



Candidate

# Fair Processing Notice

You, your data and **your rights**



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**Ask HR:** [AskHREurope@capitalone.com](mailto:AskHREurope@capitalone.com) or 0115 843 6100 | **ICO:** <https://ico.org.uk/for-the-public/>

The ICO is the UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.



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# Introduction

Hello and thanks for your interest in careers at Capital One.

Whether you're applying for a job with us (at which point you'll become a candidate), setting up a candidate account or signing up to our Job Alerts, at some point we'll ask you for some personal information. And if you give it to us, you trust that we'll look after it. So, we want to make sure you know exactly what we do with it.

That's where this document comes in. It's a Fair Processing Notice (sometimes it's called a Privacy Notice). It describes what we do with your data and your rights as an individual whose data we process. These rights include how you can access your data, correct it, restrict our use of it, erase it and/or object to it being processed.

## Firstly, let's just clarify a few things:

When we say 'we', we mean Capital One (Europe) Plc (COEP). We collect and process candidates' personal data so we can manage the hiring process and meet our obligations as a financial institution and as an employer.

By 'personal data' (or 'data'), we mean any information that we gather about you over the course of the hiring process either because you've given it to us, or we've collected it. The types of data we process include:

- **Personal identity data** – for example your name, email address and employment history
- **Personal financial data** – for example your bank account details, salary information
- **Special categories of personal data** – for example health conditions

'Processing' your data just means anything we do with it - collecting it, using it, storing it, sharing it and deleting it - that's all 'processing'.



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## You need to manage your own data too

If you apply for a job, remember to regularly review the personal data you give us, for example your contact details, so we know we're using your most up to date and accurate information.

If you choose not to give us the data we need, it may delay or even stop us from managing your application. And if you get a job with us, not having certain data could stop us from setting up an employment contract and/or delivering on our part of the contract. Paying you is hard if we don't have your bank details! Put simply, there's some critical stuff we just can't do without access to your data.

There's no getting away from that fact that this Notice is not a quick read but it is important. We've started each section with a manageable summary of the critical information and if you want to get into the detail, we've given you the option to learn more.



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## About Capital One

### What is Capital One's role?

Capital One (Europe) Plc decides why and how your personal data is used which makes us the Data Controller of all information we process about you.

#### **Our contact details are:**

Capital One (Europe) Plc  
Trent House, Station Street, Nottingham NG2 3HX

### Who is our Data Protection Officer and what do they do?

Our Data Protection Officer makes sure we're clear and fair about how we use your data and comply with any law that may affect your privacy.

#### **Our Data Protection Officer's contact details are:**

Data Protection Officer  
Capital One, Legal Department  
Trent House, Station Street, Nottingham, NG2 3HX

[DataProtection@capitalone.com](mailto:DataProtection@capitalone.com)



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# Why do we use your personal data and on what grounds?

We use your data for a bunch of different reasons and they're all listed in this Notice.

We're only allowed to use your data if we have one or more lawful grounds:

**To meet a legal obligation:** We can use your data to meet our legal and contractual obligations as an employer, as a financial institution, or to co-operate with law enforcement or other government agencies.

**With your consent:** We may need to ask for your agreement before we collect and use certain types of sensitive data. You can withdraw this consent at any time.

**For the performance of a contract with us:** We can use your data if it's necessary to set up and deliver the employment contract we create if we offer you a job (and you accept it).

**For our legitimate interests:** By this, we mean we have a business or commercial reason to use your data. We can use your data to pursue our own legitimate interests or those of other service providers. When we rely on our legitimate interests, we've considered any potential impact that use will have on you and your rights and if we believe that use would go against your interests, we won't use your data.

**For more about our purposes, our lawful grounds, and our legitimate interests, click [Learn more](#).**

We use your data for the following purposes:

Why we use your personal data - our purposes	Lawful grounds	Our legitimate interests
<b>To discharge our obligations as an employer</b>	Legitimate Interest Legal Obligation	<ul style="list-style-type: none"> <li>• Conducting pre-employment vetting checks to verify candidate suitability and eligibility to work at Capital One and their right to work in the UK</li> </ul>
<b>To exercise our rights</b>	Legitimate Interest	<ul style="list-style-type: none"> <li>• Seeking advice and/or responding to legal, regulatory or other third parties</li> </ul>
<b>To fulfil our obligations as a financial institution</b>	Legal Obligation	
<b>To manage the hiring process</b>	Necessary for Performance of the Contract Legitimate Interest	<ul style="list-style-type: none"> <li>• Sourcing and selecting candidates to fill vacancies based on their skills, experience and suitability</li> <li>• Sponsoring successful candidates if sponsorship is required</li> <li>• Reimbursing candidate expenses</li> <li>• Providing appropriate and competitive compensation packages to successful candidates</li> <li>• Giving candidates access to the system they need to apply for a role and enabling us to manage their application</li> <li>• Sending Job Alerts to individuals who subscribe to hear about jobs at Capital One</li> <li>• Ensuring the selection process is fair</li> </ul>



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# Who do we share your personal data with?

We share your personal data outside Capital One if we need to meet any relevant law, regulation, legal process or government request. We also share it if we believe it's necessary to detect, prevent or address illegal activity or to protect our business against harm.

Your data is shared within Capital One, including our US business, where it may be used for the administration and management of the hiring process, your employment and Capital One's business.

We have legitimate reasons for sharing your data with service providers. We need them to do things like selection testing, assessments and conducting pre-employment vetting checks. We also need to give you access to systems you need to complete and manage your application – and some of these are hosted by third parties.

But we don't share your data with just anyone. We only share your data with service providers if we need to and if they provide the same level of data protection that we guarantee to you. Any organisation we work with is also bound by the Data Protection Act 2018 and the General Data Protection Regulations (GDPR) and finally, we contractually require them to keep your data safe and secure.

**For more about who we share your data with, and why, click [Learn more](#).**

Just to be clear, not all the Data Processors and Controllers listed below have access to your personal data. Some of them do need access to every candidates' data (for example, those who administer our selection testing). Others only need data from candidates who apply for specific roles which have different testing requirements.

We may share your data with the following Data Processors. They process your data on our behalf and based on our instructions. They retain your data for as long as our contract with them allows. After that they need to delete or anonymise it.

Why we share your data	Who we share it with
<b>To manage the hiring process</b>	Facilities and Catering Services Transaction enablement and dispute services HR Recruitment and Relocation Suppliers HR Operations system providers
<b>To exercise our rights</b>	Third parties used to meet our legal and regulatory requirements
<b>To discharge our obligations as an employer</b>	HR Recruitment and Relocation Suppliers

We may also share your data with these Data Controllers. They decide how and why your personal data is processed to deliver their specific product or service. Data Controllers will keep your data in accordance with *their* retention policies.

If your data has been shared with these service providers and you have questions about how they process your personal data, their contact details are available from Ask HR.

Why we share your data	Who we share it with
<b>To discharge our obligations as an employer</b>	Specialist immigration services

If you want more specific details about who we share your data with, contact Ask HR.



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## Do we transfer your personal data to other countries and if so, how?

Capital One (Europe) Plc is based in the UK and we keep our main databases here. We do have operations elsewhere inside and outside the European Economic Area (EEA) and your personal data may be transferred to, or accessed from, those locations. Specifically, Capital One has operations in the US, Canada and the Philippines.

As well as other Capital One businesses, the service providers we share your data with may have operations in the UK, in the EEA and elsewhere in the world.

Countries in the EEA must have the same high standard of data protection as offered here in the UK but other parts of the world may not guarantee that same level of protection. When we share your data outside the EEA, we always put in place the safeguards required by law to ensure that a consistent high level of protection travels with your data.

**For more on the specific legal safeguards we use to transfer your data, click [Learn more](#).**



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Before we share your data outside the EEA, we make sure safeguards are in place to protect your data. Where adequate safeguards are established, your rights as a data subject continue to be protected even after your data has been transferred outside the EEA.

We can share your data with other parties outside the EEA because adequate protection is in place in the form of a contract with the data recipient. This contract contains data protection terms which have been approved by the European Commission. They provide a level of protection that is substantially equivalent to the protection given to your data in the UK. This protection is known as a 'Model Contract Clause.'

We transfer some of your personal data to our US parent to help manage the hiring process and the employee/employer relationship. The United States is a third country under Data Protection legislation so we need to have adequate safeguards in place to make sure that your data is transferred with an adequate level of protection. We have a contract in place with our US parent which sets out the terms upon which they can process your data. This includes 'Model Contract Clauses' referred to above.

If you would like more specific detail about the safeguards in place when transferring your data outside the EEA, contact Ask HR at [AskHREurope@capitalone.com](mailto:AskHREurope@capitalone.com) (with a subject header 'Data Protection') or call them on 0115 843 6100.



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## How long do we keep your personal data for?

Our aim is to retain your data only for as long as we need it to achieve the purpose we collected it. How long we keep it depends on the type of data we're holding and why we need it. Because these needs can vary for different data types, retention periods vary too.

We keep your data while you're going through our hiring process so we can manage your application. If you're offered a job, we send you a copy of our *Associate Fair Processing Notice* to tell you how we'll use your data as an employee.

We keep some of your data even if you don't get a job with us. Sometimes we keep it to comply with a legal obligation. Occasionally, we need to comply with a Legal Hold Order and suspend the destruction of documents and information needed for litigation purposes. And often we have legitimate reasons for keeping your data such as being able to review your recruitment history with us, respond to questions or even defend ourselves against a claim.

When we no longer need your data, we'll either delete or anonymise it so there's no way it can be linked back to you.

If you want to learn more about how long we keep your data for and why, see below.

**For more about how long we keep your data for and why, click [Learn more](#).**



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If you're hired, we keep your data as part of your employment record.

If you pass testing but we don't offer you a job (or you decline our job offer), we delete your data within 6 months of your test results no longer being valid. Most tests are valid for 2 years.

If you don't pass testing (you can usually re-apply after 6 months) we may keep your data for up to 2 years so we can talk to you about other suitable jobs that come up. It also helps us manage our Referral Bonus scheme. So if you're referred by a Capital One associate and you get a job with us within a certain timeframe, we make sure the associate who referred you gets their hard-earned referral bonus!

We don't like keeping paper. Paper interview records are destroyed within 6 months of our hiring decision. And we don't like keeping your data any longer than we need it. For example, during the hiring process we might ask you for details which confirm your right to work in the UK. If we don't offer you a job, we delete this information as soon as the vacancy is filled. And if you unsubscribe from our Capital One Job Alerts, we stop sending them to you straight away and delete your contact details within 3 months.



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# Do we carry out any profiling or automated decisions on you?

No. We don't make automated decisions based on your personal data and we don't use your data for profiling purposes.



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# Your personal data rights

Data protection laws are in place to help you to maintain control of your data and how it's used.

You can ask to see the data we hold on you and ask us to rectify it, delete it, restrict its use or object to us using it. You also have the right to lodge a complaint with the Information Commissioner Office (ICO).

There are certain circumstances when we might legitimately refuse your request to exercise one of your rights. If we do, we'll always explain our reasons and advise you of your right to complain to the supervisory authority and to a judicial remedy within a month.

The Notice covers everything you have the right to know about your data, including:

- What data we hold
- Why we hold it
- How we use it
- Who we share it with
- How we protect it if we send it outside the EEA
- How long we keep it

If you want to know more about your rights or just need more information, you should contact Ask HR at [AskHREurope@capitalone.com](mailto:AskHREurope@capitalone.com) (with a subject header 'Data Protection' to help us process it correctly) or call them on 0115 843 6100.

**For more about your data protection rights, click [Learn more](#).**



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### Your right to withdraw consent

We may need to get your consent before we can access or process certain categories of data (such as sensitive personal data) or if we want to use your data for certain purposes. If this happens, we'll always ask for your consent first.

If you've given us consent in the past but change your mind, you can withdraw your consent at any time.

### Your right to access your data

You have the right to request access to the personal data we hold about you.

You already have access to some of your data through Workday, our HR Recruitment system, so you can review and update your details if you need to.

### Your right to rectify your data

If you believe that any data we hold is inaccurate or incomplete, you have the right to edit it, or to ask us to edit it. If we need to rectify your data, where possible we'll make the same instruction to any service provider we've shared that data with.

### Your right to object to processing of your data

If we process your data based on a 'legitimate interest', you have the right to object to us using your data on 'grounds relating to your particular situation' - for example if you believe the use would cause you distress.

If you object, we'll only continue to use your data in that way if we can demonstrate compelling legitimate grounds to do so or if the processing is necessary for us to establish, exercise or defend a legal claim.



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## Your right to restrict processing of your data

In certain cases, you have the right to restrict us from processing certain parts of your personal data or stop us deleting it. This means we'd be able to store your personal data but not use it any further.

You have the right to ask us to restrict processing of your data:

- If you're challenging the accuracy of some data we hold on you (see **Your right to rectify your data**), you can ask us to stop using the data that you are challenging until we've resolved the issue
- If you've objected to processing of your data (see **Your right to object**), you can ask us to stop processing your data while we're investigating whether there are other compelling legitimate grounds to keep using that data
- If our use of it has been found unlawful you can ask us to restrict use of your data (but not delete it)
- If we no longer need it but you want to use it to establish, exercise or defend a legal claim

## Your right to erasure of your data

The right to erasure is also known as the 'right to be forgotten'. The broad principle of this right is that you can request that we delete or remove any of your data where there's no compelling reason for us to keep processing it.

We might have to refuse your request if keeping your data is necessary for us to comply with a legal obligation or to exercise or defend a legal claim.

You have the right to have your personal data erased:

- If you think your data is no longer necessary for the purpose it was originally collected and used
- If you've withdrawn consent you have given previously
- If you have objected to a particular use of your data and there's no compelling legitimate grounds for us to keep using it
- If our use of your data has been found to be unlawful
- If your personal data needs to be erased to comply with a legal obligation

Whenever possible we'll pass the same instruction to any service provider we've shared that data with.



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## Your right to data portability

This right allows you to obtain and reuse the personal data you've given us for your own personal use if we process your data by automated means and if the processing is based on consent or is necessary for the performance of your employment contract.

In these circumstances, we provide you with your data in a structured, commonly used and machine-readable format. This should make it easy to move, copy or transfer your data in a safe, secure way – while still being easy to use. If possible, we send your data directly to another Controller if you want.

## Your right to lodge a complaint with the Information Commissioner's Office

If you think there's something wrong about how we use your data, you can contact Ask HR at [AskHREurope@capitalone.com](mailto:AskHREurope@capitalone.com) (with a subject header 'Data Protection') or call them on 0115 843 6100.

This is the recommended first step to get more information or to exercise your rights (outlined above) and/or to complain.

You also have the right to lodge a complaint with the Information Commissioner's Office (ICO), which is the body that regulates the handling of personal data in the United Kingdom.

You can contact the ICO in the following ways:

Website: [www.ico.org.uk](http://www.ico.org.uk)

Telephone: 0303 123 1113

In Writing: Information Commissioner's Office  
Wycliffe House,  
Water Lane,  
Wilmslow,  
SK9 5AF.



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Who should you contact if you have questions about your personal data or you want to exercise your privacy rights?

If you have a question about your data, want to exercise the individual rights we've outlined in this Notice or want to complain about how we use your data, contact Ask HR at [AskHREurope@capitalone.com](mailto:AskHREurope@capitalone.com) (with a subject header 'Data Protection') or call them on 0115 843 6100 and they'll be able to help.



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## Explanation of terms used in this Notice

### Personal data

Data that relates to you and that identifies or can be used to identify you – this might be your name, email address, or other digital identifiers relating to you, such as cookies, IP addresses or logs.

### Data subject

An individual who is the subject of personal data. Data Protection law does not count an individual who has died or who cannot be identified or distinguished from others as a data subject.

### Processing

Obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data.

**Document Name:** Associate Fair Processing Notice  
**Applicable To:** Capital One (Europe) Plc  
**Last Updated:** August 2019