

## CMC Markets Job Applicants Privacy Notice

This Privacy Notice ("Notice") applies to job applicants. CMC Markets ("CMC") collects and processes personal data relating to job applicants as part of any recruitment process. We are committed to protecting the privacy and security of your personal information, to providing clear information about how your personal information is processed and to complying with data protection laws.

This Notice applies to all organisations within the CMC Markets group of companies.

This Notice comprises accepted principles of data protection, without replacing existing national laws.

***Please read this Privacy Notice carefully***

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## 1. Introduction – about this Privacy Notice

A.	<p><b>About this Privacy Notice</b></p> <p>This Notice does not form part of any contract of employment, or other contract to provide services.</p> <p>CMC is committed to protecting your privacy. This Notice tells you what personal information we collect, why we need it, how we use it during the recruitment process and what protections are in place to keep your personal information secure. It also sets out your rights in relation to your personal information.</p> <p>It is important that you read this Notice carefully, and any subsequent privacy notice we may provide to you, so that you are aware of how and why we are processing your personal information.</p> <p>CMC may change this privacy notice from time to time. This privacy notice was last updated in October 2020.</p>
B.	<p><b>About us</b></p> <p>CMC act as data controller in respect of the personal information that we process. This means that we are responsible for deciding how we hold and use personal information about you.</p> <p>We have appointed a Global Head of Data Privacy to oversee CMC’s compliance with data protection laws.</p>

## 2. What personal information do we hold about you?

A.	<p><b>What is 'personal information'?</b></p> <p>Your 'personal information' means any information about you from which you can be identified - either by reference to an identifier (for example your name, location data or online identifier (e.g. IP address)) or from factors specific to your physical, cultural or social identity (e.g. your social background, outside interests, etc).</p> <p>It does not include information where the identity has been removed such as anonymised data.</p>
B.	<p><b>What personal information do we process?</b></p> <p>CMC collect and use personal information that you provide for the recruitment process.</p> <p>The personal information about you that we may collect, store and use includes, but is not limited to, the following categories of information:</p> <ul style="list-style-type: none"> <li>• General information, such as your name, address, contact details (work and personal), date and place of birth, photograph, gender, marital status, dependents, next of kin and emergency contact information.</li> <li>• Recruitment information, such as your right to work documentation, driving licence, references, employment records, salary and benefits history and other information included in a CV or covering letter as part of the application process.</li> </ul>
C.	<p><b>What 'special category' personal information do we process?</b></p> <p>Certain 'special categories' of more sensitive personal information (such as information about racial/ ethnic origin, sexual orientation, political opinions, religious/ philosophical beliefs, trade union membership, biometric or genetic data and health data) are given a higher level of protection by data protection laws. We do not collect, store or use any special categories of more sensitive personal information about job applicants.</p>

## 3. Where do we collect your personal information from?

A.	<p><b>Where does your personal information come from?</b></p> <p>We collect your personal information:</p> <p><b>From you:</b> we typically collect your personal information directly from you through the application and recruitment process – personal information is contained in application forms, CVs, from your passport or other identity documents, or collected through interviews or other</p>
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	<p>forms of assessment. If you are successful, we use the following information to carry out your recruitment.</p> <ul style="list-style-type: none"> <li>Your contact details and other information to confirm your identity and your communications with us. This includes your name, gender, address, phone number, date of birth, and email address, national insurance number and bank details if you are successful. We also collect documents to verify this information such as your passport, driving license, photographs and electronic signatures.</li> </ul> <p><b>From third parties:</b> we sometimes collect additional information from third parties including recruitment agencies, medical officers or other background check agencies and details of those third parties are available from HR.</p> <p>The categories of personal information we may collect, store and use from third parties includes, but is not limited to, the following categories of information:</p> <ul style="list-style-type: none"> <li>CVs and other recruitment information</li> <li>Credit checks</li> <li>Criminal record check results from Disclosure and Barring Service (England and Wales), Access NI (Northern Ireland), Disclosure Scotland (Scotland) and others as appropriate.</li> </ul>
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#### 4. How will we use your personal information?

<b>A.</b>	<p><b>What is the legal basis for using your personal information?</b></p> <p>We will only process your personal information when the law allows us to. In most cases, we will process your personal information where it is necessary:</p> <ul style="list-style-type: none"> <li>to take steps before entering, and to enter, into a contract with you e.g. Contact you to arrange assessments and/or interview, assess your suitability to do the job you have applied for (Basis 1)</li> <li>to comply with legal obligations (e.g. checking a successful applicant's eligibility to work in the UK or designated place of work, before employment starts) (Basis 2)</li> <li>for our legitimate interests as a business and as an employer (i.e. recruitment) as a business and as your potential employer – it allows us to manage the recruitment process, assess and confirm a candidate's suitability for employment and decide who to recruit. We may also need to process information from job applicants to respond to and defend legal claims. (Basis 3)</li> </ul> <p>We have considered, as we are required to do under the data protections laws, whether our legitimate interests are overridden by job applicants' rights and freedoms, and have concluded that they are not.</p>
<b>B.</b>	<p><b>What is the purpose for processing your personal information?</b></p> <p>We process the personal information detailed in 2B for making recruitment decisions and for tracking the application process.</p>
<b>C.</b>	<p><b>Change of purpose</b></p> <p>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 a purpose that is compatible with the original purpose.</p>
<b>D.</b>	<p><b>What is the legal basis for processing your 'special category' personal information?</b></p> <p>We may process special categories of personal information when the law allows us to, which will be in the following situations:</p> <ul style="list-style-type: none"> <li>Where we need to do so to fulfil our legal obligations or exercise our rights in connection with employment law (e.g. for making reasonable adjustments for individuals with a disability)*</li> <li>Where it is needed to assess your working capacity on health grounds (e.g. for an occupational health report), subject to appropriate confidentiality safeguards</li> <li>Where it is necessary in order to establish, exercise or defend a legal claim</li> <li>With your explicit consent, where the processing is voluntary - this will only be in limited circumstances</li> </ul>

	<i>* We have in place an appropriate policy, which we are required by law to maintain when processing such data. Further information about this policy can be obtained from your HR contact.</i>
<b>E.</b>	<b>What is the purpose for processing 'special category' personal information?</b>
	'Special categories' of particularly sensitive personal information attract higher levels of protection, and we must have further justification for collecting, storing and using this type of personal information.  With the exceptions noted above in 4 section D, we do not process this type of data about Job Applicants.
<b>F.</b>	<b>Information about criminal convictions</b>
	We may process information about criminal convictions.
	We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to act in accordance with our regulatory and other legal obligations and is in accordance with our data protection notice.  We will only collect information about criminal convictions if it is appropriate, given the nature of your role, and provided we are legally able to do so.

## 5. Do we need your consent?

<b>A.</b>	<b>When might we need your consent?</b>
	We will only seek and rely on your consent where you are fully informed and your consent can be freely given.
<b>B.</b>	<b>Your right to withdraw consent</b>
	If you do provide your consent to the processing of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. Once we have received notification that you have withdrawn your consent, we will no longer process your information for that purpose.  If you wish to withdraw your consent, please contact the Global Head of Data Privacy at <a href="mailto:dpo@cmcmarkets.com">dpo@cmcmarkets.com</a> .

## 6. What steps do we take to protect your data?

<b>A.</b>	<b>How do we secure your data?</b>
	CMC have security measures in place to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, or inappropriately altered or disclosed. In addition, we limit access to your personal information to those who need to process that information for business reasons. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.  We have put in place procedures to deal with any suspected information security breach and will notify you and any applicable regulator of a suspected breach as appropriate and in accordance with our legal obligations.

## 7. Who do we share your personal information with?

<b>A.</b>	<b>Sharing your personal information within CMC</b>
	Where this is relevant to their role, your potential line managers, certain HR professionals, payroll, IT and in some cases certain colleagues (i.e. where necessary to fulfil business requirements) will have access to some of your personal information.
<b>B.</b>	<b>What is the legal basis for sharing your personal information with third parties?</b>
	We may share your personal information with third parties, including third party service providers and other CMC Markets group companies in the following situations: <ul style="list-style-type: none"> <li>• where it is necessary to take steps at your request when considering entering into a contract with you</li> </ul>

	<ul style="list-style-type: none"> <li>• where required by law (e.g. to check a successful applicant's eligibility to work in the UK) or other countries as applicable.</li> <li>• where we have another legitimate interest in doing so, as a business and as your potential employer</li> </ul> <p>In these circumstances, we require third parties to ensure the security of your personal information and to treat it in accordance with the law.</p>
<b>C.</b>	<b>What protections are in place?</b>
	<p>The terms of our contracts with third parties include obligations on them in relation to what personal information they can process and what they can do with that information. All our third party service providers, professional advisers and other entities in the group are required to take appropriate security measures to protect your personal information in line with our policies.</p> <p>We do not permit our third party service providers to use your personal information for their own purposes – they may only process your personal information for specified purposes and in accordance with our instructions and legal obligations.</p>
<b>D.</b>	<b>Which third parties process your personal information?</b>
	<p>We may disclose your personal information to the third parties listed below where relevant to the purposes described in this Notice. These third parties may include:</p> <ul style="list-style-type: none"> <li>• medical officers, occupational health officers</li> <li>• regulatory authorities</li> <li>• UK Visas and Immigration</li> </ul>

## 8. Do we use automated decision making and profiling?

<b>A.</b>	<b>What is automated decision making?</b>
	<p>Automated decision making takes place when an electronic system uses personal information to make a decision without human intervention.</p> <p>We do not envisage that any decisions will be taken about you using automated means during the recruitment process.</p>

## 9. Which countries do we transfer data to?

<b>A.</b>	<b>International data transfers</b>
	<p>Certain suppliers and service providers may also have personnel or systems located outside the EEA. Your personal information may therefore be transferred to non-EEA countries.</p>
<b>B.</b>	<b>What protections are in place?</b>
	<p>CMC have an intra-group data transfer agreement in place, which regulates cross-border transfers of your personal information within the group.</p> <p>Where third parties transfer your personal information outside the EEA, we take steps to ensure that information receives an adequate level of protection (e.g. by entering into information transfer agreements or by ensuring that the third parties are certified under appropriate information protection schemes).</p>

## 10. How long do we use your personal information for?

<b>A.</b>	<b>Data retention</b>
	<p>We will retain your personal information only for as long as is reasonably necessary to satisfy the purposes for which it was collected and for the purposes of satisfying any legal, accounting or reporting and regulatory requirements</p> <p>If your job application is unsuccessful, we will hold your data on file for up to three years after the end of the recruitment process. We retain your personal information for that period 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.</p>

	If your application is successful, personal data gathered during the recruitment process, will be transferred to your personnel file and retained during your employment or engagement. Details about the periods for which your data will be held will be provided to you in a new privacy notice.
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## 11. What are your rights and responsibilities?

<b>A.</b>	<b>Inform us of changes</b>
	Please ensure you inform us if your personal information changes during the job application process.
<b>B.</b>	<b>Failure to provide personal information</b>
	<p>Certain information must be provided so that we can enter into a contract with you (e.g. your contact details, right to work in the UK or other country of employment and payment details). Without this information, we may not be able to process your job application efficiently.</p> <p>In addition, you may have to provide us with information so that you can exercise your statutory rights. If you fail to provide the necessary information, this may mean you are unable to exercise your statutory rights.</p> <p>Certain information may also need to be provided so that we can comply with our regulatory obligations.</p>
<b>C.</b>	<b>Your rights in relation to your personal information</b>
	<p>You have rights in relation to the personal information that we hold about you, including the right to:</p> <ul style="list-style-type: none"> <li>• request access to any personal information we hold about you - or in some cases, to obtain a portable copy of it or to have it transferred to a third party</li> <li>• ask to have inaccurate data amended</li> <li>• erase your personal information, or to restrict or challenge the processing of your personal information in limited circumstances</li> </ul> <p>If you want to make one of these requests, please put your request in writing by email to the Global Head of Data Privacy (Group DPO) at <a href="mailto:dpo@cmcmarkets.com">dpo@cmcmarkets.com</a>.</p> <p>You may also lodge a complaint with Information Commissioner's Office (the UK supervisory authority for data protection issues) or other appropriate supervisory authority.</p>

Ref: 2010V20