referred to as the "Notice") sets out the way in which RSM Malta (hereafter referred to as the "Data Controller", "Firm", "we" or "us"), collects and processes Personal Information relating to candidates, as well as the steps we take to protect such information. We take data protection seriously and are committed to managing your personal data in compliance with the General Data Protection Regulation (the "GDPR"), (Regulation (EU) 2016/679) and the Data Protection Act (Cap 586) of the Laws of Malta.

## 2. Scope and purpose

- 2.1 This Notice applies to all Candidates in respect of vacancy/s for any role/s within the Firm. Its purpose is to provide an explanation of how we collect and use your personal data, as well as our reasons for such use. Additionally, this Notice outlines your rights under the Applicable Data Protection Law and provides further information regarding the security measures adopted to ensure confidentiality of information in connection with our recruitment processes.

## 3. Controller Details

- 3.1 The Controller of the Candidates' personal data collected or generated during the recruitment process is RSM Malta.

### Our Contact Details:

- a) *Post:* Mdina Road, Zebbug, Malta, ZBG 9015, MT
  - b) *Email address:* [info@rsmmalta.com.mt](mailto:info@rsmmalta.com.mt)
  - c) *Telephone:* (+356 2278 7000)
- 3.2 The Firm has appointed a Data Protection Officer ("DPO") who is responsible for overseeing matters in relation to data protection including this Notice. If you have any queries relating to this Notice, including any requests to exercise your rights, you can contact our DPO at the following address:
- a) *Post:* Data Protection Officer, RSM Malta, Mdina Road, Zebbug, Malta, ZBG 9015, MT
  - b) *Email address:* [dataprotection@rsm.com.mt](mailto:dataprotection@rsm.com.mt)

## 4. Where do we collect the information from?

- 4.1. We may collect your personal data in a variety of ways. From you, from third parties (such as recruitment agencies), referees or public sources as needed to support the recruitment process.
- 4.2. If you apply through a recruitment agency, it is suggested that you read their own privacy notice. We are bound by a contractual agreement stipulating the terms and conditions of such a service, including but not limited to the period for which your information will be retained by RSM Malta.

## 5. What information do we collect?

- 5.1 We will collect the following or some of the following information:

Data item	Details
Curriculum Vitae & Covering Letter	Name & Surname Postal address Email address Telephone number Nationality Qualifications Employment history & details of work experience

	<p>Skills</p> <p>Any other information that you share through the CV, covering letter, or other documents or correspondence</p>
Application form	<p>First name</p> <p>Last name</p> <p>Email address</p> <p>Address</p> <p>Phone number</p> <p>Source</p> <p>Salary expectations</p> <p>Notice period</p> <p>If Candidate is applying independently</p> <p>If the Candidate is being represented by a recruitment agency</p> <p>Any other information that you share through the comments section on the form</p>
Referral details	<p>Names &amp; contact details of referees. It is your responsibility to obtain consent from references prior to providing us personal information about them</p>
Interview notes	<p>Any information collected during the interviewing process, if any</p>
Psychometric and/or skills tests	<p>Results of the psychometric and/or skills test, where applicable and information collected during the test as part of the anti-cheating measures in place. Anti-cheating measures include IP-based location tracking, snapshots (if the Candidate allows access to their camera), full-screen tracking, mouse in window.</p>

## 6. Why does RSM Malta process your personal data?

6.1 Below, you will find our purposes for processing your personal data and the corresponding lawful bases:

- Based on the performance of a contract or to take steps prior to entering into a contract for example when we need to process your personal data to assess your suitability for the role applied for and eventually to possibly enter into a contract with you, or when we carry-out reference checks, where applicable.
- Where processing is necessary for compliance with a legal obligation for instance when processing, handling and investigating reports received under the Whistleblowing Act or Directive.
- Based on the Firm's legitimate interest in processing your personal data, for instance when we manage the recruitment process, keeping records of the process, when we communicate and negotiate with you, when we have to respond to and defend against legal claims, when we have to exercise Company legal rights and when we have to protect our rights and property.
- With your consent, when taking a psychometric and/or skills test. The Firm does not make any automated decisions without human intervention. In fact, the results of the psychometric test will be evaluated by a competent person. If you choose not to provide consent for the psychometric and/or skills test, your evaluation will be based on the other documentation provided and the interviews conducted. The information collected from the anti-cheating measures is not used as an immediate ground to disqualify or reject the Candidate.

6.2 It may sometimes be necessary to process special category of data, as provided under Article 9 of the GDPR. We will rely on the following legal bases when processing special category of data:

- Based on your explicit consent, when you voluntarily provide any health information or other special category personal data.
- 6.3 To the extent that the Candidate's consent is obtained for the collection, use or disclosure of personal data, the Candidate may, at any time, subject to legal or contractual restrictions and reasonable notice, withdraw his/her consent.
- 6.4 If the Candidate provides personal information of third parties, s/he warrants and represents that all necessary informed consent has been obtained to allow the Firm to use and process the provided Personal Data in accordance with this Privacy Notice.

## 7. Who has access to your data?

- 7.1 Your information may be shared internally for the purposes of the recruitment exercise with selected personnel, limiting access to what is required or needed by each individual to perform their role in the recruitment process. This includes members of the Human Resources department, managers, directors or partners who need to process your data in their respective business areas as part of the recruitment process.
- 7.2 Your details will be stored within our Applicant Tracking System.
- 7.3 We may disclose your personal data to other third parties, including:
- Professional advisors, third-party service providers, including technology systems, cloud and database providers, agents, or independent contractors providing services to the Firm.
  - Any Court, tribunal, regulatory authority, or governmental entity, including employment bodies and agencies, to comply with our legal obligations or contracts, or to respond to a court order, administrative or judicial process, such as a subpoena or search warrant.
  - In response to lawful requests by public authorities (such as national security or law enforcement).
  - As necessary to establish, exercise or defend against potential, threatened or actual litigation.
  - Where necessary to protect RSM Malta's interests, your interests, or those of any another person.
- 7.4 In the event that we are acquired by or merged with a third-party entity, or in the event of bankruptcy or a comparable event, or in the event of restructuring of the business, we reserve the right to transfer or assign personal data in connection with the foregoing events, when allowed or imposed by applicable law and in compliance with legal and regulatory requirements.
- 7.5 Where any third-party processes your data on our behalf, we shall make the necessary checks to ensure that your personal data is being processed in accordance with the Applicable Data Protection Law and that such third-party therefore has adequate technical and organisational measures in place to secure the personal data processed.

## 8. How does RSM Malta protect data?

- 8.1 We take the security of your data seriously. We have put in place reasonable security measures to protect your data against loss, misuse and unauthorised access, alteration, disclosure, or destruction. In addition, we limit access to your personal data on the Firm's instructions or where the task or job at hand demands such access in order to be able to carry out a certain function or perform a certain job. We also provide education and training to relevant staff to ensure they are aware of our privacy obligation when handling personal data. Moreover, all efforts are taken to ensure the ongoing confidentiality, integrity, availability, and resilience of systems and services processing personal information.
- 8.2 We have put in place procedures to deal with any suspected data security breach and will notify you and the Supervisory Authority, where applicable of the occurrence of a suspected breach in accordance with Applicable Laws.

## 9. For how long does RSM Malta keep your personal data?

- 9.1 We will only retain the personal data for as long as necessary (taking into consideration the purpose for which it was originally obtained). We establish the retention period taking into account several factors and criteria, which includes but is not limited to any retention period set out by legal or regulatory requirements. We also take into

consideration the time periods established by law, regulations and directives to exercise legal actions, to defend rights and to carry out procedural actions. Thereafter, Personal Data shall be immediately and irrevocably erased.

- 9.2 If an application for employment is unsuccessful or in instances the application has been received through a recruitment agency, we will hold the personal data for 12 months from non-selection of the Candidate. At the end of that period the personal data shall be securely removed and deleted.
- 9.3 If your application for employment is successful and you accept an offer of employment with us, any relevant Personal Data gathered during the recruitment process will become part of your personnel records stored by the Human Resources Department and will be retained in accordance with our internal policies for employment purposes.
- 9.4 In instances of false statements including but not limited to false representations of one's qualifications or inconsistencies in one's employment history, we shall retain a record of any necessary details in our legitimate business interest, and beyond the original retention period, for the possible establishment, exercise or defence of legal claims.

## 10. Your rights

10.1 Your data subject rights are to:

- Request access to your personal information. This enables you to receive a copy of the personal information we hold about you, if any and to check that we are lawfully processing it.
- Request rectification of personal data that we hold about you.
- Request erasure of your personal data (where applicable). This enables you to ask the Firm to delete or remove personal information where there is no good reason for us continuing to process it.
- Object to the processing of your personal data (where applicable) where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground.
- Request the restriction of processing of your personal data.
- Request that we transmit your personal data directly to you or to another controller indicated by you (to the extent the processing is based on consent or a contract).
- Withdraw consent at any time where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent.

10.2 Although all reasonable efforts will be made to keep your information updated, you are kindly requested to inform us of any change referring to the personal data we hold about you. In any case, if you consider that certain information about you is inaccurate, you may request rectification of such data, as explained above.

10.3 Please note that the above rights are not absolute and that they can be subject to specific legal requirements or exemptions and therefore may not always be applicable.

10.4 If you wish to exercise any of your rights, please contact our Data Protection Officer at [dataprotection@rsm.com.mt](mailto:dataprotection@rsm.com.mt). We will acknowledge your request as soon as practically possible and will action such requests within one (1) month from the receipt of the request. This period may be extended for particularly complex requests in accordance with Applicable Law.

10.5 There is no charge for the provision of this information except in circumstances where the request is manifestly unfounded, repetitive, or excessive. Alternatively, we may refuse to comply with your request in these circumstances. The Firm may withhold certain information which is exempt from the right of subject access in accordance with applicable law.

10.6 We may need to request specific information from you to help us confirm your identity and ensure the exercise of your rights. This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

10.7 For matters pertaining to how we process your personal data, you may reach out to our Data Protection Officer at [dataprotection@rsm.com.mt](mailto:dataprotection@rsm.com.mt). If you are unsatisfied with the way we have handled your personal data or any privacy query or request that you have raised with us, you also have the right to complain with the Office of the Information

Data Protection Commissioner (IDPC). For further information on how to file a complaint visit the IDPC website ([www.idpc.gov.mt](http://www.idpc.gov.mt)).

## 11. What if you do not provide personal data?

- 11.1 You are under no statutory or contractual obligation to provide data to RSM Malta during the recruitment process. However, if you do not provide the information when requested, which is necessary for us to consider your application (such as evidence of qualifications or work history), we may not be able to process your application and proceed with or finalise the recruitment process any further.

## 12. Automated decision making

- 12.1 Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. The Firm does not currently make any automated decisions about Candidates without human intervention.

## 13. Transfer of personal data outside the EU

- 13.1 We may need to transfer, store or process your personal data outside the EU/EEA, for the purposes described in this Privacy Notice, for example, when working or dealing with foreign public entities, contractors, external providers (e.g. cloud computing, web-services), etc. We will take steps reasonably necessary to ensure that your personal data is treated securely and in accordance with this Notice. We shall make the necessary checks to ascertain if the appropriate safeguards have been put in place and that the third country ensures an adequate level of protection of data subjects fundamental right to data protection. Where such third country is not regarded to afford an adequate level of protection of Individuals' fundamental right to data protection in its jurisdiction, and therefore the recipient and/or third party situated in a jurisdiction outside of the EU has not received an adequacy decision issued by the European Commission (Article 45 GDPR), the transmission of data shall be subject to appropriate safeguards within the meaning of Article 46(1) of Regulation (EU) 2016/679, which shall include Standard Contractual Clauses (SCCs).

## 14. Change of purpose

- 14.1 The Firm will only use personal data for the purposes for which it was collected, 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 data for an unrelated or new purpose, we will notify you and will explain our legal basis.

## 15. Changes to this Privacy Notice

- 15.1 Please note that this Candidate Privacy Notice may change from time to time. In case, of changes to the Notice we will post the Privacy Notice on our Website and we will amend the revision date. The modified or amended Notice will apply from that revision date. Therefore, we encourage you to periodically review this Notice to be informed about how we are processing your information. We may also notify you in other ways from time to time about the processing of your personal information.

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