General Data Protection Regulation

Introduction

A significant part of recruitment is collecting, handling, and sharing candidate data, and for many recruitment professionals a rich candidate database is one of the most valuable business tools on offer. By now you've probably heard and read about the new EU data processing law coming into play, and may have wondered how this will impact the way you collect, handle and retain candidate data - and it turn what this means for your business. Here at JobAdder we've worked hard to demystify this new law (also referred to as 'the GDPR'), and prepare both our products and our clients for these changes.

Regardless of whether your business provides goods and/or services to people in the EU Member States, this new law will most likely impact you and your business in some way, so read on to learn more about the GDPR and how JobAdder is here to support our clients through this transition.

Disclaimer: The following information should only act as guidelines and mostly represent our point of view. We recommend you consult your legal team on this matter. We will not assume legal liability for the accuracy of any information provided in whole or in part within this article.

What is the GDPR?

The General Data Protection Regulation (GDPR) was approved by the EU parliament in April 2016 and will have effect from 25 May 2018. It is designed to regulate how personal data can be used by businesses, and replaces the existing Data Protection Directive (which was designed before cloud computing, and even the internet, became mainstream).

Penalties for breaches of the GDPR are hefty, with fines of up to €20 million or 4% of your global annual turnover - whichever is greater. These fines have the potential to destroy your recruitment business, which is why it is important to prepare your business for the May 25th deadline.

Does it apply to my business?

If your business is operating in the EU, or handles any data for candidates who are currently in the EU these data regulation updates apply to your business. For UK businesses, the requirements of GDPR will remain valid even after Brexit. For these reasons it is important for businesses that fall within its scope to become compliant.

What do I need to do to prepare for GDPR?

Whilst the GDPR guidelines leave much to interpretation, there are seven key areas that recruitment businesses can focus on to ensure they are handling candidate data in an acceptable manner:

1. Obtain Explicit Consent from Candidates

You must be able to prove that candidates have granted consent for you to process their data. This covers both data that is currently on your system and all future data collected. Fair use of data also means that consent cannot be granted indefinitely, and a good rule of thumb is to re-confirm consent from candidates every 12 months.

It is important to note that you should only be collecting the personal data that you actually need and are allowed to collect in accordance with other legislation such as employment law.

At JobAdder, we are updating our default job application forms to ensure our consent mechanism is compliant with the requirements of GDPR.

2. Keep Candidate Data Up to Date

One of the mandates of GDPR is that any personal data processed should be as up to date as reasonably possible, and you should have a process for ensuring that candidate data is accurate and up to date.

Our new product CareerUpdate Candidate Portal is one of the ways you can completely automate this process, and empower candidates to keep their data fresh and up to date. The auto-complete feature recently introduced to our 'quick create' candidate workflow can also assist with data freshness, and will be introduced to all incoming job applications in the coming weeks.

3. Grant Candidates Access to Their Data

Candidates have the right to request access to their data and this request must be processed by your business within 30 days. This service should be a free to all candidates you store on your database. It is recommended that you keep a log of these requests for audit purposes.

4. Allow Candidates to Opt Out of Communications

It's time to check your unsubscribe links on all of your job alert and career newsletters, as granting candidates the right to opt-out of communications is another mandate of the GDPR.

5. Grant Candidates the Right to be Forgotten

Candidates have the right to ask that their data be erased (the 'right to be forgotten') and you must be able to respond quickly and effectively to these requests. It is important to bear in mind that such a request does not mean you have to delete everything you hold about a candidate, and you should factor in data retention requirements imposed by other legislation, such as employment law. You may also have a compelling, legitimate business need to keep some of their data.

Within the JobAdder system we have an in built function to allow you to manually delete these requests, and our new CareerUpdate add-on has a feature to automate this process further.

6. Invest in a Compliant Technology Stack

It is important that the technology stack you use to store, maintain and send candidate details is compliant with GDPR data processor regulations.

Unfortunately GDPR could see the end of candidate data handling in beloved spreadsheets and personal drives, but the good news is JobAdder has invested extensively in our technology stack and security upgrades to ensure our hiring system helps you to become a compliant data processor.

7. You May Have to Report Your Data Breaches

GDPR brings new data breach reporting requirements and any breaches of personal data that threaten the rights and freedoms of individuals must be reported to the relevant supervisory authority within 72 hours of you becoming aware of the breach. If that risk to their rights and freedoms is high then you also have to tell those individuals without "undue delay". In any case, you must maintain a data breach log.

How is JobAdder supporting clients through this transition?

JobAdder has been working tirelessly on cutting edge technology and security upgrades to ensure that we are prepared for the May 25th deadline. We take information security very seriously, so you can rest assured that when held in JobAdder, your candidate data is processed in a secure and compliant manner.

We have also invested significantly in GDPR focussed research and development projects, to support our clients in becoming compliant themselves:

CareerUpdate

Keeping your database up to date is one of the requirements of GDPR, but this can be a costly and time consuming process for recruitment businesses. With this in mind, we have recently launched a new product 'CareerUpdate' to completely automate your candidate database.

This new branded, mobile responsive portal allows candidates to securely access, update, and enrich the data you have on file for them - and also facilitates an opt-out/erasure process (should any of your candidates wish to do so).

Updated Application Forms

We are updating our application forms to help you to obtain consent to process the candidate's data in a compliant manner.

Auto-Complete Candidate Record

You may have noticed our new auto-complete feature on our quick create workflows, and this is another product improvement we have brought to JobAdder to ensure your candidate data is as fresh and up to date as possible. In the coming weeks this feature will also be enabled on all incoming job applications.

These are just a few of the many proactive product developments JobAdder is launching in 2018 to support our clients through the GDPR transition.

FAQS

Q: **Does GDPR apply to candidate data I have sourced pre 2018?**

A: Yes. The GDPR does apply to candidate data that has been sourced pre 2018, which is why it is important for you to contact candidates to obtain consent to process their data. Our add on CareerUpdate can assist with this process.

Q: **Can I still use sourcing tools like PeopleAdder and process resumes manually?**

A: You can still source and process resumes manually, but you must obtain consent from the candidate to process their data.

Q: **How can I re-obtain consent from candidates after 12 months?**

A: Our CareerUpdate add-on can be leveraged to re-obtain consent from candidates. It is important to remove candidate data from your database for candidates who do not give you consent to process their data.

Q: **What about my UK staff - do I have to process their data in the same manner?**

A: Yes. Personal data from staff members needs to be handled in a manner that complies with the GDPR.

To learn more about the GDPR please visit
https://www.eugdpr.org or contact JobAdder today!