

# **JOB APPLICANT PRIVACY STATEMENT**



DATE  
November 2018

---

Contents	Page
<b>SUMMARY</b>	<b>3</b>
<b>1. INTRODUCTION</b>	<b>3</b>
1.1. General	3
1.2. Definitions	3
<b>2. WHAT DO WE DO WITH YOUR PERSONAL DATA</b>	<b>5</b>
2.1. What Is Personal Data?	5
2.2. Which Personal Data do we collect and process about you?	5
2.3. What legal basis do we have for processing your Personal Data?	5
2.4. What legal basis do we have for processing Criminal Personal Data and Special Categories of Personal Data?	6
2.5. Why we collect your Personal Data and justification of uses	6
2.6. Where do we collect your Personal Data from?	7
2.7. Where do we keep your personal data?	8
2.8. How does NIBC protect my Personal Data?	8
2.9. Do we share your Personal Data?	8
2.10. How long do we keep your Personal Data?	9
<b>3. WHAT ARE YOUR RIGHTS?</b>	<b>10</b>
<b>4. CONTACT DETAILS</b>	<b>11</b>
4.1. Contact details of DPOs	11
4.2. Contact details of supervisory authorities	11

---

## 1. INTRODUCTION

---

### 1.1. General

NIBC values and respects the privacy of our potential Employees NIBC will process your Personal Data carefully and always in accordance with applicable rules and regulations.

In applying to join NIBC (which includes each of the NIBC legal entities and branch offices listed at the bottom of this paragraph) (**NIBC** or **we**), you will be providing us with certain personal data about yourself. NIBC respects and safeguards the privacy of all job applicants and will collect and process your personal data carefully and always in accordance with applicable rules and regulations.

This privacy statement describes how we (as a data controller) use your personal data in our business. We collect, use, disclose and otherwise process personal data that is necessary for the purposes identified in this privacy statement or as permitted by law.

NIBC may change this privacy statement from time to time by replacing it on NIBC's website

NIBC has appointed one or more dedicated data protection officers for its legal entities and branches (each a **DPO**). Please do not hesitate to contact them in case you have any questions in relation to the processing of Personal Data by NIBC. Details are included in chapter 4 below.

### 1.2. Definitions

<b>Criminal personal Data</b>	Any personal data that provides information on persons' criminal convictions, offences or related security measures.
<b>GDPR</b>	The European General Data Protection Regulation, EU 2016/679. The GDPR is applicable in all EU member states af of 25 may 2018.
<b>Data Controller</b>	The legal person, administrative body or any other entity which, alone or in conjunction with others, determines the purpose of and means for processing personal data.
<b>Data Processor</b>	The person or body with processes personal data on behalf of the data controller without being subject to the data controller's direct control.
<b>DPO('s)</b>	The local officer(s) for the protection of data, responsible for the relevant

NIBC Office and NIBC Entity.

**Personal Data**

Any information relating to an identified or identifiable natural person (e.g. a person whose identity can be established reasonably without disproportionate effort by means of name, address and date of birth). By way of example but not limitation, video and voice recording is also personal data if the video images or the voice recording is identifiable to a natural person. If financial data (such as bank statements) relate to an identifiable natural person, such information is considered Personal Data.

**Processing of Personal Data**

Any operation or any set of operations concerning Personal Data, including in any case the collection, recording, organisation, storage, updating or modification, retrieval, consultation, use, dissemination by means of transmission, distribution or making available in any other form, merging, linking, as well as blocking, erasure or destruction of Personal Data.

**Special Categories of Personal Data**

Any Personal Data that provides information on persons religious or philosophical beliefs, race, political opinions, health, sexual life or membership of trade unions.

---

## 2. WHAT DO WE DO WITH YOUR PERSONAL DATA

---

### 2.1. What Is Personal Data?

Personal Data means any information relating to an identified or identifiable natural person, such as a name, address, email addresses and emails, voice and video recordings, or a copy of a passport but also financial data or copies of emails and contracts, provided that such information relates to a natural person.

### 2.2. Which Personal Data do we collect and process about you?

As part of your recruitment process we may collect the following personal data about you:

- a) **Your contact information** ► including your name, home address (and proof of address), telephone number(s), personal email address;
- b) **Your employment history and experience** ► including your CV or résumé, application form details, qualification certificates, training certificates, licenses, information available on LinkedIn, permission to work documentation, references from other employers and other data collected through interviews or other forms of assessment;
- c) **Information required for pre-employment checks** ► information required for pre-employment checks, qualification certificates, training certificates, licenses
- d) **Results of pre-employment screening checks** ► results of pre-employment screening checks, qualification certificates, training certificates, licenses, information available on LinkedIn, permission to work checks (where permitted under applicable law) that we may carry out as part of the recruitment process; and
- e) **Materials produced during recruitment** ► materials produced during the course of the recruitment processing, including any video and presentations you provide us for the purposes of a recruitment assessment and any contemporaneous interview notes (whether made by you or the interviewer), about you.

If you are taken on to work at NIBC, other personal data will be collected and processed about you in accordance with our Employee Privacy Statement.

### 2.3. What legal basis do we have for processing your Personal Data?

NIBC only processes your personal data for legitimate purposes. The use of your personal data will also be justified on the basis of one or more legal “processing grounds” that are provided for in the GDPR.

The table below contains an explanation of the scope of the various legal processing grounds available under the GDPR for processing of personal data on which NIBC relies:

<b>Contract performance:</b> where NIBC requires your personal data in order to enter into a contract with you and provide our services to you.
---

**Legitimate interests:** where NIBC uses your personal data to achieve a legitimate interest and our reasons for using it outweigh any prejudice to your data protection rights.

**Our legal obligations and rights:** where we are required to process your personal data under a statutory obligation, primarily as a result of our status as a regulated financial institution.

**Consent:** where you have consented to our use of your personal data (in which case you will have been presented with a consent form in relation to any such use and you may withdraw your consent at any time by the method explained in the communication with you or, and in any event, by giving notice to our DPO(s)).

In general, NIBC processes your personal data in order to assess your application prior to entering into an employment contract with you, and pursuant to laws which NIBC is subject to. This processing is a necessary pre-condition of entering into any future contract with you and for NIBC to fulfil its obligations with respect to other employees and yourself (should you be employed by NIBC).

NIBC may also process personal data when we have a legitimate interest to do so and provided specific conditions are met. Where we rely on this legal processing ground, we will mitigate the effect(s) this may have on your privacy by appropriately minimising our use and putting in place adequate access and security safeguards to prevent unauthorised use.

NIBC shall only process criminal personal data when the processing is authorised by applicable law that provides for appropriate safeguards for the rights and freedoms of data subjects.

#### **2.4. What legal basis do we have for processing Criminal Personal Data and Special Categories of Personal Data?**

If you are offered a job, NIBC conducts carries out pre-employment checks, including criminal background checks, for which purpose NIBC may process personal data relating to criminal convictions and offences. NIBC will always notify you prior to carrying out any such pre-employment checks.

- **Use justification:** NIBC shall only process criminal personal data when such processing is authorised by applicable law. NIBC participates in incident registers and early warning systems that are under control of official authority.

#### **2.5. Why we collect your Personal Data and justification of uses**

This section specifies the purpose for which NIBC uses the various categories of personal data it collects from you. As mentioned above, the exact nature and scope of personal data we collect from you will depend on the circumstances. For each use, we note the applicable legal processing grounds by which we justify the relevant use of your personal data:

- a) **To handle your job application and to communicate with you** ► to communicate with you about the recruitment process and your application.
  - **Use justification:** contract performance.
- b) **To assess your suitability for the advertised role or other potential vacancies within NIBC** ► we and other organisations engaged by us may access and use your personal data to assess your skills,

qualifications and interests against our roles and vacancies.

- **Use justification:** contract performance, legitimate interests (to assess whether you are a suitable candidate for our organisation).
- c) **Information to carry out pre-employment checks** ► if you are offered a job where a pre-employment check is required, we will ask you for information so that we can carry out pre-employment checks, including performing a Dow Jones Risk and Compliance Check or (in the Netherlands) requesting a certificate of good conduct (*verklaring van goed gedrag*). This information is necessary to enable us to confirm the identity of job applicants, their right to work in the relevant jurisdiction and to seek assurance as to their trustworthiness, integrity and reliability.
- **Use justification:** contract performance, legitimate interests (to assess whether your trustworthiness, integrity and reliability are beyond doubt). For criminal personal data, please see below under “For what purposes does NIBC process criminal personal data?”
- d) **To comply with our legal obligations and cooperate with regulators** ► we may process and disclose your personal data to cooperate with requests from regulators (including financial supervisory authorities), including, but not limited to, the Dutch Data Protection Authority, the Netherlands Authority for the Financial Markets (*AFM*), the Dutch Central Bank, the Information Commissioner’s Office (*ICO*), the Financial Conduct Authority, the Prudential Regulation Authority, the Belgian Financial Services and Markets Authority (*FSMA*), the Belgian Data Protection Authority, the various German State Data Protection Authorities, the German Central Bank (*Deutsche Bundesbank*) and the Federal Financial Supervisory Authority (*Bundesanstalt für Finanzdienstleistungsaufsicht*).
- **Use justification:** legal obligations and rights, legitimate interests (for NIBC’s interests and to ensure the integrity and security of the financial sector).
- e) **To defend our legitimate interests and to change our business structure** ► we may disclose personal data in connection with legal proceedings or investigations anywhere in the world to third parties, such as public authorities, law enforcement agencies, regulators and third party litigants (these third parties are not data processors on behalf of NIBC and will process personal data for their own purposes). NIBC may also provide your personal data to any potential acquirer of or investor in any part of NIBC’s business for the purpose of that acquisition or investment.
- **Use justification:** contract performance, legal obligations and rights, legal claims, legitimate interests (to enable us to cooperate with law enforcement and regulators and to allow NIBC to change its business).

## 2.6. Where do we collect your Personal Data from?

We may obtain Personal Data from you directly or from third parties such as our business partners, employment agencies, past employers, educational or sporting institutions, credit reference and anti-fraud agencies, other background check agencies/organisations, sanctions and politically exposed persons screening lists, or public registers.

We will always inform you before requesting any information from third parties.

## **2.7. Where do we keep your personal data?**

We hold your Personal Data principally in the country of the office to which you have applied, or (if different) in the Netherlands. However, we have engaged some IT service providers, some of whom are situated outside the European Economic Area. These IT services providers act as Data Processors on behalf of NIBC. Please see below, under “Do we share Personal Data?”. When we engage such Data Processors, we will ensure that transfers of Personal Data take place in accordance with an appropriate level of protection (and for transfer of Personal Data outside of the EEA we use EU approved "Model Clauses" where appropriate in order to ensure this).

## **2.8. How does NIBC protect my Personal Data?**

NIBC has implemented appropriate technical and organisational measures to secure the processing of Personal Data. These safeguards vary depending on its sensitivity, format, location, amount, distribution and storage, and include measures designed to keep Personal Data protected from unauthorized access. If appropriate, the safeguards include encryption during transmission and/or storage, firewalls, access controls, separation of duties, and similar security protocols. We restrict access to Personal Data to personnel and third parties that require access to such information for legitimate, relevant business purposes.

All our staff members, contractors and third parties who will have access to Personal Data on NIBC's instructions will be bound to confidentiality and we use access controls to limit access to individuals that require such access for the performance of their responsibilities and tasks.

NIBC has information security policies in place and its security policies and systems are frequently audited. As a regulated financial institution, NIBC has to comply with strict security requirements. NIBC takes the security of its IT infrastructure very seriously.

## **2.9. Do we share your Personal Data?**

NIBC has engaged various Data Processors for the processing of Personal Data on our behalf, including IT service providers, occupational health providers and other business service providers. We may also share your Personal Data with other third parties as described in the “For what purposes does NIBC collect your Personal Data and what are our justifications of uses?” section set out above.

Some of these third parties are situated outside the EEA. Service providers accessing NIBC personal data act as data processors on behalf of NIBC. Where we engage data processors, we will ensure that transfers of personal data outside of the EEA take place in accordance with data protection legislation and that there will be an appropriate level of protection. In addition, we will implement legal safeguards governing such transfer, such as model contractual clauses, individuals' consent, or other legal grounds permitted by applicable legal requirements. Certain countries outside the EEA have been approved by the European Commission as providing essentially equivalent protections as EEA data protection laws. EU data protection laws allow NIBC to freely transfer personal data to such countries. Please contact our DPO(s) if you would like to see a copy of the safeguards we apply in relation to the export of your personal data.

Where NIBC discloses personal data or criminal personal data in response to requests from regulators and law enforcement or security agencies, these regulators and law enforcement or security agencies will be acting as a controller. NIBC will always assess the legitimacy of such requests before disclosing any personal data and/or criminal personal data and only disclose the data required to comply with the request

## 2.10. How long do we keep your Personal Data?

We keep records of your data for no longer than is necessary for the purpose for which we obtained them and any other permitted linked purposes.

If your application for employment is unsuccessful, we will hold your data on file for:

- four (4) weeks after the end of the relevant recruitment process.
- six (6) months after the end of the relevant recruitment process for applicants applying for a job in Germany
- twelve (12) months after end of the relevant recruitment process for applicants applying for a job in the United Kingdom or in Belgium.

For persons applying for a job in the Netherlands or Germany: If you agree to allow NIBC to keep your personal data on file for an extended period, we will hold your data on file for a total of one (1) year.

NIBC keeps your data on file in order to complete the application process and for consideration for future employment opportunities.

At the end of the relevant period, or once you withdraw your consent, your data is deleted or destroyed. Deletion or destruction of files may be suspended where required by law or to defend ourselves if we consider a complaint or dispute to be likely.

---

### 3. WHAT ARE YOUR RIGHTS?

---

Under the GDPR, you have certain rights in relation to your personal data. These rights are listed below. Please contact one of our DPOs should you wish to exercise any of the rights below. Depending on the nature of the relationship you have with or services you receive from NIBC, you may also be able to exercise these through or as directed by the account portal to which you have access; however you will always also have the right in any event to contact our DPOs for this purpose. More generally, any questions regarding NIBC's privacy statement can be directed to our DPO(s).

Please be aware that certain exceptions apply to the exercise of these rights and so you may not be able to exercise these in all situations:

- a) **Subject Access:** You have a right to be provided with access to any personal data held about you by NIBC.
- b) **Rectification:** You can ask us to have inaccurate personal data corrected.
- c) **Erasure:** You can ask us to erase personal data in certain circumstances and we will take reasonable steps to inform data processors that are processing the personal data on our behalf that you have requested the erasure of any links to, copies or replication of your personal data.
- d) **Restriction:** You can require certain personal data to be marked as restricted whilst complaints are resolved and also restrict processing in certain other circumstances.
- e) **Portability:** You can ask us to transmit the personal data that you have provided to us and we still hold about you to a third party electronically insofar as permitted under the GDPR.
- f) **Raise a complaint:** You can raise a complaint about our processing with the data protection regulator in your jurisdiction (in the Netherlands, the Dutch Data Protection Authority (Autoriteit Persoonsgegevens), in the UK, the Information Commissioner's Office (ICO), in Belgium, the Privacy Commission, and in Germany the respective German State Data Protection Commissioner responsible for your complaint).

In addition, under certain conditions, you have the right to:

- where processing is based on consent, withdraw the consent; and
- object to any processing of personal that NIBC justifies on the "legitimate interests" legal ground, unless our reasons for undertaking that processing outweigh any prejudice to the individual's privacy rights.

These rights are subject to certain exemptions, including safeguarding the public interest (e.g. the prevention or detection of crime), our interests (e.g. the maintenance of legal privilege) and possible third party interests. We will deal with requests within one month. When it will take longer than that, we will contact you to explain why it actually takes us longer than the prescribed one month.

---

## 4. CONTACT DETAILS

---

### 4.1. Contact details of DPOs

Contact details: Netherlands, Brussels and London:  
T: +31 (0)70 342 5623 M: +31620549370 E: [dpo@nibc.com](mailto:dpo@nibc.com)

NIBC Bank Deutschland AG:  
T: +49 (0)69 5050 655 37 M: +49 (0)162 2782953 E: [datenschutz@nibc.com](mailto:datenschutz@nibc.com)

NIBC Bank N.V., Frankfurt branch:  
T: +49 (0)69 5050 655 31 M: +49 (0)162 2611119 E: [datenschutzNV@nibc.com](mailto:datenschutzNV@nibc.com)  
(The DPO for NIBC Bank N.V., Frankfurt branch is Mrs Aysegül Kalkan of Geno-Tec GmbH. Her contact details are: T: +49 172 2677142 E: [ayseguel.kalkan@genotec.de](mailto:ayseguel.kalkan@genotec.de))

Note that using this general email address will ensure your email reaches the main DPO team who will then ensure coordination as necessary with relevant persons elsewhere (including where relevant any other NIBC DPO).

Regular mail: NIBC Bank  
Attn. Data Protection Officer  
At the address for the relevant NIBC Legal Entity or Branch Office listed below:

NIBC Bank N.V. Carnegieplein 4, 2517 KJ the Hague, the Netherlands  
NIBC Bank N.V. (Belgium) Rue Royale 71 1000 Brussels, Belgium  
NIBC Bank N.V. (London) 11<sup>th</sup> Floor, 125 Old Broad Street, London EC2N 1AR, United Kingdom  
NIBC Bank N.V. (Frankfurt) and NIBC Bank Deutschland AG  
MainTower, Neue Mainzer Strasse 52, D – 60311 Frankfurt am main,  
Germany

### 4.2. Contact details of supervisory authorities

Country: The Netherlands, Autoriteit Persoonsgegevens  
Address: Postbus 93374  
2509 AJ Den Haag  
Nederland  
Contact (+31) - (0)70 - 888 85 00  
details and website <https://autoriteitpersoonsgegevens.nl/en/contact-dutch-dpa/contact-us>

Country: United Kingdom, Information Commissioner's Office

Address: Wycliffe House  
Water Lane , Wilmslow  
Cheshire, SK9 5AF  
United Kingdom

Contact (+44) - (0)303 123 1113

details and website <https://ico.org.uk/global/contact-us/postal-addresses/>

**Country: Gegevensbeschermingsautoriteit**

Address: Drukpersstraat 35  
1000 Brussel  
Belgium

Contact (+32) - (0)2 274 48 00

details and website <https://www.gegevensbeschermingsautoriteit.be/contact>

Country: Germany, Der Hessische Datenschutzbeauftragte

Address: Postfach 3163  
65021 Wiesbaden  
Germany

Contact (+49) - 611 1408 0

details and website <http://www.datenschutzhessen.de/>