

# Applicant Data Privacy Notice

# Applicant Privacy Notice

## Before we begin

This notice (Privacy Notice) applies to personal information relating to your application for employment with HSBC Group held by members of the HSBC Group as data controllers, as described below. It explains what information we collect about you, how we'll use that information, who we'll share it with, the circumstances when we'll share it and what steps we'll take to make sure it stays private and secure. This Privacy Notice covers all aspects of your interaction with any of HSBC Continental Europe, Luxembourg, HSBC Private Bank (Luxembourg) SA, HSBC Investment Funds (Luxembourg) SA or HSBC Securities Services (Luxembourg) S.A. in your capacity as an applicant, including recruitment and pre-employment screening and we may update this notice at any time.

Some of the links on our websites lead to other HSBC or non-HSBC websites with their own privacy notices, which may be different to this notice. You'll need to make sure you're happy with their privacy notices when using those other sites.

Wherever we've said 'you' or 'your', this means you or any authorised person who engages with us on your behalf (e.g. recruitment agencies you have authorised to liaise with us on your behalf).

When we say 'we', we mean HSBC Continental Europe, Luxembourg, HSBC Private Bank (Luxembourg) SA, HSBC Investment Funds (Luxembourg) SA or HSBC Securities Services (Luxembourg) S.A. which act as a data controller in respect of your personal data in your applicant capacity. Unless otherwise stated below, the data controller for the purposes of this notice will be the HSBC Group company that you have applied for employment with.

If you'd like to get in touch with us, you can also find contact details set out in the 'More details about your information section below.

## What information we collect

We'll only collect your information in line with relevant regulations and law. We may collect it from a range of sources and it may relate to any of the roles you apply for, the role you currently hold or have held in the past, both within and outside of the HSBC Group. We may also collect information about you when you interact with us, e.g. call us, visit our websites or mobile channels, or use services we make available to you in your applicant capacity (e.g. online tests) or even when you are captured by our CCTV system (closed circuit television in and around our sites).

Some of it will come directly from you, e.g. when you provide ID to verify your identity or right to work. It can also come from your previous employers, other HSBC companies, or other sources you've asked us to obtain information from. We might also get some of it from publicly available sources. However, we will not contact you without your permission. The information we collect may include:

### Information that you provide to us, e.g.:

- Personal details, e.g. name, previous names, gender, date and place of birth, employment history;
- Contact details, e.g. address, email address, landline and mobile numbers;
- Information concerning your identity e.g. photo ID, passport information, National Insurance number, National ID card, birth number (or equivalent) and nationality;
- Information concerning any qualifications you hold e.g., university education, professional certifications;
- Health data including medical condition, health and sickness records or confirmation if you are able to perform a given position (as applicable), information about any disabilities you might have;
- Market research, and information and opinions expressed when participating in applicant surveys;
- Other information about you that you give us by filling in forms or by communicating with us (e.g. interviews or assessments), whether face-to-face, by phone, email, online, or otherwise

### **Information we collect or generate about you, e.g.:**

- Information we use to identify and authenticate you, e.g. your signature, or additional information that we receive from external sources that we need for compliance purposes;
- Geographic information, e.g. about which HSBC offices you visit;
- Cookies and similar technologies we use to recognise you, remember your preferences and tailor the content we provide to you – our cookie policy contains more details about how we use cookies and can be found at <http://www.hsbc.lu/en-gb/cookie-policy>;
- Investigations data, e.g. due diligence checks, fraud, sanctions and anti-money laundering checks, external intelligence reports, content and metadata related to relevant exchanges of information between and among individuals, organisations, including emails, voicemail, live chat;
- Complaints information;
- Application data including information about your individual performance in assessments or online tests;
- Records of correspondence and other communications between us, including email, live chat, instant messages and social media communications;
- Information that we need to support our regulatory obligations, e.g. information about transaction details, detection of any suspicious and unusual activity and information about parties connected to you or these activities (e.g., politically exposed person and sanction checks).

### **Information we collect from other sources, e.g.:**

- Information you've asked us to collect for you or we collect as part of our vetting process, e.g. work references from previous employers.

### **How we'll use your information**

We'll only use your information where we have your consent or we have another lawful reason for using it. These reasons include where we:

- Need to pursue our legitimate interests (e.g., to assess your suitability for the role you are applying for);
- Need to process the information to comply with a legal obligation;
- Believe the use of your information as described is in the public interest (e.g. for the purpose of preventing or detecting crime or for equal opportunity monitoring and or reporting purposes).

The reasons we use your information include:

- To administer your applicant relationship with us e.g. schedule interviews, communicate decisions etc.;
- To carry out your instructions, e.g. send you details of online tests or assessments;
- To manage our relationship with you, including (unless you tell us otherwise) telling you about other roles and services we think may be relevant for you;
- To prevent or detect crime including fraud and financial crime, e.g. financing for terrorism and human trafficking;
- For security, staff vetting, and business continuity;
- For risk management; (See Appendix 1 for more information)
- To conduct applicant surveys and data analytics, to better understand our workforce and assist us with succession planning;
- To protect our legal rights and comply with our legal obligations;
- For service, system or product development and planning, insurance, audit and administrative purposes
- For the purpose of converting an applicant to an employee.

Further details of how we'll use your information can be found in Appendix 2 below.

## How we make decisions about you

We may use automated systems to help us make decisions about the outcome of your application. We may use technology that helps us identify the level of risk involved in your work for us e.g. for fraud or financial crime reasons, or to identify market misconduct through analysis of irregular trades.

You may have a right to certain information about how we make these decisions. You may also have a right to request human intervention and to challenge the decision. More details can be found in the 'Your rights' section below.

## Tracking or recording what you say or do

We may record details of your interactions with us. We may record and keep track of conversations you have with us including phone calls, face-to-face meetings, letters, emails, live chats, video chats and any other kinds of communication. We may use these recordings to check your instructions to us, assess, analyse and improve our service, train our people, manage risk or to prevent and detect fraud and other crimes. We may also use these recordings to make decisions on the outcome of your application. We may capture additional information about these interactions, e.g. telephone numbers that you call us from and information about the devices or software that you use. We use closed circuit television (CCTV) in and around our sites and these may collect photos or videos of you, or record your voice.

## Vetting

We or a business partner (e.g. Hire Right) will request, collect and process your personal data as part of our vetting procedures. This will be in order to confirm your identity, employment history and relevant qualifications with respect to a role, to comply with the law and for our legitimate interests to be able to assess and manage our risk.

We collect personal data for vetting through the application and recruitment process directly from candidates by teams within HSBC (either based in our offshore Global Service Centres or onshore Security Risk Teams and/or HR Teams). We may carry out some vetting checks (such as searching fraud prevention databases) throughout your employment with HSBC. Global vendors or other carefully selected local third parties in country may also collect personal data for vetting purposes for us.

We will typically collect, store, and use the following categories of personal information about you:

- Personal contact details such as name (all legal and alias, current and previous names), title, addresses, telephone numbers, and personal email addresses;
- Data on family members and or dependents;
- Date of birth and gender;
- National insurance number or equivalent tax identification number;
- Location of employment or workplace;
- Recruitment information (including copies of right to work documentation, references and other information included in a cv or cover letter or as part of the application process);
- Information concerning any qualifications you hold e.g., university education, professional certifications;
- Employment records (including job titles, work history, working hours, training records and professional memberships).

Vetting checks that we may perform include:

- A right to work check;
- Verification of identity;
- A credit check declaration;
- A conduct check, which may include a criminal check (we will only conduct criminal checks where legally permitted or required);



- A conflicts of interest check in relation to the employment of relatives, any former employment with an external auditor and any external directorships held;
- A search of internal HSBC watch lists and external watch lists or database files provided by third parties, indicating no involvement in activities such as fraud, financial crime, money laundering or breach of sanctions;
- A media research check indicating no involvement in activities such as fraud, financial crime, money laundering, breach of sanctions, terrorism.

We will only use your personal information for the purposes for which we collected it, in conjunction with GDPR, 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 also that we may process your personal information without your knowledge or consent, where this is required or permitted by law.

## **Enhanced Vetting**

We may conduct enhanced vetting for specific high risk posts within HSBC. We will conduct enhanced vetting during recruitment, and periodically throughout your employment, in line with HSBC's vetting policy. If your role is identified as an enhanced vetting role, you will be required to pass a number of checks to the satisfaction of HSBC before or shortly after commencing the role. During the recruitment process, we will make you aware of any relevant specific vetting requirements for the role you are applying for.

## **Criminal Convictions**

We may request information about criminal convictions if it is appropriate (i.e., for regulated roles) and where we are legally able to do so. We may also collect information about criminal convictions to meet our legal obligations in connection with your employment. We may collect information about criminal convictions in any country where you have resided for a period of 6 months or more within the last five years.

We have in place an appropriate policy and safeguards which we are required by law to maintain when processing such data.

## **Compliance with laws and regulatory compliance obligations**

We'll use your information to meet our compliance obligations, to comply with other laws and regulations and to share with regulators and other authorities that HSBC Group companies are subject to. This may include using it to help detect or prevent crime (including terrorism financing, money laundering and other financial crimes). We'll only do this on the basis that it's needed to comply with a legal obligation or it's in our legitimate interests and that of others.

## **Who we might share your information with**

We may share your information with others where lawful to do so including where we or they:

- Have a public or legal duty to do so, e.g. to assist with detecting and preventing fraud, tax evasion and financial crime;
- Need to in connection with regulatory, reporting, litigation or asserting or defending legal rights and interests;
- Have a legitimate business reason for doing so, e.g. to manage risk, verify your identity or assess your suitability for roles;
- Have asked you for your permission to share it, and you've agreed.

We may share your information for these purposes with others including:

- Other HSBC group companies and any sub-contractors, agents or service providers who work for us or provide services to us or other HSBC Group companies (including their employees, sub-contractors, service providers, directors and officers);
- Your beneficiaries or intermediaries,
- Tax authorities, trade associations, credit reference agencies;
- Any people or companies where required in connection with potential or actual corporate restructuring, merger, acquisition or takeover, including any transfer or potential transfer of any of our rights or duties under our agreement with you;
- Law enforcement, government, courts, dispute resolution bodies, our regulators, auditors and any party appointed or requested by our regulators to carry out investigations or audits of our activities;
- Other parties involved in any disputes, grievances and investigations;
- Fraud prevention agencies who'll also use it to detect and prevent fraud and other financial crime and to verify your identity;
- Anybody else that we've been instructed to share your information with by you.
- Any client who have requested information about you (such as your skills and qualifications) for the purpose of using our products or services and/or for the purpose of us providing our products or services to such client.

### **Sharing aggregated or anonymised information**

We may share aggregated or anonymised information within and outside of the HSBC Group with partners such as research groups, universities or advertisers. You won't be able to be identified from this information, e.g. we may share information about general employment trends to assist in research.

### **How long we'll keep your information**

We keep your information in line with our data retention policy. For example, we'll normally keep your core application data for a period of seven years from the end of our relationship with you or as per the group or applicable local data retention schedule. This enables us to comply with legal and regulatory requirements or use it where we need to for our legitimate purposes such as dealing with any disputes or concerns that may arise. If your application for a job with HSBC is unsuccessful, we will retain any personal data collected such as CV, cover letter, test results which will be deleted at the end of the recruitment process in line with local regulations or otherwise for a period of two years from the date you are formally rejected.

If you are required to complete an on-line assessment as part of your application, your test results may be valid for future job applications and we will keep them for a period of twelve months. After twelve months your test results will be deleted and therefore if you apply to either the same role or a different role with HSBC in the future then you may be required to complete a new on-line assessment.

We may need to retain your information for a longer period where we need the information to comply with regulatory or legal requirements or where we may need it for our legitimate purposes, e.g. to help us respond to queries or complaints, fighting fraud and financial crime, responding to requests from regulators, etc.

If we don't need to retain information for this period of time, we may destroy, delete or anonymise it more promptly.

### **Transferring your information overseas**

Your information may be transferred to and stored in locations outside the European Economic Area (EEA), including countries that may not have the same level of protection for personal information. When we do this, we'll ensure it has an appropriate level of protection and that the transfer is lawful. We may need to transfer your information in this way to carry out our contract with you, to fulfil a legal obligation, to protect the public interest and / or for our legitimate interests. In some countries the law might compel us to share certain information, e.g. with tax authorities. Even in these cases, we'll only share your information with people who have the right to see it.



You can obtain more details of the protection given to your information when it's transferred outside the EEA by contacting us using the details in the 'More details about your information' section below.

## Your rights

You have a number of rights, under GDPR, in relation to the information that we hold about you. These rights include:

- The right to access information we hold about you and to obtain information about how we process it;
- In some circumstances, the right to withdraw your consent to our processing of your information, which you can do at any time. We may continue to process your information if we have another legitimate reason for doing so;
- In some circumstances, the right to receive certain information you have provided to us in an electronic format and / or request that we transmit it to a third party;
- The right to request that we rectify your information if it's inaccurate or incomplete;
- In some circumstances, the right to request that we erase your information. We may continue to retain your information if we're entitled or required to retain it;
- The right to object to, and to request that we restrict, our processing of your information in some circumstances. Again, there may be situations where you object to, or ask us to restrict, our processing of your information but we're entitled to continue processing your information and / or to refuse that request.

You can exercise your rights by contacting us using the details set out in the 'More details about your information' section below. You also have a right to find out more information about your rights by contacting the Luxembourg Commission Nationale pour la Protection des Données, or by visiting data protection regulator at <https://www.cnpd.lu>.

## What we need from you

You're responsible for making sure the information you give us is accurate and up to date, and you must tell us if anything changes as soon as possible.

The absence or inaccuracy of any records may affect the outcome of your application or we may be prevented from complying with our legal obligations.

## How we keep your information secure

We use a range of measures to keep your information safe and secure which may include encryption and other forms of security. We require our staff and any third parties who carry out any work on our behalf to comply with appropriate compliance standards including obligations to protect any information and applying appropriate measures for the use and transfer of information.

## More details about your information

If you would like further information on any of the information above, please address questions, comments and requests to [lux.data.privacy@hsbc.com](mailto:lux.data.privacy@hsbc.com) or to <http://www.hsbc.lu/> our Data Protection Officer at HSBC Continental Europe – *Délégué à la protection des données*

## Our data protection officer can be reached at the following address:

38, Avenue Kléber – 75116 Paris – France

This Privacy Notice may be updated from time to time, please see the latest version here <http://www.hsbc.lu/>

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## Appendix 1 – How we process your information

We'll use your information for purposes including:

### 1. **Application administration purposes**, including:

- Carrying out recruitment activities;
- Administering and maintaining personal records;
- Business continuity and emergency management purposes;
- Assessing your performance in interviews, assessments and on-line tests;
- Evaluating your suitability for the role and making decisions on the outcome of your application;
- The pursuit of complaints;
- Equal opportunities matters including the operation of an equal opportunities policy, identifying or keeping under review the existence or absence of the quality of opportunity, or treatment between persons of different protected characteristics, with a view to enabling such quality to be promoted, or maintained.

The lawful reasons for processing these are legitimate interest, legal obligation and in order to perform our contract with you.

### 2. **To prevent and detect crime including, e.g. fraud, terrorist financing and money laundering:** this will include monitoring, mitigation and risk management. We do this to comply with our legal obligations and because it's in our legitimate interest.

We may also share your information with relevant agencies, law enforcement and other third parties where the law allows us to for the purpose of preventing or detecting crime. Additionally, we and other financial institutions may take steps to help prevent financial crime and manage risk. We'll do this because we have a legitimate interest, a legal obligation to prevent or detect crime or it's in the public interest. We may be required to use your information to do this, even if you've asked us to stop using your information. That could include (among other things):

- Passing information to relevant agencies if we think you've given us false or inaccurate information, or we suspect criminal activity;
- Combining the information, we have about you with information from other HSBC companies to help us better understand any potential risk.

### 3. **Risk management:** we'll use your information to measure, detect and prevent the likelihood of financial, reputational, legal, compliance or customer risk. This includes credit risk, traded risk, operational risk and insurance risk (e.g. for underwriting or claims management purposes). We'll do this because we have a legitimate interest in ensuring that we carry out a proper risk assessment prior to making offers of employment;

### 4. **Online assessments:** we'll use your information to allow us to provide you with access to any online platforms in order for you to carry out any relevant online tests. The platform may allow you to directly or indirectly communicate with us. The lawful basis for using your information for this purpose is in our legitimate interest;

### 5. **Service improvement:** we'll analyse your information to identify possible service and improvements in our recruitment process. The lawful basis for processing your information for this purpose is our legitimate interest. We do this to improve our products and services to best meet the need of our workers;

### 6. **Data analytics:** we'll analyse your information to identify relevant job opportunities and to better manage our workforce. The lawful basis for using your information in this way is our legitimate interest;

### 7. **Protecting our legal rights:** we may need to use your information to protect our legal rights, e.g. in the case of defending or the protection of legal rights and interests (e.g. labour law disputes); court action; managing complaints or disputes; in the event of a restructuring of companies or other mergers or acquisition. This may be in connection with action taken against you or other persons. We'd do this on the basis that it's in our legitimate interest;