

# **GDPR Subscriber Workshop**

10th May 2018



# **Agenda**

- Service Agreements
  - Roles and Responsibilities
  - WME's Approach and Timescales
  - Draft –Schedule 6
- GDPR changes in TalentLink
- Data privacy statements (Online application form)
- WME High level Action Plan
- Questions





### **Context**

- The new General Data Protection Regulations ('GDPR') will come into force on 25 May this year and specify that any processing of personal data by a Processor should be governed by a contract with certain provisions included.
- WME will be updating the WMJobs Subscription Agreements to bring them into line with the new legislation.
- Reflect the roles and responsibilities between the data 'Controller' and the data 'Processor'.





### **Roles & Responsibilities**

- Subscribing Organisations are Data Controllers
- WME is a Data Processor
- Lumesse and Madgex are WME's sub-Data Processors
- Amazon Web Services is Lumesse's sub-sub-Data Processor





### Our Approach & Timescales

#### Stage 1 - by 24th May

Legal Advice to review **Data Processing Agreements**;

- WME and External Service Providers e.g. Lumesse
- WME and Subscriber Organisations Schedule 6

#### Stage 2 - by 24th May (2 weeks)

Circulate Draft **General Data Protection Regulations (GDPR) Addendum – Schedule 6 &** request for subscriber feedback

#### Stage 3 - between 25th May - tbc

Review Subscriber feedback in parallel with ensuring all requirements are met within External Service Provider Agreements

#### Stage 4 - June

Issue final Schedule 6\_GDPR Addendum - WME will not accept individual variations to the



### **Draft Schedule 6**

#### Section 3.2

The Data Processor will, unless prevented by law, inform the Data Controller within [XX days to be confirmed by WME] of receiving any notice or communication from any Data Subject, supervisory or government body, including any national regulatory authorities for data protection, or any third party, which relates directly or indirectly to the processing of the Personal Data under this Data Processing Agreement. The Data Processor shall not respond to such requests directly to any data subject except on the Data Controller's documented instructions or as required by applicable laws to which the Data Processor is subject.

**Note to colleagues**; XX days will be populated once this clause has been discussed with legal colleagues from the respective service providers.

### **Draft Schedule 6**

### Section 5 Recipients of Personal Data - Amazon Web Services

As part of our programme to achieve compliance with GDPR, the migration of customers hosted in the Equinix Frankfurt data centre to Amazon Web Services Frankfurt will take place 19th May.

As previously explained, this move will bring additional security benefits such as storage encryption and increased controls on platform access by Lumesse themselves. A further result of this move is a removal of the sub processors currently retained under managed service agreements to manage firewall and databases for Lumesse.

**Note to colleagues;** please clarify with your legal/GDPR colleagues that whilst Amazon Web Services is a USA organisation that data will remain hosted within the EU.



# **GDPR Changes within TalentLink**





# List of changes

Function	Release Date	Version Release	Status
Download' as an access right	21/02/2018	18.1	Released
Prevent Users from sending candidate files by e-mail	11/04/2018	18.2	Released
Track Privacy Statement Version			Released
Logging and Displaying Consent Details	10/04/2010	10 2 1	Released
Manage candidate consents in CHP	18/04/2018	18.2.1	Released
Obtain Consent from existing candidates			Released
Separate consent for TalentLink Data-base in application form	09/05/2018	18.2.3	Released
Replace e-mail attachments with links			Scheduled
Record candidate consent from TalentLink back office  Archiving Process Update  Notification to candidate when their data is deleted  24/05/2018  18.3			Scheduled
		18.3	Scheduled
			Scheduled
Migration to Amazon Webservices			Scheduled
Withdraw from TalentLink Database using 'Manage my data page'	30/05/2018	18.3.1	Scheduled





# 'Download' as an access right

### The Change

Lumesse have introduced the ability to restrict a users access to download documents from the TalentLink system through the use of a new user role called 'Download' as an access right

Once a user is restricted, the download option will be disabled within a candidates record preventing the downloading of the candidates personal information

#### What does it mean for subscribers?

As the data controller this gives you the ability should you want to, to prevent users from saving local copies which may then not be deleted in line with your retention policies.

#### What do subscribers need to do?

This is something you need to review as part of your process as to whether you wish to keep the ability to download documents available to all or selected users.

If you want to continue allowing users to download their candidates personal documents you will need to ensure the role 'Download' as an access right is added to their user profile.

If you want to prevent users from downloading their candidates personal documents you will need to remove this role if applied already or make sure it's not added to any new users moving forward.





# Prevent Users from sending candidate files by e-mail

### The Change

Similar to the previous role, Lumesse have created a new role that can restrict a user from being able to send the candidate file by email outside of TalentLink.

TalentLink users who do not have this role assigned, will not be able to email candidate files from areas within TalentLink such as;

- Candidate File > Send to email recipient
- Candidate File > Candidate Pack > Send
- Application > Selection step tab > Step menu > Candidate Pack> Send
- Application > Additional tasks tab > Send to email recipient
- Application > Additional tasks tab > Candidate Pack > Send
- Applicant list > Candidate pack > Send

#### What does it mean for subscribers?

As the data controller this gives you the ability to prevent users from being able to send a candidates personal information outside of TalentLink whereby the handling and deletion of candidate information is

#### What do subscribers need to do?

This is something you need to review as part of your process as to whether you wish to allow your users to send personal information outside of TalentLink.

Initially Lumesse have added this new role to each of your users who currently have the 'Basic access' role.

If you want to continue allowing users to download their candidates personal documents you will need to ensure the role 'Send Candidate file to external user' is added to their user profile.

If you want to prevent users from sending candidates personal documents outside of TalentLink, you will need to remove this role if applied already or make sure the role is not added to any new users moving forward.





# Track Privacy Statement Version

### The Change

To demonstrate that the consent was provided by the candidate, the Consent Date and Time, Consent Provider's details and Privacy Statement version is captured in TalentLink.

This will be visible in the Audit History tab within the candidates record.

WME will keep the details of each Data Privacy Statement version stored and available on the Service Centre should you need to refer back to them.

#### What does it mean for subscribers?

You will be able to see if a candidate has provided their consent as well as the details as to when they did this at any time should you need to.

#### What do subscribers need to do?

There is no action for you to carry out but you may want to highlight this to your teams who manage TalentLink so they are aware of this.





# Logging and Displaying Consent Details

### The Change

The Candidate History section of the Candidate profile in TalentLink logs the activity relating to that candidate (i.e. when the candidate has applied, when e-mails are sent to them and they are moved through the process) to provide an audit trail.

Lumesse are adding to this, the details relating to consent provided by the candidate. The information that will be logged is;

- Date and time of consent type provided
- Consent Provider's ID (candidate ID or recruiter ID)
- Data Privacy Statement version consented
- Consent withdrawal details (withdrawal date, time and consent type withdrawn).

#### What does it mean for subscribers?

Your users with access to view the candidates profile will be able to view whether consent has been given and to what (Just the job or both the job and the talent database) as well as when and by who.

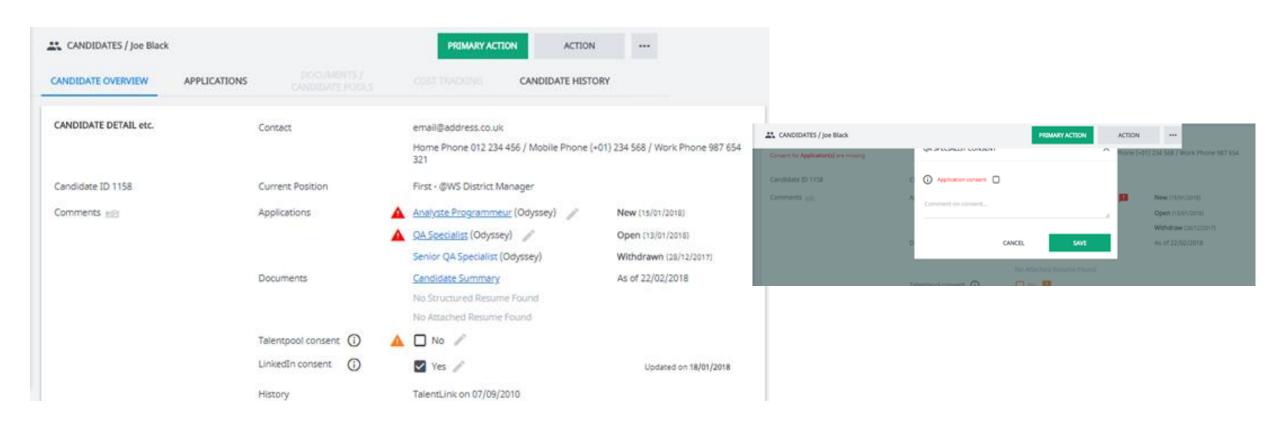
#### • What do subscribers need to do?

There is no action for you to carry out but you may want to highlight this to your teams who manage TalentLink so they are aware of this.





# Logging and Displaying Consent Details







### Consent – Separate Consent for Talent Database

### What do we mean by the Talent Database

By the Talent Database we mean TalentLink itself, the candidate details that sit within it and the ability to use these details to search the candidates that sit within a subscribers area of the database for other purposes such as performing advanced candidate searches and matching of candidates to roles you may have available (Most commonly this is in relation to Talent or Redeployment Pools).

### The Change

Under GDPR, this database searching is something that needs to be consented to by the candidate separately, it cannot just be included as part of the Data Privacy Statement that they agree (Consent) to when they apply against a role/pool.

To allow for separate consents to be given by the candidate, Lumesse have added into TalentLink the ability to have an additional consent section added into the application form.

This will allow a separate Data Privacy Statement to be provided, specifically in relation to the Talent Database purposes which the candidate can view and decide whether to consent to or not.

TalentLink will then prevent any candidates who haven't provided their consent for the Talent Database from appearing within any Advanced Search, Source activity or Matching Exercise.

When a candidate consents for the Talent Database, they set how long they want their information to be retained and can manage this each time they apply.





# Consent – Separate Consent for Talent Database

#### What does it mean for subscribers?

This will immediately effect those organisations that currently have Talent/Redeployment Pools setup, utilise the Matching Function within the job requisition or the functionality within the 'Source' section.

In these scenarios, candidates will need to provide their consent for the talent Database before the system will allow you to continue carrying out the above activities.

For those who don't use any of the above it doesn't effect you now, but will if you start to use this functionality in the future.

#### What do subscribers need to do?

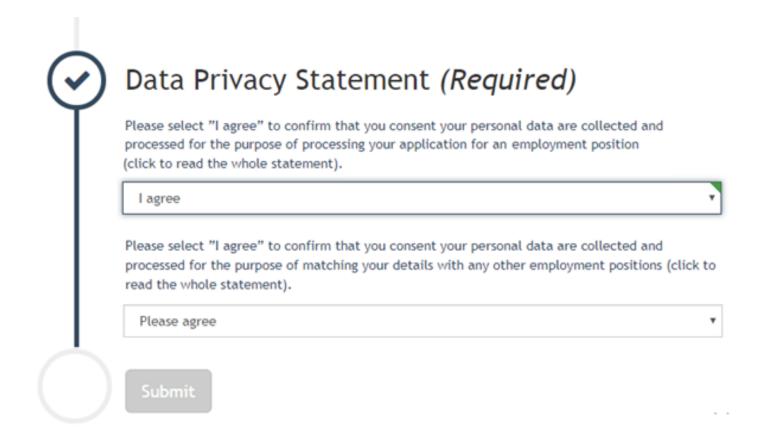
For those subscribers affected by this immediately, you will need to communicate with the candidates in your pools or those you wish to perform an advanced search on to consent to the Talent Database.

Please see the **Obtain Consent from existing candidates** section of this document for more on how to do this.





## Consent – Separate Consent for Talent Database







# Manage candidate consents in CHP

### The Change

To comply with the rights of the candidate under GDPR, Lumesse have added the ability to give candidates further options in their Candidate Homepage (CHP) so that they can remove their consent should they wish to.

Currently candidates have the ability in their CHP to manually withdraw their application form from consideration by the recruiter on a job by job basis up until the point they are offered a role. From the point of offer they would need to contact the recruiter/HR to then decline the offer/withdraw.

This new link will allow candidates to remove their consent;

- For their application to be considered within the Talent Database
- For all the jobs they have applied to (Regardless of what stage they are at in any selection processes they are involved in)

#### What does it mean for subscribers?

This helps ensure you are proving the right to the candidate to remove their consent (right to erasure) and that they can action this as easily as when they provided the consent in the first place.

The next page highlights what happens to the candidates record when they remove one or all of their consents.

#### What do subscribers need to do?

There is no action for you to carry out, but your system users (Recruiters/HR) do need to be aware of this change and the candidates ability to remove their consent.

WME are working with 4MAT to get these links added into the CHP, following Lumesse's release of the APIs.





### Manage candidate consents in CHP

#### • What happens to the candidate record when a candidate removes their consent

The table below highlights what will happen to the candidates record within TalentLink when they remove their consent for their submitted application(s) and/or the Talent Database.

In all scenarios, when a candidate is archived they will still show up in any reporting, however any personally identifiable details are not recorded and therefore can not be shown.

No.	Scenario	Result
1	Candidate removes consent for Talent Database but has existing applications in progress	Candidate remains in system and is managed in line with retention period against each role
2	Candidate removes consent for Talent Database and has no existing applications in progress	Candidate is archived (Immediately or within retention period candidate sets)
3	Candidate removes consent for existing applications but is still providing consent for the Talent Database	Candidate is archived (within retention period) for the specific applications but remains available in the Talent database until they reach their retention period or remove the consent
4	Candidate removes consent for existing applications and has not consented for the Talent Database	Candidate is archived (within retention period)





### • The Change

As per agreement at and around the event in February WME will be updating the retention periods within TalentLink as follows;

	Current Retention Period	New Retention Period
Unsucessful Candidates	12 months	6 months
Hired Candidates	7 Years	6 Months

We will make this change concurrently with the change to the Data Privacy Statements in the application Form.

#### What about existing candidates

Existing candidates who have already applied prior to the above change will have consented to the existing Data Privacy Statement and retention periods, therefore the system will archive based upon these retention periods not the new ones.

### **Retention Periods**

#### What does it mean for subscribers?

From when this change takes place any candidate who applies will be agreeing to these new retention periods and therefore once moved to a terminal status (Closed, withdrawn, Rejected, Hired etc) during the selection process will be archived inline with these periods.

#### What do subscribers need to do?

WME will be making this amendment so there isn't anything you need to do in the system however you may have local documentation where you quote these retention periods. If so you will need to update these.





# Obtain Consent from existing candidates

### The Change

Customers may find existing candidates may not have given consent for (i) Application Processing, (ii) Being part of Talent Database,

Thus, for those customers who consider consent as the legal basis to process candidate data, Lumesse are providing the capability to seek consent from its existing candidates for any missing consents.

To do this you can e-mail your candidates from TalentLInk and include within the e-mail a merge field called 'DPS Consent Request'. The merge field will allow the candidate receiving it to open the 'Get Consent' page.

The 'Get Consent' page is a standard page, hosted by Lumesse that cannot be configured or added to. It will be specific to that candidate showing consents they have or haven't given along with the DPS statement.

For multiple applications, each job title they have applied to will be shown and indicate whether there is consent or not.

#### What does it mean for subscribers?

If you have candidates in the system who haven't provided consent this is a simple solution to allow you to obtain their consent.

For those subscribers that have Talent Pools and need to obtain consent from candidates for the Talent Database (As mentioned earlier in this document), this is how you can obtain this.

You can also use this method moving forward to seek re-consent from candidates in your Talent Pools to ensure you still have their consent to hold their details in your pool.

If candidates choose not to provide consent following your e-mail, they will be archived in line with the previous retention period they agreed to.

#### What do subscribers need to do?

Once the Data Privacy Statements and the updated retention periods are in place in TalentLink you can carry out this exercise should you require to. In order to do this you will need to;

- i) Create a relevant e-mail template that includes the 'Get Consent' link
- ii) Identify the roles candidates that you wish to seek consent from
- iii) Send the e-mail to them (batches of 50 e-mails)





### The Change

When you send a candidates personal information as an attachment on an e-mail you lose control of what can happen with that personal information. Therefore in order to ensure privacy by default, Lumesse have changed the e-mail attachments sent to anyone other than the candidate themselves to 'Secure Attachments' meaning that any files attached to an email will be replaced with a 'View attachments' link. The link, when clicked on by the recipient, will open an 'Attachments Viewer' page where all attachments will be available to view.

The viewing of attachments will be secure using a PIN based authentication method whereby upon clicking the 'View attachments' link in the e-mail, an authentication service page will open asking for the recipient's email address.

By default all email attachments will be 'Secure attachments' with a flag visible in the email to notify that the files will be under a link. However, should you wish to, users can remove the flag enabling the files to be sent as email attachments.



#### What does it mean for subscribers?

As the data controller, subscribers have a choice as to how they want to send e-mail attachments from TalentLink when the e-mails aren't being sent to the candidate.

You can continue as you have previously sending out documents as attachments on an e-mail or you can change to using the secure attachments accessed through the link.

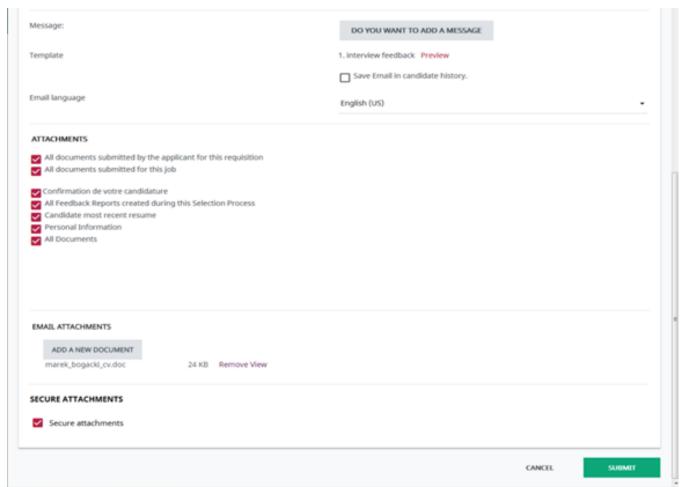
Please note, it is not possible to send some documents as attachments and some via the 'Secure attachments' link within the same e-mail. You have to use one method or the other.

It will not be possible to print or download the document via the link.

#### What do subscribers need to do?

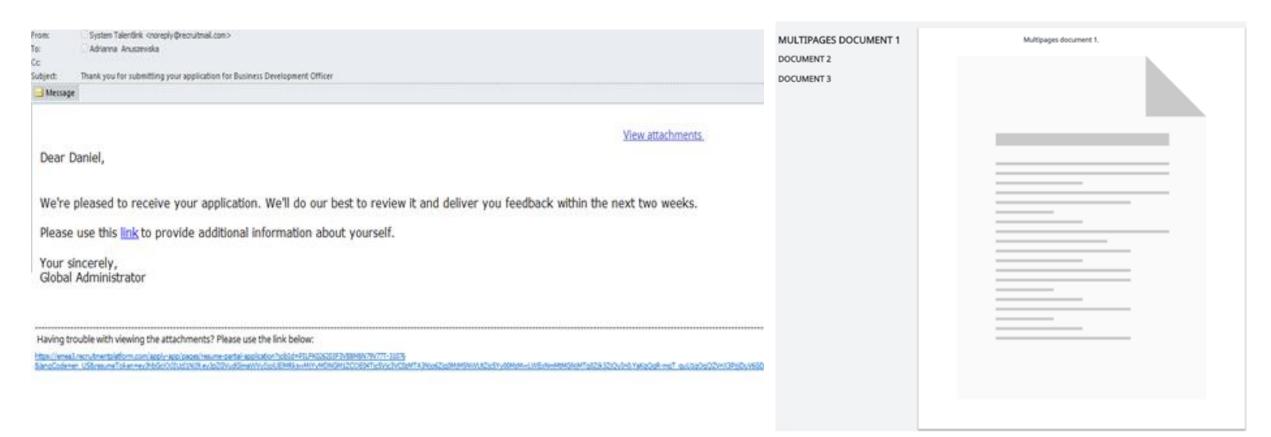
As you will have done with your other processes, you should consider your obligations to the candidate under the GDPR and carry out any risk assessment around you continuing to send documents (those containing personal details) as e-mail attachments, to understand which method you want to use.

Any users (Advanced or MSS) will have the choice to remove the tick if they have the access to send to external users.





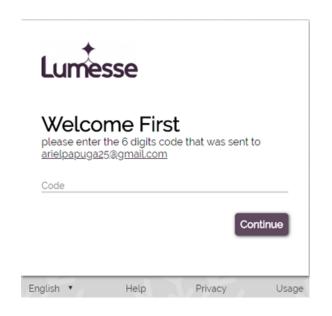
















### Consent – Record Candidate Consents from Back office

### The Change

Where candidates apply through a paper application or other means outside of the TalentLink Application Form, Lumesse have created a method whereby you can add consent into TalentLink against records you create manually.

A recruiter will be able to see whether a candidate has given consent or not in the Candidate Overview page within TalentLink. Any jobs the candidate has applied have a check box next to them. If it's unticked then no consent has been provided.

Recruiters can provide consent on behalf of the candidates and also document the consent details within a comment box.

#### What does it mean for subscribers?

This means that if you receive applications outside of TalentLink you can still manually add these candidates into the system and manually update their consent based upon the form they submitted or any verbal consent they have provided

#### What do subscribers need to do?

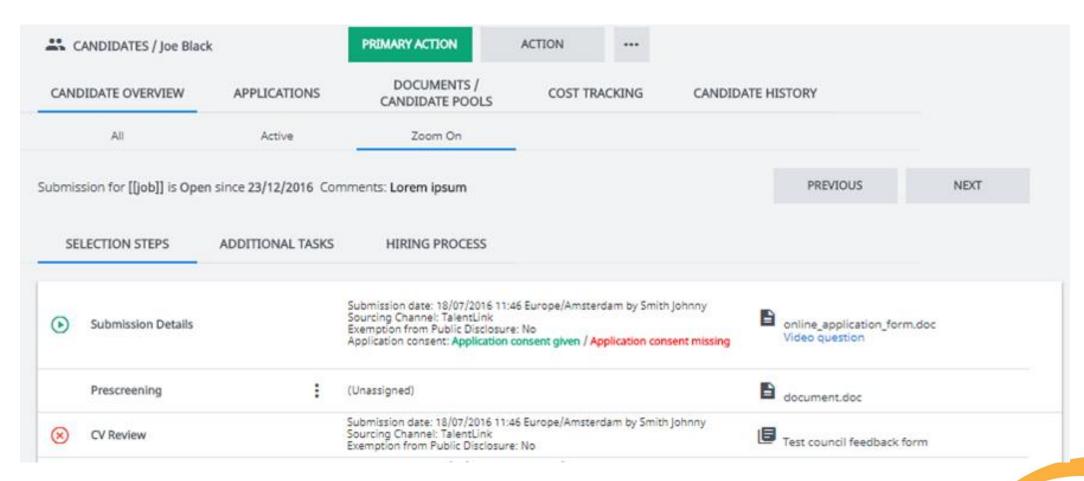
This change once released is automatically available so your recruiters need awareness of this.

If you haven't already please ensure you include a Data Privacy Statement on any application methods you use outside of TalentLink and ask the candidates to provide their consent.





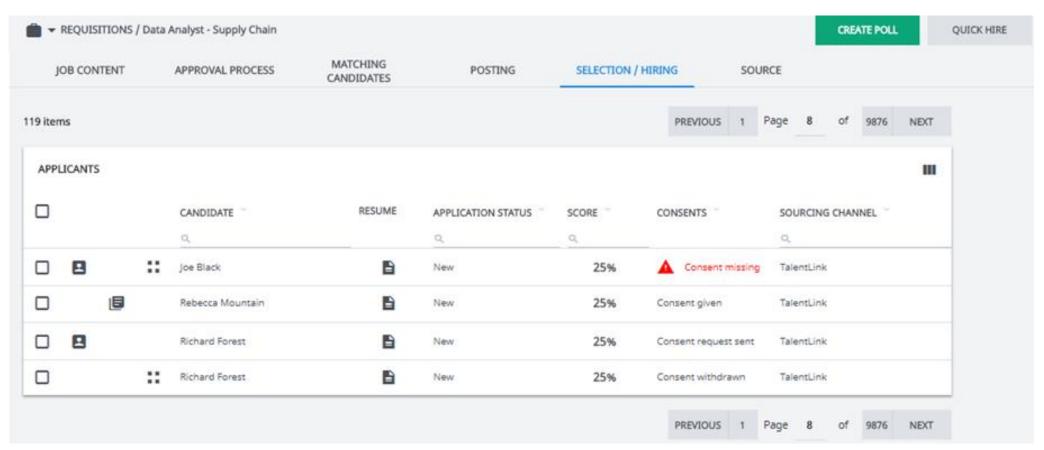
### Consent – Record Candidate Consents from Back office



West Midlands employers



### Consent – Record Candidate Consents from Back office







# Consent—Archiving Process Update

### The Change

Lumesse is rebuilding TalentLink's archiving and deletion rules in relation to applications so that they take into account the different candidate consent that can be given and to ensure archiving works off each application.

Currently the archiving works of the candidates profile meaning if a candidate has applied more than once they will remain visible against all jobs they have applied for, regardless of which organisation(s) they have applied to, until all of their applications have reached a terminal status and then met their retention end date.

Terminal statuses in TalentLink are any of the following:

Auto-Closed Auto-Declined Cancelled Closed Hired Rejected

Withdrawn Completed

Moving an application to any of these statuses (as is the case now) will start the clock on the retention period.

The retention rules can be viewed on the next page.

#### What does it mean for subscribers?

The change to archiving of the candidates application rather than profile will mean that you will no longer continue to see their application against your job(s) they applied to when their retention period has ended because they have applications in process with other organisations.

#### What do subscribers need to do?

You need to make your Recruitment & Resourcing teams aware of this change but there is nothing you need to do to put this into place.

To ensure the retention period clock starts you do need to ensure that all candidates are being moved to one of the terminal statuses otherwise they will remain in the system.





# Manage candidate consents in CHP (API)

#### • The rules behind the retention periods

As there are now different consents, there are more rules behind the archiving process than previously. The table below highlights what will happen to the candidates applications and profile in line with these rules.

No.	Scenario	Result
1	The candidate has only submitted one application and they have reached their terminal status. The candidate has not consented to the Talent Database.	Candidate's archiving date (6 months time) is set as soon as the application reaches terminal status. Once this date is reached the application and candidate profile will be archived.
2	A candidate has submitted multiple applications all of which are now at a terminal status. The candidate has not consented to the Talent Database.	Each application will be archived 6 months after it has reached a terminal status. The candidate profile will archive at the same time as the last remaining application does.
3	The candidate has only submitted one application and they have reached their terminal status. The candidate has consented to the Talent Database.	Candidate's archiving date (6 months time) is set as soon as the application reaches terminal status. Whilst the application will archive upon it's archiving date the candidates summary and last application details will remain in the database until the retention period of the Talent Database has been reached.
4	A candidate has submitted multiple applications and the candidate has consented to the Talent Database.	Each application will be archived 6 months after it has reached a terminal status.  The candidate profile will remain until the retention period of the Talent Database has been reached. If all applications have been archived before this, the candidate summary and application details from the last application to be archived will remain in the database until the retention period of the Talent Database has been reached.

### Notification to candidate when their data is deleted

### The Change

In line with GDPR, Lumesse have added the function to automatically notify the candidate upon the successful deletion of a candidate record.

#### The candidate will receive a notification upon deletion when;

- 1. They request deletion of their data (Right to Erasure GDPR) from within their CHP or Manage my Data page
- 2. They withdraw all their given consents
- 3. A Back office user of TalentLink confirms that option to notify the candidate when marking the candidate for archiving.

#### The Candidate won't receive a notification upon deletion when;

- 1. They are archived after the retention period of their application expires.
- 2. Back office user of TalentLink deletes archived applications from a job.
- 3. Only a part of candidate data is removed e.g. only one application of the candidate is withdrawn and there are other active applications and candidate data is in Talent Database.

The email notification will be sent in the candidate language stored in the database and this will be a standard system message.

 What does it mean for subscribers?

It just means your candidates know the removal of their information has taken place outside of the standard archiving rules.

 What do subscribers need to do?

There is no action that needs to take place, this is simply something to be aware of.





# Migration to Amazon Web Services

### The Change

To meet requirements of the GDPR, Lumesse will move TalentLink to Amazon Web Services (AWS) Frankfurt and the TalentLink customer data will be hosted in the AWS data centres that make up the Frankfurt Region in Germany.

Lumesse is encrypting all storage used for personal data to AES-256 standard and with AWS, this is more achievable than within the existing hosted service. Furthermore, administrator access to the platform is secured with multi factor authentication and AWS security practices exceed those of Lumesse's current service providers

AWS provided IT infrastructure is designed and managed in alignment with security best practices and a variety of IT security standards, including:

SOC 1/SSAE 16/ISAE 3402 (formerly SAS 70), SOC 2, SOC 3

FISMA, DIACAP and FedRAMP

DOD CSM Levels 1-5

PCI DSS Level 1

ISO 9001 / ISO 27001

ITAR, FIPS 140-2 and MTCS Level 3

#### • What does it mean for subscribers?

It simply means that there will be increased stability of the system and that your data within the TalentLInk system will benefit from the additional security practices that AWS provides.

There will be system downtime during this time so applicants will not be able to apply whilst the migration takes place.

#### What do subscribers need to do?

The WMJobs team have already been liaising with you about this and what your IT teams need to do to ensure you are ready for when this is **activated on 19**<sup>th</sup> **May**.

We have also strongly advised subscribers that jobs don't close over this weekend whilst the move to AWS takes place to ensure minimal impact to candidates.





### Withdraw from TalentLink Database using 'Manage my data page'

### The Change

#### Part 1

Within the Candidate Home Page (CHP) there will be an additional link labelled as Withdraw from Talent Database. This link will open a view consent page where the withdraw button will be available.

#### Part 2

In order to allow candidates to update their personal details (name, address, contact information) held in their Personal Information Form (PIF), Lumesse are making further developments to the "Manage My Data" page. This will be accessible via a link in their CHP or alternatively you will be able to embed a link to "Manage My Data" within email templates used within your selection process.





# Privacy Policy and Data Privacy Statements





# **Privacy Policy and Data Privacy Statements**

Who's Responsbile for these

Privacy Policy/Data Privacy Statement	Responsibility
WMJobs Site Privacy Policy	WME
TalentLink Application form Data Privacy Statements	WME with agreement from authorities that use TalentLink
Data Privacy Statement in all other methods of application	Each organisation is responsible for ensuring this is added to their own forms and consented to by candidates





# **Site Privacy Policy**

- The sites Privacy Policy will focus on the use of the site by the jobseeker (I.e. to search for jobs, register to receive job alerts and/or create an account)
- This privacy policy will cover;
  - Who WMJobs are and who we work with
  - What data we are capturing and why
  - The rights of the candidate (under GDPR)
  - Information on cookies, the use of Google analytics and Council Advertising Network
- This privacy policy won't cover;
  - The application form content or privacy statement in relation to this.
     This will need to be included within each application itself or as a supporting document that the candidate can view and consent to



# Data Privacy Statement (TalentLink)

- There will be two data privacy statements in TalentLink
  - One for the job that the candidate is applying for This will cover;
    - What, Why and How information is collected
    - Who it is collected by and who it is shared with
    - The rights of the candidate
    - The existing Legal and privacy statement they agree to
  - One for the Talent Database
     This will be a short statement covering what they agreeing to and asking them to consent to agree to how long they wish to be considered for
- The DPS statements will be circulated to TalentLink subscribers by Friday
   11th May for review and feedback

# **High Level Action Plan**

#### W/C 7th May 2018

- Circulation of 'GDPR Changes in TalentLink' document
- GDPR Subscriber Workshop
- Progressing the housekeeping script
- Finalising the Data Privacy Statement (Online Application Form)
- Circulation of Schedule 6 Draft GDPR Addendum
- W/C 14th May 2018
- Finalising the WMJobs site privacy policy
- Testing out any changes to the WMJobs sites

#### W/C 21st May 2018

- Updating the;
  - WMJobs site privacy policy
  - Retention periods in TalentLink
  - Data Privacy Statement in the Online application
  - Deadline for Subscriber feedback to Schedule 6 Draft GDPR Addendum (24th May)

### Thank You

Hopefully we'll see some of you on 21<sup>st</sup> June at the WME Conference



