Candidate Data Fair Processing Notice

Last updated date: March 14, 2022

This notice may be shared with DataStax Candidates

1. Introduction and Terminology

This Candidate Data Fair Processing Notice is the notice which explains how DataStax treats the Personal Data it receives from Candidates (also referred to in this notice as "you").

For the purpose of this notice, the relevant DataStax entity is the entity to whom you have applied for a position.

If you are applying for a role at DataStax and you have any questions in relation to this notice, please contact: peopleservices@datastax.com.

In this notice, the capitalised terms listed below have these meanings:

- "DataStax" means the entity to whom you have applied such as DataStax, Inc., or any of its subsidiaries.

- "Personal Data" means any information relating to a natural person who can be identified directly or indirectly from that information (in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person).

- "process", “processed”, “processing” means any operation or set of operations which is performed on Personal Data or on sets of Personal Data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

- "Candidate(s)" means anyone who applies for a job role or who otherwise seeks to carry out work with or for a DataStax Group company whether on a permanent or non-permanent basis.

- "Candidate Data" means any Personal Data relating to a Candidate.

- "Staff" means current and past employees, temporary staff, agency staff, and interns, including contractors employed or engaged by a DataStax Group company.

2. Collecting and Processing Candidate Staff Data

DataStax, Inc., together with its subsidiaries and affiliates, respects an individual’s right to
privacy and values the confidentiality of Candidate Data. DataStax collects, uses and discloses Personal Data in a manner consistent with the laws of the countries in which it does business.

DataStax processes Candidate Data only as necessary for the recruitment and HR processes in the legitimate interests of DataStax, and the data will be transferred to DataStax’s businesses and/or third parties outside of the UK or European Economic Area only where necessary for such purposes and subject to compliance with applicable legal requirements.

3. **What Candidate Data do we collect, hold and use?**

*Information that we collect automatically*

Candidates can visit the recruitment section of our website https://www.datastax.com/company/careers ("Website") and search for jobs without providing Personal Data. However, we do collect certain information automatically from your device when you visit our Website. For further information, please see the privacy notice that applies to the use of our Website https://www.datastax.com/legal/datastax-website-privacy-policy

*Personal information collected from you*

We collect, hold and process various categories of Personal Data about Candidates which may include:

**Identification and contact details:** name, gender, home address, telephone number, email address, date of birth, marital status, national insurance, social security, or other government-issued identifying details, nationality and passport information; DMV driving records.

- **Employment history:** work and educational history, professional certificates and registrations;
- **Details of your nominated referees** (including their name, contact details, employer and job role);
- **Details of your immigration/visa status**;
- **Previous applications/roles** (information relating to previous applications you have made to DataStax Group companies and/or any previous employment history with a DataStax Group company);
- **Other information you voluntarily provide** throughout the process, including through correspondence with us, assessment centres, exercises and interviews.

As a general rule, during the recruitment process, we try not to collect or process any of the following: information that reveals your racial or ethnic origin, religious, political or philosophical beliefs or trade union membership; genetic data; biometric data for the purposes of unique identification; or information concerning your health/sex life ("Sensitive Personal Information"), unless authorised by law or where necessary to comply with applicable laws.

However, in some circumstances, we may need to collect, or request on a voluntary disclosure basis, some Sensitive Personal Information for legitimate recruitment-related purposes; for example, information about your racial/ethnic origin, gender and disabilities for the purposes of equal opportunities monitoring, to comply with anti-discrimination laws and for government reporting obligations; or information about your physical or mental condition to consider accommodations for the recruitment process and/or subsequent job role. You may provide, on a voluntary basis, other Sensitive Personal Information during the recruitment process.

*Personal information collected from other sources*

- References provided by referees
- Other background information provided or confirmed by academic institutions and training or certification providers
- Criminal records data obtained through criminal record checks
- Information provided by recruitment or executive search agencies
- Information collected from publicly available sources, including any social media platforms you use or other information available online
4. **What do we do with Candidate Data?**

We will only process Candidate Data to manage all aspects of our recruitment process, to assess whether you are suitable for the role for which you have applied and to maintain the security of our premises and systems. We may also process Candidate Data to validate Candidates’ right to work in applicable geographies.

We do not use Candidate Data for marketing purposes.

We process Candidate Data in accordance with applicable data protection laws. We will not process Candidate Data in any way which Candidates would not expect.

If you are accepted for a role at DataStax, the information collected during the recruitment process will form part of your ongoing staff member record and will be processed in accordance with our Staff Data Fair Processing Notice.

5. **Who receives Candidate Data?**

Your Personal Data may be disclosed to and processed by HR staff, line managers and other employees of DataStax. All such persons are required to keep Candidate Data safe and secure.

We may also use various third parties to process Candidate Data as part of our recruitment process. These may include:

- Recruitment agencies, external training or testing providers involved in your recruitment;
- Background checking or other screening providers and relevant local criminal records checking agencies;
- Data storage, IT hosting and maintenance providers in relation to our recruitment and careers website/portal;
- Third parties who can provide support and advice including in relation to legal, financial/audit, management consultancy, insurance, health and safety and intel and whistleblowing/reporting issues.

We may also disclose Candidate Data on other lawful grounds including:

- Where you have provided your consent;
- To comply with our legal obligations, including where necessary to abide by law, regulation or contract, or to respond to a court order, administrative or judicial process, including, but not limited to, a subpoena, government audit or search warrant;
- In response to lawful requests by public authorities (including for tax, immigration, health and safety, national security or law enforcement purposes);
- As necessary to establish, exercise or defend against potential, threatened or actual legal claims;
- Where necessary to protect your vital interests or those of another person; and/or
- In connection with the sale, assignment or other transfer of all or part of our business.

However, whenever we permit a third party to access Candidate Data, we will implement appropriate measures to ensure the information is used in a manner consistent with this notice and that security and confidentiality of the information is maintained. These third parties are carefully selected and under obligations to keep Candidate Data safe and secure. We will only provide these third parties the minimum Personal Data that they need and ensure that they only process it to the extent necessary to provide their limited services to us.

We will also share Candidate Data with other members of the DataStax Group around the world in order to administer our recruitment processes and store data. We have controls in place to ensure that Candidate Data is processed responsibly and securely and not disclosed unnecessarily. Third parties are not given access to Candidate Data unless the law allows them to do so.
In some cases, the sharing described above may result in Candidate Data being transferred internationally, including from the European Economic Area or the UK to a country outside it. These countries may have data protection laws that are different to the laws of the country in which you are located.

Specifically, our group companies, affiliated companies and third party service providers operate around the world. This means that when we collect Candidate Data we may process it in any of these countries. Specifically, our parent company is based in the U.S.

However, we have taken appropriate safeguards to require that Candidate Data will remain protected in accordance with this notice and applicable data protection laws. This includes implementing the appropriate standard contractual clauses with the DataStax Group companies and third party service providers, where applicable. Details of our standard contractual clauses can be provided upon request.
6. **Legal basis for processing Candidate Data**

Under European data protection law, our legal basis for processing Candidate Data as part of the recruitment process is:

- Our legitimate interests to manage the recruitment process and assess candidates for roles;
- To comply with applicable immigration and/or employment laws and regulations;
- To take steps prior to entering into an employment contract with a Candidate;
- In circumstances where the Candidate has made the data public;
- Where DataStax have the Candidate’s consent to do so. Where consent is requested to process Personal Data, you have the right to withdraw your consent at any time;
- To protect the rights and interests of the DataStax Group, our employees, Candidates and others, as required and permitted by applicable law.

If we ask you to provide Personal Data to comply with a legal requirement or to perform a contract with you, we will make this clear to you at the relevant time and advise you whether the provision of Personal Data is mandatory or not (as well as the possible consequences if you do not provide your Personal Data).

7. **If you have any questions about or need further information concerning the legal basis on which we collect and use your personal information, please contact us using the contact details in this notice. Retention of Candidate Data**

Your Personal Data is kept throughout the recruitment process.

If you are offered a position at DataStax then we will keep the Candidate Data obtained during the recruitment process and it will be held and dealt with in accordance with our Staff Data Fair Processing Notice. If you are unsuccessful we may keep your CV and other Candidate Data in accordance with applicable DataStax policies and may (for example) contact them if another similar position arises.

8. **Candidate Data Subject Rights**

You have the right to ask for access to a copy of some or all of the Candidate Data that we hold about you.

If you suspect that any Personal Data that we hold about you is inaccurate or out of date, please let us know so that we can rectify it. In some circumstances Candidates may be entitled to restrict the processing of their Personal Data, object to the processing, request portability of such data or have Candidate Data erased.

If Personal data has been collected and processed with your consent, then you may also withdraw such consent at any time. Please note that withdrawing your consent will not affect the lawfulness of any processing we conducted prior to your withdrawal, nor will it affect processing of Personal Data conducted in reliance on lawful processing grounds other than consent.

To exercise any of these rights please contact: [insert details].

You also have the right to complaint to a data protection authority about our collection and use of your Personal Data. For more information please contact your local data protection authority.

9. **California Residents**

Under the California Consumer Privacy Act, or CCPA (“Assembly Bill No.375” enacted by the legislature in California) as a California resident you have certain rights regarding your Personal Data as defined in this policy and Personal Information as defined under the CCPA. DataStax may have collected the information listed in Section 3 Candidate Staff in the preceding 12 months. The information is collected from Candidate Staff or third parties, as set forth in Section 4, and is shared as set forth in Sections 5 and 6. Some examples of legitimate purposes for sharing of information include: to comply with state and federal law requiring employers to maintain certain records, and to conduct background and other checks related to an offer of employment.
10. Changes to Candidate Data Fair Processing Notice

This notice was last updated on the date stated on the front page. A new version of the document with an updated date will be posted on the DataStax website whenever this notice is changed in a material way.