

# Simpson Thacher & Bartlett LLP

A LIMITED LIABILITY PARTNERSHIP

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## DATA PROTECTION PRIVACY NOTICE FOR APPLICANTS

### 1. Purpose of this document

Simpson Thacher & Bartlett LLP (the “**Firm**”, or “**we**” or “**us**”) is committed to protecting the privacy and security of your personal information.

This notice describes what personal information we hold about you, how we collect it, and how we use and may share that information when you apply to work with us. We are required by applicable data protection laws to notify you of the information contained within this notice.

We provide you with this notice in the interests of transparency and, to the extent that this applies, to satisfy any relevant obligation we might have under data protection law in relation to our handling of your personal information in connection with your application.

This notice does not form part of any contract of employment or other contract to provide services. The giving of this notice does not indicate any promise or offer of employment or other contract to provide services.

Please ensure that you read this notice (sometimes referred to as a ‘**privacy notice**’) and any other similar notice we may provide to you from time to time when we collect or process personal information about you in order that you are aware of how and why we are using that information.

### 2. We are a data controller

The Firm is a ‘**data controller**’ and gathers and uses certain information about you. As a data controller, we are responsible for deciding how we hold and use personal information about you.

We are registered with the UK Information Commissioner’s Office with the registration number: ZA112871.

### 3. How to contact us

If you have any questions about this notice or how we handle your personal information please contact our London Recruitment team at [kayleigh.fearon@stblaw.com](mailto:kayleigh.fearon@stblaw.com)

#### **4. Data protection principles**

We will comply with applicable data protection laws. The personal information we hold about you will be:

- used lawfully, fairly and in a transparent way;
- collected only for valid purposes that we have clearly explained to you and not use data in any way which is incompatible with those purposes;
- relevant to the purposes we have told you about and limited only to those purposes;
- accurate and kept up to date;
- kept only for as long as is necessary for the purposes we have told you about; and
- kept securely.

#### **5. The kind of information we will collect about you**

Personal data or personal information means any information that identifies, relates to, describes or is reasonably capable of being associated with or linked to an individual. It does not include de-identified or anonymous data.

In connection with your application for work with us, we may collect, store and use the following categories of personal information about you:

- identifiers such as your name (including any former names and your mother's maiden name), home address (including proof of residence such as utility bills), previous addresses (including dates of residence at each address), telephone numbers, personal email address(es), date and/or place of birth, nationality and the name and contact details of your referees.
- government or national identification information, such as a copy of your passport, passport number, country of passport issue, visa documentation, national ID card type and number and work authorisation information;
- financial information, such as your salary requirements and compensation history, including the results of searches of the bankruptcy register, credit checks and court litigation searches;

- characteristics of protected classifications, such as your gender and age, where this collection is permitted by law;
- professional or employment-related information, such as your employment history, evidence of employment (such as contracts, offer letters and payslips), employee performance data, professional memberships and qualifications, regulatory body registration and status, current and previous directorship appointments and any other information contained in your CV, cover letter, or provided by your referees;
- education information, such as the institutions you attended, education transcripts and grades, awards and degrees you received;
- audio, electronic, visual or similar information, such as CCTV footage from security cameras in our offices if you interview in person; and
- inferences or views from you or about you, such as notes made during the application and interview process or the results of background searches (if applicable).

For residents of the UK and European Economic Area, please also see section 14 (**Special categories of personal data**), below.

## **6. How we collect your information**

We may collect and receive personal information from various sources throughout the application and recruitment process including directly from you and/or from an employment or recruitment agency, your referees (details of whom you will have provided), your education provider, relevant professional bodies, background check providers, credit reference agencies, the Home Office and from publicly accessible sources (in particular Facebook, LinkedIn, Twitter and other social media).

## **7. How we will use information about you**

We will only use your personal information where the law permits. Most commonly, we will use the categories of personal information in the list above to support our recruitment and hiring process, including:

- to consider your application, such as assessing your skills, qualifications and suitability for the work or role and deciding whether to enter into a contract with you (including providing feedback to any employment or recruitment agency);
- for operational purposes such as retaining records relating to our hiring processes, monitoring and managing our equal opportunities policy, carrying out background and reference checks, communicating with you about the recruitment and hiring process and preparing contracts of employments with successful applicants; and

- to comply with our legal obligations such as our obligation to check that you are eligible to work in the United Kingdom, implementing internal policies, responding to suspected fraud or other illegal activity, protecting our or others' rights and property, and complying with laws, legal processes, or government requests.

If you do not provide information necessary for us to consider your application (such as evidence of qualifications or work history), we may not be able to successfully process your application. For example, if we require references for a role and you do not provide us with relevant details, we may not be able to advance your application.

## **8. How we may share your information**

We may need to share some of your personal information with third parties for the purposes of considering and processing your application, such as the employment or recruitment agency that introduced you to us, as well as our HR consultants and professional advisers. In addition, we may share your personal information in the following limited circumstances:

- with our personnel and affiliates, including our different offices to carry out human resources and other business operations, as well as third parties that perform these operations on our behalf or at our request (such as background check companies);
- with legal or regulatory authorities to comply with our obligations, protect the rights and property of us, our employees, and other stakeholders, and to detect and respond to suspected illegal activity and threats to the safety of any person or of our systems or services;
- in connection with any restructuring of the Firm; and
- with your consent or at your direction.

We require third parties to respect the security of your information and to treat it in accordance with the law. We or any third party with whom your data is shared may transfer for personal information outside your home jurisdiction. If we or they do, you can expect a similar degree of protection in respect of your personal information. [\(If you are a resident of the UK or European Economic Area, see \*\*Transferring your information outside the UK and the EEA\*\* below.\)](#)

All our offices and third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies and agreements with them. We do not allow our third-party service providers to use your personal information for their own purposes. We only permit them to process your personal information for specified purposes only, for so long as is necessary and in accordance with our instructions.

## **9. Keeping your personal information secure**

We have appropriate security measures in place to prevent personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. We limit access to your personal information to those employees, agents, contractors and other third parties who have a genuine business need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality.

We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.

## **10. How long we keep your information**

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

We will retain your personal information for a period of 18 months after we have communicated to you our decision about whether to appoint you to the role applied for, and for any further period that we may determine is required for the purposes for which we retain this information.

We retain your personal information so that we can show, in the event of a legal claim, that we have not discriminated against candidates on prohibited grounds and that we have conducted the recruitment exercise in a fair and transparent way. After these purposes are satisfied we will securely destroy your personal information in accordance with applicable laws and regulations.

If we wish to retain your personal information on file, on the basis that a further opportunity may arise in future and we may wish to consider you, we will write to you separately, seeking your explicit consent to retain your personal information for a fixed period for these purposes.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you.

## **11. How to update your information and inform us of any changes**

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during the recruitment process.

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## **INFORMATION FOR RESIDENTS OF THE UNITED KINGDOM AND EUROPEAN ECONOMIC AREA ONLY**

*This section in blue only applies to you if you are a resident of the United Kingdom (UK) or the European Economic Area (EEA).*

*If you are a resident of the UK or EEA, please read this section carefully. It provides further information that we are required to provide under UK and EU data protection laws, and includes details of your specific rights and protections under those laws regarding the processing of your personal information.*

### **12. Our legal basis for processing your personal information**

The situations in which we will use your personal information as described in section 7 (**How we will use information about you**) above correspond to the following legal bases for processing under data protection law:

- where we need it to consider entering into a contract with you;
- where we need to comply with a legal obligation;
- where you give us your consent; and
- where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

We may also use your personal information by relying on the following legal bases, which are likely to be rare:

- where we need to protect your interests (or someone else's interests); and
- where it is needed in the public interest or for official purposes.

See also section 14 (**Special categories of personal data**) below.

### **13. Change of purpose**

We will only use your personal information for the purposes for which we collected it, 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 information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

### **14. Special categories of personal data**

In collecting the information listed in section 5 (**The kind of information we will collect about you**) above, we may obtain the following special categories of personal data. **'Special categories of personal data'** are considered to be more sensitive under UK and EU data protection laws, and therefore require a higher level of protection:

- information about your race or ethnicity, religious or philosophical beliefs, sexual orientation and political opinions;
- information about your health, including any medical condition, health and sickness records; and
- genetic information and biometric data from your visa, biometric card, national identity card or passport;

This is our **'appropriate policy document'** setting out how we will protect special categories of personal data. This meets the requirement of the UK Data Protection Act 2018 that an appropriate policy document be in place where processing special categories of personal data in certain circumstances.

#### Further justification for processing special categories of personal data

Under UK and EU data protection laws, we need to have *further* justification for collecting, storing and using special categories of personal data, which is considered to be more sensitive. We may process special categories of personal data in the following circumstances:

- in limited circumstances, with your explicit written consent;
- where we need to carry out our legal obligations and in line with our data protection policy;
- where it is needed in the public interest, such as for equal opportunities monitoring;
- in relation to information about your disability status, where it is needed to assess whether we need to provide any appropriate adjustments during the recruitment process, for example, during an interview, subject to appropriate confidentiality safeguards; and
- in relation to information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, where we need it to ensure meaningful equal opportunity monitoring and reporting.

Occasionally, we may process special categories of data where it is needed in relation to legal claims or to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

***Do we need your consent?*** We do not need your consent if we use special categories of data that relate to you in accordance with our written policy to carry out our legal obligations or exercise specific rights in accordance with applicable law. In limited circumstances, we may approach you for your written consent to allow us to process

certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

***Information about criminal convictions*** We envisage that we will not hold information about criminal convictions.

## **15. Automated decision-making**

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making.

## **16. Transferring your information outside the UK and EEA**

We will need to transfer and process your information outside the UK and the EEA. Where it is necessary to do so, we will transfer your information to the employment or recruitment agency that introduced you to us so that we can provide feedback, progress and/or report back on your application. We may also transfer your information from our London office to our other offices based overseas (e.g. in the US and China) for our own business purposes, including to manage job applications and our recruitment processes.

We take reasonable precautions to ensure that your information will receive an adequate level of protection whenever it is transferred outside the UK or EEA, and that it will be treated in a way which is consistent with EU and UK data protection laws. For example, we have put in place a contract with your employment or recruitment agency which incorporates EU-approved clauses, giving you rights in relation to the information that is transferred.

Please contact us if you would like further details (see **How to contact us**).

## **17. Your rights in connection with your personal information**

Under certain circumstances, by law you have the right to:

- **request access** to your personal information (commonly known as a "**data subject access request**"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it;
- **request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected;
- **request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below);

- **object to processing** of your personal information 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. You also have the right to object where we are processing your personal information for direct marketing purposes;
- **request the restriction** of processing of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it; and
- **request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal information, or request that we transfer a copy of your personal information to another party, please contact our London Recruitment team (see **How to contact us**).

#### Your right to withdraw consent

Where we process your personal information on the basis of your consent, you have the right to withdraw your consent for processing for that purpose at any time. To withdraw your consent, please contact our London Recruitment team (see **How to contact us**). Once we have received notification that you have withdrawn your consent, we will no longer process your application and, subject to our data protection policy, we will dispose of your personal information securely.

#### No fee usually required

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

#### What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

## **18. How to complain**

If, for any reason, you are not happy with the way that we have handled your personal information, please contact us (see **How to contact us**). We hope that we can resolve any query or concern you raise about our use of your information.

If not, you have the right to make a complaint at any time to the Information Commissioner's Office, the UK supervisory authority for data protection issues, at [ico.org.uk/concerns/](https://ico.org.uk/concerns/) or telephone: 0303 123 1113.

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## **19. Changes to this notice**

We reserve the right to update this notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information, where applicable.

If you have any questions about this notice, please contact our London Recruitment team (see **How to contact us**).