

ENT

Privacy notice -
Job candidates

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1. Introduction

In order to understand this Privacy Notice, it is necessary to understand basic concepts 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 (hereinafter: "GDPR"), such as: personal data, processing and controller.

Personal data is any information or a combination thereof which identifies an individual or which can identify an individual, such as name, surname, personal identification number, address information, location and alike.

Processing means any operation performed on personal data such as collection, recording, structuring, storage, alteration, consultation, use, transfer and erasure.

Controller means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of personal data processing.

Further, the scope of this Privacy Notice relates to situations where ERICSSON NIKOLA TESLA j.s.c., with its headquarters in Zagreb (City of Zagreb) and business address at Krapinska 45, registration number: 080002028, PIN: 84214771175 (hereinafter: "ENT"), as the controller, collects personal data belonging to natural persons who are candidates for a job at ENT.

The processing of your personal data described below is a necessary precondition for concluding an employment contract. If you do not wish to share this information with us, we will not be able to consider you as a job candidate.

Regardless of this Privacy Notice which is continuously available on the ENT website, each candidate for a job at ENT will be separately provided with information in accordance with Art. 13 and 14 of GDPR. In doing so, this Privacy Notice may be used as a supplement to the information provided on an individual level. Such references will be made in a way to enable individuals simple, clear, and quick access to the required information.

2. Pre-selection process

The pre-selection process begins with:

- a) receiving of your open job application; or
- b) receiving of your application to a job advertisement published by ENT; or
- c) contacting you via publicly available sources (e.g. LinkedIn, GitHub etc.) or privately available sources (e.g. resume files belonging to employment agencies, student associations etc.), the latter based on a contract concluded with the lawful creator and maintainer of a relevant private source of data.

2.1 Open job applications

Open job applications that we receive from you present a clear affirmative action by which you have expressed voluntary and unambiguous consent to the processing of your personal data for the purposes of potential employment (Art. 6(1)(a) of GDPR).

Personal data contained in your open job application will be kept in accordance with the criteria for the retention period in detail described in Article 6 of this Notice.

2.2 Applications to job advertisements published by ENT

Your application to a job advertisement published by ENT presents your request to take steps in order for ENT to conclude an employment contract with you (Art. 6(1)(b) of GDPR).

Personal data contained in your application to a job advertisement published by ENT will be kept in accordance with the criteria for the retention period in detail described in Article 6 of this Notice.

Also, if we decide for another candidate whose qualifications better suit our needs, we will give you an opportunity to provide us with consent based on which we will keep your resume and other necessary information for future open positions where the need for a person of your profile will occur.

2.3 Contacting via lawfully available sources

If your available profile potentially meets our criteria, ENT has a legitimate interest (Art. 6(1)(f) of GDPR) to contact you when there is a need for employment in our organization. If you have provided us with further documentation after the initial contact (e.g. more detailed resume, recommendations, etc.), this presents your request to take steps for ENT to conclude an employment contract with you (Art. 6(1)(b) of GDPR), and subsequently the provision 2.2 above applies.

Personal data contained in your profile, as well as those received afterwards, will be processed and kept in accordance with the criteria for the retention period described in detail in Article 6 of this Notice.

3. Selection process

The selection process covers steps aimed at selecting the person who best fits the required position. The selection process consists of several phases during which the number of candidates diminishes, depending on their ability to meet set criteria. Selection phases include, in the following order:

- a) analysis of your open job application, or application to a job advertisement published by ENT, or your publicly available profile and further delivered documentation (as applicable);
- b) checking of legal injunction regarding the competition with the employer;
- c) psychological and technical testing (latter, if required); and
- d) interview with an employment specialist and manager of the organizational unit where employment is required.

If the employment refers to a position with special responsibilities, as defined by the internal ENT document, an additional check is conducted along with the above-mentioned steps.

Finally, the results of all steps taken are considered, and the candidate is informed about our final decision.

3.1 Analysis of the basic selection documentation

Analysis of your open job application, or application to a job advertisement published by ENT, or your publicly available profile and further delivered documentation (as applicable), is conducted to determine whether you satisfy mandatory criteria set for the open position and is also covered by relevant legal basis described in Article 1 above.

Personal data gathered during the analysis of the basic selection documentation will be kept in accordance with the criteria for the retention period described in detail in Article 6 of this Notice.

3.2 Checking of legal injunction regarding the competition with the employer

In accordance with Art. 101 of the Labor Act, an employee may not, without the approval of the employer, for his own or someone else's account, enter into activities which are also performed by the employer (so-called legal injunction of competition).

Since ENT has a legitimate interest (Art. 6(1)(f) of GDPR) to check whether the candidates are engaged in activities for which the ENT is also registered, we will ask you to provide us with such information.

If you refuse to provide us with the information, and considering this is your legal obligation, unfortunately, we will not be able to consider you as a candidate for a job at ENT anymore.

Personal data gathered during checking of legal injunction regarding the competition will be kept in accordance with the criteria for the retention period described in detail in Article 6 of this Notice.

3.3 Psychological testing

The psychological test is an objective method of evaluating candidates conducted for the legitimate interest of ENT (Art. 6(1)(f) of GDPR) to check whether you are a person who, given your personal competences, best fits the position.

Psychological testing is performed in accordance with regulations governing psychological activity and by a certified psychologist who is also an employee of ENT.

Personal data gathered during psychological testing will be kept in accordance with the criteria for the retention period described in detail in Article 6 of this Notice. Besides that, the certified psychologist is obliged to keep your data as a professional secret.

3.4 Technical testing

The technical test is an objective method of evaluating candidates conducted for the legitimate interest of ENT (Art. 6(1)(f) of GDPR) to check whether you are a person who, given your technical competences, best fits the position.

Technical testing is performed with regard to an open position which requires special technical competences.

Personal data gathered during technical testing will be kept in accordance with the criteria for the data retention period described in detail in Article 6 of this Notice.

3.5 Interview with an employment specialist and managers in the organizational unit where employment is required

The interview is conducted for the legitimate interest of ENT (Art. 6(1)(f) of GDPR) to check whether you are the person who, given your personal and technical competences, best fits the position.

During the interview, only information that is directly related to a potential employment relationship will be requested.

Personal data gathered during the interview will be kept in accordance with the criteria for the retention period described in detail in Article 6 of this Notice.

3.6 Additional checking of candidates for positions with special responsibilities

Additional check is conducted for the legitimate interest of ENT (Art. 6(1)(f) of GDPR) to determine whether candidates for positions with special responsibilities respect the same culture of integrity and business ethical values as ENT. Before conducting the additional check, candidates will be informed of the details of the respective check (including the personal data protection aspect). Also, the additional check procedure is described in detail in an internal ENT document.

Personal data gathered during the additional check will be kept in accordance with the criteria for the retention period described in detail in Article 6 of this Notice.

3.7 Notification of the result of the selection process

By sending a notification on the conclusions from the previous steps of the selection process, the last phase of the selection process begins. If we have informed you that we have decided for another candidate, this will complete the processing of your personal data for the purpose of the selection process. The same will happen if we have chosen you, but you have rejected our offer to enter into an employment contract.

Personal data from the notification on the result of the selection process and your answer thereto will be kept in accordance with the criteria for the retention period described in detail in Article 6 of this Notice.

4. Concluding the employment contract

In case you have accepted our offer to enter into an employment contract, we will continue to process your personal data in order to take all actions necessary to conclude an employment contract with you (Art. 6(1)(b) of GDPR).

Personal data gathered during the actions necessary to conclude an employment contract will be kept in accordance with the criteria for the retention period described in detail in Article 6 of this Notice.

5. Other relevant information on the processing of your personal data

Within the answers to the questions listed below, we will provide you with other relevant information on the processing of your personal data for the purpose of employment.

5.1 Which personal data is processed?

Personal data which is processed: name and surname, address, email address, phone number, gender, profile photo, profile URL on a social network (e.g. LinkedIn, Facebook, Github or other network, or other free URL entry), title (function) at the workplace, information provided in your resume (e.g. education history, list of employment, licenses and certificates and other information you have provided on your resume), data related to the legal injunction regarding the competition with the employer and conflict of interest.

Data such as marital or residential status, hobbies, military service, etc. are not directly related to potential employment and therefore are not required in your job application and attached CV.

5.2 Where does your personal data come from?

Personal data may come (i) directly from you (e.g. in case you are applying for a job yourself), (ii) may be provided to us by a third party (e.g. an employment agency or your former employer) and (iii) may be collected from other private and public available sources (e.g. publicly available business websites such as LinkedIn etc.).

5.3 Is automated decision-making or profiling carried out?

We do not conduct automated decision-making. Profiling is performed only to the extent necessary to conduct the selection process described above.

5.4 Who has access to your personal data?

Your personal data is primarily processed by employees of the Human Resources organizational unit and managers in the organizational unit where employment is required. Access to certain categories of personal data (e.g. psychological test results) is granted only to specially authorized employees of ENT. Furthermore, performing certain parts of the selection process may be entrusted to our suppliers. In that case, a contract on personal data processing is signed and it specifically regulates that the supplier may process your personal data only according to the documented instructions of ENT and in doing so, must apply adequate organizational and technical measures to protect your personal data. Finally, your personal data may be shared with others who have a valid legal basis therefore (e.g. courts, regulatory agencies, etc.).

All persons who have access to your personal data, including third parties, will protect and process your data in a secure manner, keeping it confidential.

5.5 International data transfers

Certain activities within the selection process may be entrusted to suppliers located outside the European Economic Area. This is done on the basis of personal data transfer agreements that ensure an appropriate level of data protection in accordance with Art. 46 of GDPR and application of additional measures in accordance with recommendations from courts and relevant authorities. These agreements are available on request in the Strategic Sourcing Department of ENT.

5.6 Criteria used to determine the period for storing personal data

Personal data shall be kept in the period necessary for the purpose of processing. When determining retention time for personal data, the following criteria shall be used:

- a) for open job applications - data is kept until consent is withdrawn, but not longer than 12 months;
- b) for applications to job advertisements published by ENT - data is kept during the selection process, and in case you have given us consent to keep it afterwards, until consent is withdrawn, but not longer than 12 months;
- c) for contact via available sources - data is kept during the selection process, and if you have given us consent to keep it afterwards, until consent is withdrawn, but not longer than 12 months;

- d) for checking legal injunction regarding competition with the employer- data is kept during the selection process, and in case you have given us consent to keep it afterwards, until the consent is withdrawn, but not longer than 12 months;
- e) in the case of psychological and technical testing - data is kept for 3 years with your consent, counting from the day we sent you the notification about the decision made;
- f) during interviews with an employment specialist and managers in the organizational unit where employment is required, data related to psychological and technical testing is kept for 3 years with your consent, counting from the day we sent you the notification of the decision made;
- g) for additional check of candidates for positions with special responsibilities - data is kept as determined by an internal act of ENT regulating the respective check;
- h) for notification on the result of the selection process - (i) if we have given you an offer to conclude an employment contract, data will be kept until you reject our offer or conclude the employment contract (as the case may be) - (ii) if we have informed you that we chose another candidate, data is kept with your freely given consent until the consent is withdrawn, but not longer than 12 months; and
- i) for actions necessary to conclude the employment contract with you - data is kept until you conclude the employment contract, unless otherwise determined by applicable regulations (e.g. regulations on employment, social and health insurance, etc.), in which case your data is kept within the period determined by such regulations.

6. Your rights

When it comes to the processing of your personal data, you have the following rights:

- I. right of access to personal data;
- II. right of rectification of inaccurate personal data;
- III. right of erasure of personal data;
- IV. right of restriction of personal data processing;
- V. right to object to personal data processing;
- VI. right to data portability; and
- VII. right to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal (when processing is based on such legal basis).

You also have the right to lodge a complaint with the Croatian Personal Data Protection Agency (AZOP), Selska cesta 136, 10000 Zagreb, www.azop.hr.

This Privacy Notice will be updated as required and new versions will be made available on our website in a timely manner.

Finally, if you wish to obtain further information, you can always contact the ENT Data Protection Officer via email: dpo@ericssonnikolatesla.com or phone: +38513653535 (refer to the Data Protection Officer).

ERICSSON NIKOLA TESLA d.d.