



Guidance on Processing of Personal Data of Job Applicants

University of South Bohemia in České Budějovice, ID: 60076658, with its registered office at Branišovská 1645/31a, 370 05 České Budějovice (hereinafter Employer), **processes job applicants'** (hereinafter Applicant) **personal data** under Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation – hereinafter as Regulation) as the controller of personal data.

In accordance with Articles 5 and 6 of the Regulation, all **personal data** communicated in any form by the Applicant **will be processed only for the purpose of preparing and conducting the selection procedure for the job the Applicant is applying for or to settle the Applicant's potential complaint filed regarding the course of the selection procedure and will be carried out by university staff responsible for preparation, implementation or decision-making within the selection procedure.** The Employer will process the Applicant's personal data in particular by collecting, recording, organizing, structuring, storing, adapting or modifying, referencing, using, sorting and combining, restricting, erasing or destroying, always for one of the purposes set out above.

Applicant's personal data which is not related to any specific selection procedure delivered by e-mail or in any other form will be automatically erased/shredded and will not be processed further unless the Applicant provides consent with the processing of their personal data for the purpose of keeping their data in the Employer's database for future selection procedures.

The employer processes the applicant's personal data on the basis of:

1. **Article 6 (1) b) of the Regulation, i.e. processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract** when the Applicant requested this by expressing interest in participating in the selection procedure or on the basis of an Applicant's complaint about the course of the selection procedure; on the basis of this reason, the Employer processes the Applicant's personal data until the purpose of the selection procedure (i.e. filling the position) or the settlement of their complaint is achieved;
2. **Article 6 (1) f) of the Regulation, i.e. processing is necessary for the purposes of the legitimate interests pursued by the Employer, except where such interests are overridden by the interests or fundamental rights and freedoms of the Applicant.** Based on this reason the Employer shall store Applicants' personal data for the period set out below, as they believe that it is a legitimate interest of the Employer to keep the personal data of Applicants after the selection procedure is closed in order to exercise Employer's rights in potential future proceedings on administrative offenses in the area of labour inspection, lawsuits pursuant to Act No. 198/2009 Coll. on Equal Treatment, and on legal means of protection against discrimination and on the amendments of certain acts, as amended.
3. **Article 6 (1) a) of the Regulation, i.e. the data subject has given consent to the processing of their personal data for one or more specific purposes;** as defined in the granted consent of the Applicant to the processing of their personal data. This type of processing is usually carried out for the purpose of keeping a database of Applicants (without connection to a specific selection procedure) and for contacting such a person interested in employment with an offer to participate in a future selection procedure.





The provision of personal data is voluntary for the Applicant; however if an Applicant declines to provide the information necessary for the selection procedure in which they are applying for a job with the Employer to be conducted properly, the Employer will not be able to identify the Applicant and invite them to participate in the selection procedure; if an Applicant does not provide their personal data to the extent necessary to conclude an employment relationship, the Employer will not be able to enter into an employment relationship with the successful Applicant.

The Employer **does not provide** personal data of Applicants to **third parties**.

The Employer shall erase the personal data of Applicants who are not offered an employment relationship within the time limits set in the Guidance of Filing and Shredding of Documents (with the exception of the personal data of the Applicant with whom the Employer enters into an employment relationship); Applicants are not informed about such erasure of data.

The Employer further **informs Applicants about their rights in accordance with Article 13 of the Regulation and Articles 15 to 22, 34 and 77** of the Regulation as follows:

1. Pursuant to Article 15 of the Regulation, the Applicant shall have **the right to obtain from the controller confirmation** as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information must be granted as defined in Art. Article 15, paragraph 1, point a) - h) of the Regulation. Under the conditions set out in Article 15 of the Regulation, the Applicant has the right to be provided one copy of the processed personal data free of charge.
2. Pursuant to Article 16 of the Regulation, the Applicant shall have the **right to obtain** from the controller without undue delay the **rectification** of inaccurate personal data concerning him or her and the right to have incomplete personal data completed.
3. Pursuant to Article 17 of the Regulation, the Applicant shall have the right to obtain from the controller **the erasure of personal data concerning him or her** without undue delay, **as stipulated in Article 17 of the Regulation**.
4. Under the conditions laid down in Article 18 of the Regulation, the Applicant shall have the right to obtain from the Employer **restriction of processing**.
5. Under the conditions laid down in Article 20 of the Regulation, the Applicant has the **right to portability of their personal data**.
6. Under the conditions laid down in Article 21 of the Regulation, the Applicant shall have the **right to object to processing of personal data concerning him or her**.
7. Under the conditions set out in Article 34 of the Regulation, the Applicant has the **right to be informed of a personal data breach**, if such a breach is likely to result in a high risk to the rights and freedoms of natural persons.
8. Pursuant to Article 77 of the Regulation, an Applicant has the **right to lodge a complaint with a supervisory authority**, in particular in the Member State of his or her habitual residence, place of work or place of the alleged infringement **if the data subject considers that the processing of personal data relating to him or her infringes the Regulation**.
9. Further information on the Applicant's rights concerning processing of personal data can be found in Articles 15 to 22, 34 and 77 of the Regulation.

In case of any questions, suggestions or comments concerning personal data protection, please contact the Commissioner for Personal Data Protection via the data repository vu8j9dv, e-mail poverenec@jcu.cz or in paper form at Branišovská 1645/31a, 370 05 České Budějovice.

