Broadbean
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Broadbean GDPR client tooling

For more than a year, Broadbean has worked with our partners and clients to understand the needs of the industry with regards to GDPR, and to develop a programme of work and functionality to help clients prepare and implement their GDPR compliance policies.

Listed below is a description of related functionality which Broadbean either already provides or is currently working on providing to our clients. Together they will help you, as a data controller, communicate your legal basis to the candidates you work with, manage the Personal Data we process on your behalf, and effectively apply your data retention policies.

All functionality below is targeted to be available before 25th May 2018, with the exception of the *phase 2* work *(in grey),* which will be delivered shortly after. As functionality becomes available, this will be communicated in advance to clients in order to give you the necessary time to prepare.

Data retention

Broadbean will be providing clients the ability to configure their own data retention periods within Broadbean

- Candidate applications in Aplitrak, and Candidates sourced from third party CV databases and stored *'shortlisted'* against a job in Aplitrak can be retained for up to 1 year (default 6 months) from the point of application or import.
- All Talent Search candidates can be retained for up to 5 years (default 2 years) from the point they enter the system.
- Within Talent Search, this period will be reset if the same candidate is re-entered into the system via a new application, if their details are subsequently downloaded from an external CV database channel, or if their details re-enter the system through other imports.
- Within Talent Search interface, we will also provide a method to reset the retention period manually in the case where the record is still useful, for example if the candidate is still in active communication under a legitimate interest lawful basis.

In all cases, when candidate records expire, the candidate Personal Information will be automatically deleted from the Broadbean system. They are removed or anonymised in such a way that while no Personal Data will remain, we will still be able to report accurately the fact that a candidate application event occurred against the relevant advert from a specific channel.

Lawful basis

It is important for Data Controllers to clearly establish their lawful basis for processing any Personal Information they collect, and their purpose for doing so. The two, main lawful bases

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being used by Broadbean clients are "Legitimate Interests" and "Consent". We strongly recommend clients take legal advice and consider in particular the advice from the ICO on the subject as well as the European Commission's WP29 guidelines on consent when deciding which is appropriate for their business. Broadbean will be providing functionalities to assist in either case, as described below.

Please note: Because of where Broadbean sits in the candidate acquisition process, we do not in most cases have any direct interaction with candidates prior to storing the candidate data. As such we are not well placed to gather initial consents on our client's behalf. If as a Broadbean client you choose to use consent as your legal basis for processing candidate information, we would recommend considering how that initial consent can be obtained in compliance with GDPR, in particular, Article 7 and Recital 32.

Legitimate Interest tooling

At points where candidate details are introduced from third party job boards or CV databases into Broadbean systems, the following functionalities will be provided as a mechanism for providing candidates with a client's Privacy Notice and other details as described under Art. 14 of the GDPR:

- Clients are able to configure an auto-response email to be triggered and sent to the candidate when an application record is received by Broadbean. The email is fully customisable in full HTML and can include attachments. **This functionality is already available.**

- For Search Customers, Broadbean will be providing functionality allowing clients to create fully customised HTML emails (including attachments), which can be triggered to be sent to candidates when their CV and details are downloaded into the Broadbean system from a third-party CV database in our Search product.

- Emails sent for the purpose of informing the candidate under legitimate interests will be logged.

Consent tooling

The following functionalities will be available to clients, providing a way of capturing and logging extra consents or extending existing consents:

- When candidate details are received by Broadbean in relation to an application for a specific role, clients will be able to configure fully customised HTML emails (including attachments), to be sent to the candidate. These emails can contain a request for

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additional consent for the purpose of providing them information on other employment opportunities that may be suitable.

- o If the candidate clicks the link to consent, we will capture that consent and clearly display in our new Manage Responses interface that consent for being put forward for other roles has been given.
- o If client is a Talent Search customer this consent be visible in Talent Search.
- o If the candidate clicks to deny consent, even after having initially consented, this response is logged and interface will reflect that the candidate does not consent to being put forward for other roles.
- o If the client is a Talent Search customer, this consent denial will also remove their record from Talent Search.
- o If the candidate takes no action, they remain 'unconsented' in new Manage Responses interface, and are removed from Talent Search after 30 days.

- When candidate details are downloaded from third party CV database, or otherwise imported into Talent Search from other sources, a fully customised HTML email (including attachments), can be configured to be sent to the candidate requesting additional consent to process their personal data to provide them with other relevant employment opportunities.
  - o If the candidate clicks the link to consent, we will capture that consent and set the retention period of that candidate record as you have configured in your account.
  - o If the candidate clicks to deny consent, even if they had previously consented, this response is logged and the candidate record is deleted from Talent Search.
  - o If the candidate takes no action, the candidate record is deleted from Talent Search after 30 days.

- For Talent Search customers, Broadbean will provide functionality allowing fully customised HTML email (including attachments) to automatically be sent to candidates, a configurable period before data retention expiry. These emails could be used by clients wishing to request renewed consent from a candidate to keep their details in their Talent Search database for a further retention period.
  - o If the candidate clicks the link to consent, we will capture that consent and set the retention period of that candidate record as you have configured in your account.
  - o If the candidate clicks to deny consent, this response will be logged and the candidate is immediately removed from your Talent Search database.
  - o If the candidate takes no action, the record expiration will remain unchanged.

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Candidate rights tooling

Broadbean can already provide you with details, upon request, of the personal data we hold about a candidate and delete candidate records if necessary.

We recognise that under GDPR the volume of Data Subject Access Requests and Data Portability requests may increase substantially, and that the number of candidates exercising their right to be forgotten or objecting to processing may also go up.

Broadbean will be developing new internal tools and processes to streamline fulfilling these requests in a timely manner when requested by our clients, and all such requests and actions will be audit logged.

In the second half of 2018, we will also be looking to make this functionality client admin-facing, in order that clients can manage these requests without needing to engage Broadbean Client Services team.

Account expiry

We have published a new Data Processing Agreement which clarifies that in the event that a contract expires or is cancelled, Broadbean have no legal rights over the personal data within that account and as such we are obliged to delete it. There will be a grace period of 30 days between an account being locked for use at the point it expires, and the account data being deleted automatically.

If you require your candidate data to be exported and returned, you will need to request this in advance, provide a suitable SFTP location for us to transfer your data, and allow sufficient time for the export to be performed before it is permanently deleted.