

# 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 European Parliament and 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 of which identifies an individual or which can identify an individual, such as name, surname, personal identification number, address information, location and alike.

Processing is any process on personal data such as collection, recording, structuring, storage, modification, insight, use, transfer and deletion.

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

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

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

Notwithstanding this Privacy Notice which is continuously available on [ETK internet pages](#), each candidate for a job at ETK will be **separately** provided with information in accordance with art 13 and 14 of the GDPR. In doing so, this Privacy Notice may be used as a supplement to the information provided on the individual level. Such reference will be made in a way to enable individuals a simple, clear, and quick access to the respective information.

## 2 Pre-Selection Procedure

The pre-selection procedure begins with:

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



## 2.1 Open applications

Open job applications that we receive from you, also, 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 para 1 item (a) of the 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 ETK

Your application to a job advertisement published by ETK, also, presents your request to take steps in order for ETK to conclude an employment contract with you (art 6 para 1 item (b) of the GDPR).

Personal data contained in your application to a job advertisement published by ETK 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 provide you with 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, ETK has a legitimate interest (art 6 para 1 item (f) of the GDPR) to contact you when there is a need for employment in our organization. If, after the initial contact, you have provided us with further documentation (e.g. more detailed CV, recommendations, etc.), this, also, presents your request to take steps in order for ETK to conclude an employment contract with you (art 6 para 1 item (b) of the 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 in detail described in Article 6 of this Notice.

## 3 Selection Procedure

The selection procedure covers steps aimed at selecting the person who best fits the required position. The selection procedure has several rounds on the basis of which the number of candidates is reduced depending on their success in meeting the set criteria. Selection rounds include, in the following order:



- a) analysis of your open application, or application to a job advertisement published by ETK, 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 managers in the organizational unit where employment is required.

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

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

### **3.1 Analysis of the Basic Selection Documentation**

Analysis of your open application, or application to a job advertisement published by ETK, 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 in detail described 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 ETK has a legitimate interest (article 6, paragraph 1, item (f) of the GDPR) to check whether the candidates are engaged in activities for which also the ETK is registered, we will ask you to provide us with such information.

In the event that 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 ETK anymore.

Personal data gathered during checking of legal injunction regarding competition with the employer will be kept in accordance with the criteria for the retention period in detail described 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 the ETK (art 6 para 1 item (f) of the GDPR) to check whether you are a person who, given your personal competencies, best fits the position.

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

Personal data gathered during psychological testing will be kept in accordance with the criteria for the retention period in detail described in Article 6 of this Notice. Beside that, 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 the ETK (art 6 para 1 item (f) of the GDPR) to check whether you are a person who, given your technical competencies, best fits the position.

Technical testing is performed with regards to an open position which requires special technical competencies.

Personal data gathered during technical testing will be kept in accordance with the criteria for the data retention period in detail described 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 the ETK (art 6 para 1 item (f) of the GDPR) to check whether you are the person who, given your personal and technical competencies, 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 in detail described in Article 6 of this Notice.

### **3.6 Additional Check of Candidates for Positions with Special Responsibilities**

Additional check is conducted for the legitimate interest of the ETK (art 6 para 1 item (f) of the GDPR) to determine whether candidates for positions with special responsibilities respect the same culture of integrity and business ethical values as



ETK. Before conducting an additional check, candidates will be informed of the details of respective check (including personal data protection aspect). Also, additional check is described in detail in internal document of ETK.

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

### **3.7 Notification of the Result of the Selection Procedure**

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 procedure. The same will happen in case we have decided for you, but you have rejected our offer to enter into the employment contract.

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

## **4 Concluding of the Employment Contract**

In case you have accepted our offer to enter into 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 para 1 item (b) of the GDPR).

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

## **5 Other relevant information on processing of Your personal data**

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

### **5.1 Which personal data are processed?**

The personal data processed may include, but is not limited to; name, surname, gender, date of birth, contacts, PIN, citizenship, residence, domicile, photograph, work permit, diploma, licenses and certificates, data related to the statutory prohibition of competing with 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 and alike).

## 5.3 **Is there automated decision making or profiling being done?**

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

## 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 ETK. Furthermore, performing certain parts of the selection procedure may be entrusted to our suppliers. In that case, a contract on processing of personal data is signed, which specifically regulates that the supplier may process your personal data only according to the documented instructions of the ETK and 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 to do so (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.

## 6 **International Data Transfers**

Certain activities within the selection procedure 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 the 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 ETK.

## 7 **Criteria used to determine period for storing of personal data**

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

- a) for open job applications - data are kept until the consent is withdrawn, but no longer than 12 months;



- b) for applications to job advertisements published by ETK - data are kept during the selection procedure, and in case you have given us consent to keep them afterwards, until the consent is withdrawn, but no longer than 12 months;
- c) for contact via available sources - data are kept during the selection procedure, and in case you have given us consent to keep them afterwards, until the consent is withdrawn, but no longer than 12 months;
- d) for analysis of basic selection documentation - data are kept during the selection procedure, and in case you have given us consent to keep them afterwards, until the consent is withdrawn, but no longer than 12 months;
- e) for checking of legal injunction regarding competition with the employer- data are kept during the selection procedure, and in case you have given us consent to keep them afterwards, until the consent is withdrawn, but no longer than 12 months;
- f) for psychological and technical testing - data are kept for 3 years, counting from the date we sent you a notification of our final decision; during that period they will be stored in our archive and, except in extraordinary cases (e.g. litigation concerning selection process or when you have given us consent to contact you after the selection procedure), will not be actively processed until they are permanently deleted;
- g) for interview with an employment specialist and managers in the organizational unit where employment is required - (i) data which are linked to psychological and technical testing are kept for 3 years, counting from the date we sent you a notification of our final decision, during which time they will be stored in our archive and, except in extraordinary cases (e.g. litigation concerning selection process or when you have given us consent to contact you after the selection procedure), will not be actively processed until their permanent deletion - (ii) other data are kept for the duration of the selection procedure;
- h) for additional check of candidates for positions with special responsibilities - the data are kept as determined by internal act of ETK regulating the respective check;
- i) for notification on result of the selection procedure - (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 decided for another candidate, the data will be kept for 3 years, during which time it will be stored in our archive and, except in extraordinary cases (e.g. litigation concerning selection process), will not be actively processed until its permanent deletion; and
- j) for actions necessary to conclude the employment contract with you - the data is kept until you conclude an 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.

## 8 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 processing of personal data;
- (v) right to object to processing of personal data;
- (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.

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

Finally, if you wish to obtain further information, you can always contact Data Protection Officer of ETK via email: [sluzbenik.za.zastitu.osobnih.podataka@ericsson.com](mailto:sluzbenik.za.zastitu.osobnih.podataka@ericsson.com) or phone: +38513653535 (refer to the Data Protection Officer).

**ERICSSON NIKOLA TESLA j.s.c.**