

CRIMINAL RECORDS INFORMATION NOTICE FOR CANDIDATES & EMPLOYEES



1. Introduction

This notice explains what personal data we hold about you in relation to criminal records checks, how we collect it (carrying out Disclosure and Barring Service, also known as DBS, checks) and how we use and may share such information about you during your employment and after it ends (“Personal Information”).

This notice sets out our commitment to comply with the DBS Code of Practice and our data protection obligations, to treat candidates and employees fairly, and not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed. Its purpose is to set out how we comply with our data protection obligations in respect of criminal records information and seek to protect such information, and to ensure that candidates and employees understand and comply with the rules governing the collection, use and deletion of criminal records information to which they may have access in the course of their work.

Please ensure that you read this notice and any other similar notices we may provide to you from time to time when we collect or process personal data about you.

For the purposes of this notice, the controller of your Personal Information is Pepper Money (Pepper Money) Limited of registered office address 4 Capital Quarter, Tyndall Street, Cardiff, Wales, CF10 4BZ (“**Pepper Money**”, “**the Company**”, “**we**” or “**us**”).

Pepper Money as a ‘data controller’, gathers and uses certain Personal Information about you for the purposes of your employment with Pepper Money.

Pepper Money belongs to the Pepper Money UK Group and the global Pepper group of companies “Pepper Group Entities” a group of different legal entities located around the world. You can find more details about the Pepper Group here: <https://www.pepper.money/about-us>

2. Data Protection Principles

We will comply with data protection legislation and the DBS Code of Practice in relation to criminal records information in particular:

1. the circumstances in which we seek criminal records information.
2. by being concise, clear and transparent about how we obtain and use such information, and how (and when) we delete it once it is no longer required.
3. gathering information that is relevant to the purposes we have told you about and limited only to those purposes.
4. ensuring the information is accurate and kept up to date.
5. ensuring the correct handling, use, storage, retention and disposal of DBS certificates and certificate information.
6. ensuring information is kept only as long as necessary for the purposes we have told you about.

3. Scope

This notice applies to candidates and employees of the Company (including temporary or fixed term contract employees, ex-employees and secondees) and classes of workers such as consultants, representatives, former applicants, agency, casual workers, contractors, contract workers and those on work placements for whom we process criminal records information.

Individuals should refer to Pepper Money's **Data Protection Notices for Employees and/or Applicants** for more information.

We will review and update this Notice in accordance with our data protection obligations. It does not form part of any employee's contract of employment and we may amend, update or supplement it from time to time. New or modified information will be made available to colleagues via the company Hub. Non-employees will be made aware if relevant.

4. The kind of information we hold about you

Due to the nature of the work we undertake and the regulatory environment in which we operate, all roles that have access to personal customer and/or colleague data in Pepper Money are subject to a DBS check on joining, and may be subject to repeated checks during employment.

Pepper Money will maintain a record of what level of DBS check role should be subject to (basic or standard).

We record that a DBS check was completed, when and whether it yielded a satisfactory or unsatisfactory result.

We do not retain the DBS certificate obtained by our background check provider or any record of the information contained in it unless it is clearly relevant to the ongoing employment relationship (e.g. to allow for consideration and resolution of any disputes or complaints or for audit purposes).

We will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, notwithstanding the above, we may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment or 'Fit & Proper' decision taken.

5. How we collect the information

We may collect Criminal Records Information from you, the Disclosure and Barring Service (DBS), and background check providers (including but not limited to People Check Limited). Pepper Money will not rely on a previously issued DBS certificate from other employers, although exceptions may be made for inter-group transfers.

6. Why we collect the information and how we use it

We will only use criminal records information when the law allows us to. We will typically collect and use it for the following purposes:

- for the performance of a contract with you, or to take steps to enter into a contract; (including with the wider Pepper Group)
- for compliance with a legal/regulatory obligation
- to protect the public including our customers against dishonesty
- for the purposes of preventing or detecting unlawful acts or for the purposes of preventing fraud or a particular kind of fraud
- for the purposes of Pepper Money's legitimate interests, including regulatory obligations and best practice initiatives
- for the purposes of our legitimate interests or those of a third-party, but only if these are not overridden by your interests, rights or freedoms.

7. Situations in which we use the information

The level of criminal records information and DBS check that Pepper Money will request will depend on the post for which the candidate is being assessed, or the employee is undertaking.

We will only ask an individual to provide criminal records information in relation to convictions and cautions that Pepper Money would be legally entitled to see in a DBS check for the relevant post i.e.: if Pepper Money is justified in seeking criminal records information, and the post is not exempt from the Rehabilitation of Offenders Act 1974, we will ask applicants to complete the criminal records information declaration in our Pepper Money Application form and with our third party background check provider, which states that applicants are not required to disclose convictions that are spent under the Rehabilitation of Offenders Act 1974.

If inconsistencies emerge between the information provided by the individual and the information in the DBS certificate, we will give the applicant or employee the opportunity to provide an explanation (see below).

If Pepper Money has concerns about the information that has been disclosed by the DBS, or the information is not as expected, Pepper Money will discuss its concerns with the candidate or employee and carry out a risk assessment. In carrying out a risk assessment, Pepper Money will take account of:

- the relevance of the conviction or other matter revealed to the position in question and against Fitness and Propriety requirements.
- the seriousness of the offence or other matter revealed.
- the circumstances of the offence.
- the age of the offence.
- whether there is a pattern of offending.
- whether circumstances have changed since the offending took place.
- the country in which the offence took place.

Having a criminal record will not necessarily bar an individual from working with us. We will take into account the circumstances and background of any offences and whether they are relevant to the position in question, balancing the rights and interests of the individual, our employees, customers/clients, suppliers and the public.

We reserve the right to withdraw an offer of employment if you do not disclose relevant information, or if a DBS check reveals information which we reasonably believe would make you unsuitable for the role. If already employed by Pepper Money, we may terminate your employment in line with the conditions of your contract of employment.

We take our legislative and regulatory obligations seriously. Therefore, we may also consider the regulations governing us which include, but are not limited to:

- The UK General Data Protection Regulation (GDPR)/Data Protection Act 2018
- Financial crime guide: A firm's guide to countering financial crime risks April 2023. Financial Crime Systems & Controls (2.2. Staff recruitment, vetting, training, awareness and remuneration)
- FCA Handbook – SYSC Guidelines (5.1.1 Competent employees rule) and Training & Competence (TC 2.1 Assessing and maintaining competence)

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you, or we may be prevented from complying with our legal and/or regulatory obligations.

We will only use your criminal records information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

8. How we may share the information

We may also need to share the Criminal Records Information with other parties, such as Pepper Group Entities, umbrella bodies (an umbrella body being a registered body which countersigns applications and receives certificate information on behalf of other employers or recruiting organisations), IT system and network providers, our professional and legal providers, medical advisers and occupational health professionals, auditors and regulators.

Before acting as an umbrella body, we will take all reasonable steps to satisfy ourselves that they will handle, use, store, retain and dispose of certificate information in full compliance with the code of practice and in full accordance with this policy.

We may need to share the data for a number of reasons such as to fulfil obligations under our employment contract with you, enable regular checks to be completed (e.g. Fit & Proper check), to ensure compliance with company policies or for internal reporting purposes, or for other legitimate business purposes. The recipient of the information will be bound by confidentiality obligations. We may also be required to share some personal information with our regulators or as required to comply with the law.

9. Where information may be held

Information may be held securely at our offices or on our IT systems, umbrella bodies, service providers, representatives and/or agents as described above.

10. How long we keep your information

We keep your information during and after your employment for no longer than is necessary for the purposes for which the criminal records information is processed.

Further details on this are available on request from DPO@pepper.money

11. Is your Personal Information transferred outside the UK

We may sometimes transfer your personal data outside the UK to other Pepper Group Entities and other third-party recipients. If it is processed within Europe or other parts of the European Economic Area (EEA) then it is protected by data protection standards. Some countries outside the EEA do have adequate safeguards for the protection of personal information under laws that apply to us. We will make sure that suitable safeguards are in place before we transfer your personal information to countries outside the EEA which do not have adequate protection under laws that apply to us.

Where such transfers occur, we ensure that: a) they do not occur without our prior written authority; and b) such transfers of your personal data are subject to the Standard (Model) Contract Clauses, as permitted under applicable data protection legislation.

12. Your rights

Please contact Pepper Money's Data Protection Officer (DPO) at DPO@pepper.money if (in accordance with applicable law) you would like to correct or request access to information that we hold relating to you or if you have any questions about this notice. You also have the right to ask for some, but not all, of the information we hold and process to be erased (the 'right to be forgotten') in certain circumstances. Our Data Protection Officer will provide you with further information about the right to be forgotten upon request.

In certain circumstances, you have a right to object to our processing of your data where we process it for our legitimate business interests or because it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority. We may not be able to comply with such a request where there are legitimate grounds for the processing that override your interests, rights and freedoms or where the processing of your information is required in connection with the defence, establishment or exercise of legal claims.

If you need to contact the Data Protection Officer, please contact us in writing at 4, Capital Quarter, Tyndall Street, Cardiff CF10 4BZ or via email: DPO@pepper.money

13. Keeping your information secure

We have appropriate security measures in place to prevent personal information from being accidentally lost or used or accessed in an unauthorised way. We limit access to your criminal records information to those who have a genuine business need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality. We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so and in accordance with our legal obligations.

14. How to complain

We hope that our Data Protection Officer can resolve any query or concern you raise about our use of your information. If not, you can contact the Information Commissioner at ico.org.uk/concerns/ or telephone: 0303 123 1113 for further information about your rights and how to make a formal complaint.

15. Changes to this Notice

We may amend this Criminal Records Information Notice from time to time, in whole or in part, at our sole discretion, and any changes to this notice will be effective immediately upon publishing the revised notice.

If at any time we decide to use your Personal Data in a manner significantly different from that stated in this notice, or otherwise disclosed to you at the time it was collected, we will notify you, and you will have a choice as to whether or not we use your information in the new manner.

This notice was last updated on 19 December 2023

If you have questions or concerns about this notice, please contact our Data Protection Officer.