

# **DUCRAY LENOIR**

## **RECRUITMENT PRIVACY NOTICE**

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### **1. Introduction**

- 1.1 In this Recruitment Privacy Notice, 'DUCRAY LENOIR' refers to Ducray Lenoir Ltd and all the words and expressions used in this Recruitment Privacy Notice shall be interpreted and construed in line with the definitions used in DUCRAY LENOIR's General Data Protection Policy.
- 1.2 This Recruitment Privacy Notice should be read and interpreted in conjunction with and subject to DUCRAY LENOIR's General Data Protection Policy that governs all the personal data processing activities of DUCRAY LENOIR.
- 1.3 This Recruitment Privacy Notice is relevant to all persons who apply or are likely to apply for a job at DUCRAY LENOIR and whose personal data may be collected by DUCRAY LENOIR, whether by automated or non-automated means, in line with the requirements of the Mauritius Data Protection Act 2017 ('DPA').

### **2. Responsibilities**

- 2.1 DUCRAY LENOIR will ensure that this Recruitment Privacy Notice is brought to the knowledge of all persons who apply or are likely to apply for jobs at DUCRAY LENOIR in order to provide to the said persons with all relevant information pertaining to the collection/processing of their personal data when they apply for jobs at DUCRAY LENOIR.
- 2.2 DUCRAY LENOIR has ensured that all its relevant préposés who interact or otherwise deal with the personal data of job applicants are responsible for ensuring that:
  - this Recruitment Privacy Notice is drawn to the attention of the applicants when processing the latter's personal data; and
  - they obtain the consent of the said applicants prior to the processing of their data wherever consent is required under the DPA.

### **3. Privacy Statement**

#### **3.1 What personal data of job applicants does DUCRAY LENOIR process?**

- 3.1.1 The personal data DUCRAY LENOIR is likely to collect from job applicants and process are: candidate name, address, academic qualifications, contact details, curriculum vitae.
- 3.1.2 All the personal data DUCRAY LENOIR collects from job applicants will be used for the purpose of assessing the suitability of the applicant for the job applied for. And should the applicant be successful in its application and that DUCRAY LENOIR offers

him or her the job, DUCRAY LENOIR will collect all personal data that are necessary for the preparation of a contract of employment.

3.1.3 In any event, DUCRAY LENOIR is committed to ensuring that the information it collects and use is appropriate for the purpose for which it was collected, and does not constitute an invasion of the applicants' privacy.

3.1.5 DUCRAY LENOIR's aim is not to be intrusive, and DUCRAY LENOIR undertakes not to ask irrelevant or unnecessary questions. Moreover, the personal information collected from the applicants will be subject to rigorous measures and procedures to minimize the risk of unauthorized access or disclosure.

## 3.2 **Consent**

3.2.1 DUCRAY LENOIR will ask and obtain explicit written consent from job applicants before processing any special categories of personal data on them.

3.2.2 Special categories of personal data is information about racial origin, ethnic origin, political opinion, religious belief, philosophical belief, trade union membership, genetic data, biometric data, health data, criminal record, data concerning sex life and/or sexual orientation.

3.2.3 Where asking special categories of personal data from job applicants, DUCRAY LENOIR will always tell them why and how the information will be used.

3.2.4 As a rule, DUCRAY LENOIR will not ask job applicants information about their special categories personal data save and except when it is necessary to assess whether the applicant is medically fit for the job applied for and/or where the applicant's criminal record is relevant given the nature of the job applied for.

3.2.5 When applicants have been requested to and do submit written explicit consent, they will be informed that they have the right to withdraw their consent at any time by informing DUCRAY LENOIR and/or DUCRAY LENOIR's Data Protection Officer in writing of their wishes to withdraw their consent without having to assign any reason for their decisions.

3.2.6 DUCRAY LENOIR may exceptionally process special categories personal data of job applicants without their explicit written consent if such processing is required by law, for compliance with a Court order, for determining whether the said applicants are medically fit for the jobs applied for, for protecting the legitimate interests of DUCRAY LENOIR should the latter need to defend civil claims including but not limited to complaints instituted under the Equal Opportunities Act or where the information is already in the public domain.

## 3.3 **Disclosure and transfer**

3.3.1 DUCRAY LENOIR may pass on personal data of job applicants to third-party service providers contracted to DUCRAY LENOIR for specific purposes (e.g. recruitment agencies). Any third parties, with whom DUCRAY LENOIR may share personal data of job applicants, are obliged to keep the same securely, and to use them only to fulfil the service they provide to DUCRAY LENOIR. When they no longer need the said data

to fulfil this service, they will dispose of the details in line with DUCRAY LENOIR's procedures.

- 3.3.2 Save and except as provided at clause 3.3.1 above, DUCRAY LENOIR will not pass on the personal data of job applicants to third parties unless such disclosure is necessary for the processing activities of DUCRAY LENOIR in furtherance of a contractual relationship to which DUCRAY LENOIR and the said applicants are privy.
- 3.3.3 As a rule, DUCRAY LENOIR will not transfer the personal data of job applicants to another country or to another company within DUCRAY LENOIR's group unless the applicants have so requested.
- 3.3.4 Furthermore, DUCRAY LENOIR will not transfer the personal data of job applicants to a different country without having carried out an adequacy test as explained in DUCRAY LENOIR's General Data Protection Policy and informed the applicants concerned about the adequacy of protection afforded to the personal data in that country.

#### **3.4 Report of Breach**

Whenever DUCRAY LENOIR is on notice that a breach of personal data has been committed or reasonably suspects that a breach of personal data is likely to be committed, DUCRAY LENOIR shall as soon as reasonably practicable inform the relevant supervisory authority about the same. The job applicant concerned shall also be informed about the same especially where such a breach is likely to impact on the rights and freedoms of the said applicant.

#### **3.5 Retention Period**

- 3.5.1 Subject to paragraph 3.5.2 below, DUCRAY LENOIR will process and store the personal data of job applicants for no longer that is required for the purpose for which it is initially collected.
- 3.5.2 Notwithstanding paragraph 3.5.1 above, DUCRAY LENOIR may store the personal data of job applicants for such period as may be necessary for DUCRAY LENOIR's compliance with legal obligations and for DUCRAY LENOIR's legitimate interests such as the defense by DUCRAY LENOIR of legal claims that may be brought against it.

#### **3.6 Rights of job applicants**

At any point while DUCRAY LENOIR is in possession of or processing the personal data of job applicants, the latter shall have the following rights:

- Right of access – a job applicant has the right to request a copy of the information that DUCRAY LENOIR holds about him or her.
- Right of rectification – a job applicant has the right to correct data that DUCRAY LENOIR holds about him or her that is inaccurate or incomplete.

- Right to be forgotten – in certain circumstances a job applicant can ask for the data DUCRAY LENOIR holds about him or her to be erased from its records save and except if the retention of the data is necessary by law and/or necessary for the legitimate interests of DUCRAY LENOIR (e.g. retention of 10 years in order to defend possible civil claims that can be brought within the civil prescription time-line).
- Right to restriction of processing – where certain conditions apply, a job applicant has a right to restrict the processing.
- Right of portability – a job applicant has the right to have the data DUCRAY LENOIR holds about him or her transferred to another organisation.
- Right to object – a job applicant has the right to object to certain types of processing.
- Right to object to automated processing – a job applicant also has the right not to be subject to the legal effects of automated processing.
- Right to judicial review: in the event that DUCRAY LENOIR refuses to accede to a request under rights of access, DUCRAY LENOIR will provide a reason as to why. In such as case, the job applicant has the right to complain as outlined in clause 3.7 below.

### 3.7 **Complaints**

3.7.1 In the event that a job applicant wishes to make a complaint about how his or her personal data is being processed by DUCRAY LENOIR, or how his or her requests under clause 3.6 above have been handled, the applicant has the right to lodge a complaint directly with the relevant supervisory authority and DUCRAY LENOIR's Data Protection Officer.

3.7.2 The supervisory authority in Mauritius is the Data Commissioner of the Mauritius Data Protection Office whose contact details are as follows:

Postal address: Data Protection Office, 5th Floor, SICOM Tower, Ebene, Mauritius.

Telephone number(s): +230 460-0253/+230 460-0251

Email address: [dpo@govmu.org](mailto:dpo@govmu.org)

### 3.8 **What does DUCRAY LENOIR hold about job applicants?**

3.8.1 At any point in time, job applicants can find out the personal data that the DUCRAY LENOIR holds about them.

3.8.2 Upon a written request being received from a job applicant, DUCRAY LENOIR can confirm what information it holds about that applicant and how it is processed.

3.8.3 Where DUCRAY LENOIR holds personal data about a job applicant, the latter can request the following information from DUCRAY LENOIR:

- Identity and the contact details of the person or organisation that has determined how and why to process that data.
- The purpose of the processing as well as the legal basis for processing.
- If the processing is based on the legitimate interests of DUCRAY LENOIR or a third party, information about those interests.
- The categories of personal data collected, stored and processed.
- Recipient(s) or categories of recipients that the data is/will be disclosed to.
- If DUCRAY LENOIR intends to transfer the personal data to a third country or international organisation, information about how DUCRAY LENOIR ensures this is done securely. Please note that the European Union has approved sending personal data to some countries because they meet a minimum standard of data protection. In other cases, DUCRAY LENOIR will ensure there are specific measures in place to secure the data by carrying out an adequacy test as explained in DUCRAY LENOIR's General Data Protection Policy.
- How long the data will be stored.
- Details of about rights to correct, erase, restrict or object to such processing.
- Information about the right to withdraw consent at any time.
- How to lodge a complaint with the relevant supervisory authority.
- Whether the provision of personal data is a statutory or contractual requirement, or a requirement necessary to enter into a contract, as well as whether the job applicant is obliged to provide the personal data and the possible consequences of failing to provide such data.
- The source of personal data if it wasn't collected directly from the job applicant.
- Any details and information of automated decision making, such as profiling, and any meaningful information about the logic involved, as well as the significance and expected consequences of such processing.

3.8.4 When making a written request to DUCRAY LENOIR pursuant to this clause 3.8, the job applicant will need to provide to DUCRAY LENOIR an appropriate form of ID in order to access to the information set out at paragraph 3.8.3 above. An appropriate form of ID is either a National Identity Card or a passport (provided the same has not expired).

### ***Ownership and Authorisation***

Ducray Lenoir Ltd is the owner of this document.

This document may, from time to time, be reviewed in line with any changes in the DUCRAY LENOIR's General Data Protection Policy and the law.

This Privacy Notice been duly approved by the Board of Directors of Ducray Lenoir Ltd on 25 January 2019.

By order of the Board of Directors of Ducray Lenoir Ltd.

Made in good faith on 25 January 2019 at 19 Poivre Street, Port-Louis, Republic of Mauritius.