

Privacy Notice for Earthworm Foundation Job Applicants

Introduction

We, Earthworm Foundation (hereinafter referred to as the “Data Controller”, “Earthworm”, “we”, or similar pronouns), are responsible for processing your personal data.

As part of any recruitment process, Earthworm collects and processes personal information, or personal data, relating to job applicants. As a prospective employee of Earthworm, this includes your personal data. This personal information may be processed by Earthworm on paper or in electronic format.

Earthworm is committed to being transparent about how we handle your personal information, protecting the privacy and security of your personal information and to meet our data protection obligations under the applicable data protection laws and, in particular, the General Data Protection Regulation (“GDPR”). The purpose of this privacy notice is to make you aware of how and why we will collect and use your personal information during the recruitment process.

This privacy notice applies to all job applicants for a position at Earthworm, whether they apply for a role directly or indirectly through an employment agency.

Earthworm has appointed a Data Protection Team to oversee compliance with this privacy notice. If you have any questions about this privacy notice or about how we handle your personal information, please contact the Data Protection Team at legal@earthworm.org or at our headquarters at Chemin de Chantavril 2, 1260 Nyon, Switzerland.

What personal information does Earthworm collect and how?

Personal information is any information about an individual from which that person can be directly or indirectly identified. It doesn’t include anonymised data, i.e. where all identifying particulars have been removed.

Earthworm collects, uses and processes a range of personal information about you during the recruitment process. This includes (as applicable):

- your contact details, including your name, address, telephone number and personal e-mail address



- personal information included in a CV, any application form, cover letter or interview notes
- references
- information about your right to work in the designated country and copies of proof of right to work documentation
- copies of qualification certificates
- copy of driving licence, passport or other photo ID
- other background check documentation
- details of your skills, qualifications, experience and work history with previous employers
- information about your current salary level, including benefits and pension entitlements
- civil / marital status and dependents

Earthworm may also collect, use and process the following special categories of your personal information during the recruitment process (as applicable):

- whether or not you have a disability for which Earthworm needs to make reasonable adjustments during the recruitment process
- information about criminal convictions and offences.

Please note that Earthworm will only process these special categories of your personal information based on your consent.

Earthworm collects personal information about you during the recruitment process either directly from you (e.g. as part of your CV or application form) or sometimes from a third party such as an employment agency. We may also collect personal information from other external third parties, such as references from current and former employers and information from background check providers. Note, other than employment agencies, Earthworm will only seek personal information from third parties during the recruitment process, where we have informed you in advance that we are doing so.

You are under no statutory or contractual obligation to provide personal information to Earthworm during the recruitment process.

Your personal information may be stored in different places, including on your application record, in Earthworm's HR management system and in other IT systems, such as the e-mail system.

Why and how do we use your personal information?

Earthworm collects and processes your data for a number of purposes and where we have a legal basis or a legitimate interest to do so including to take the necessary steps to enter into a contract with you. Processing data from job applicants allows us to manage the recruitment process, assess and confirm a candidate's suitability for employment and decide to whom to offer a job.

Earthworm may process information about whether or not applicants are disabled so we can make reasonable adjustments for candidates who have a disability.

We will not use your data for any purpose other than the recruitment process of which you are a part, unless you have consented for us to use it in another way e.g. to contact you about other potentially suitable roles.

In particular, the purposes for which we are processing, or will process, your personal information are to:

- manage the recruitment process and assess your suitability for employment or engagement
- decide to whom to offer a job
- comply with statutory and/or regulatory requirements and obligations, e.g. checking your right to work in the designated country
- comply with the duty to make reasonable adjustments for disabled job applicants and with other disability discrimination obligations
- ensure compliance with your statutory rights
- ensure effective HR, personnel management and business administration
- monitor equal opportunities
- enable us to establish, exercise or defend possible legal claims

We may also occasionally use your special categories of personal information, and information about any criminal convictions and offences, where it is needed for the establishment, exercise or defence of legal claims.

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

Who has access to your personal information?

Your personal information may be shared internally among the different Earthworm-affiliated entities for the purposes of the recruitment exercise. Earthworm has concluded an Interfoundation Agreement, including EU standard contractual clauses, that ensures an adequate level of data protection among all its affiliated entities.

Earthworm's HR management system is hosted on Salesforce, provided by Salesforce Inc., based in San Francisco (USA). The software is provided by Agilcon d.o.o. in Ljubljana (Slovenia). Earthworm has a Data Processing Agreement in place with both providers and implemented appropriate guarantees, technical measures, and organisational measures to ensure an adequate level of data protection.

Earthworm will not share your personal information with any other third parties during the recruitment process.

If your job application is successful, Earthworm may also share your personal information with third parties (and their designated agents) in line with internal guidelines, including with:

- external organisations for the purposes of conducting pre-employment reference and employment background checks
- former employers, to obtain references
- professional advisors, such as lawyers
- outsourced provider such as payroll and HR service provider
- Statutory institutions (social insurances, tax authorities etc.)

How does Earthworm protect your personal information?

Earthworm has put in place measures to protect the security of your personal information. It has internal policies, procedures and controls in place to try and prevent your personal information from being accidentally lost or destroyed, altered, disclosed or used or accessed in an unauthorised way. In addition, we limit access to your personal information to those employees, workers, agents, contractors and other third parties who have a business need to know in order to perform their job duties and responsibilities. You can obtain further information about these measures from our Data Protection Team.



Where your personal information is shared with third parties, we require all third parties to take appropriate technical and security measures to protect your personal information and to treat it subject to a duty of confidentiality and in accordance with data protection law. We only allow them to process your personal information for specified purposes and in accordance with our written instructions and we do not allow them to use your personal information for their own purposes.

Earthworm also has in place procedures to deal with a suspected data security breach and we will notify the applicable supervisory authority or regulator and you of a suspected breach where we are legally required to do so.

For how long does Earthworm keep your personal information?

Earthworm will only retain your personal information for as long as is necessary to fulfil the purposes for which it was collected and processed.

If you have consented to Earthworm keeping your personal information on file in case there are future suitable employment opportunities, Earthworm will hold your personal information for a further period as specified below after the end of the relevant recruitment exercise, or until you withdraw your consent if earlier.

Personal information which is no longer to be retained will be securely and effectively destroyed or permanently erased from our IT systems as far as is technically possible and we will also require third parties to destroy or erase such personal information where applicable.

In some circumstances we may anonymise your personal information so that it no longer permits your identification. In this case, we may retain such information for a longer period.

Data category	Retention Period	Reason	Disposal
Job applications and interview records of rejected candidates	3 months from the time the recruitment process ends	To assess the suitability of a candidate. To comply with legal / regulatory requirements.	Hard copies physically destroyed and electronic records deleted as far as technically possible.
Job applications and interview records of	Duration of employment (then subject to EF's	To assess the suitability of a candidate. To comply with legal / regulatory requirements.	Hard copies physically destroyed and electronic records deleted as

successful candidates	Employee Privacy Notice)	To defend against potential legal claims	far as technically possible.
Job applications with specific consent to hold longer for future roles	12 months or until consent is withdrawn (depending on the circumstances).	To assess the suitability of a candidate. For the purpose of contacting you in the event that any similar jobs / roles become available	Hard copies physically destroyed and electronic records deleted as far as technically possible.

Your rights in connection with your personal information

As a data subject, you have a number of statutory rights. Subject to certain conditions, and in certain circumstances, you have the right to:

- request access to your personal information
- request rectification of your personal information
- request the erasure of your personal information
- restrict the processing of your personal information
- note objection
- object to the processing of your personal information
- data portability

Please note that these rights may be more or less extensive depending on the applicable law and the competent jurisdiction.

If you wish to exercise any of these rights, please contact our Data Protection Team. We may need to request specific information from you in order to verify your identity and check your right to access the personal information or to exercise any of your other rights. This is a security measure to ensure that your personal information is not disclosed to any person who has no right to receive it.

In the limited circumstances where you have provided your consent to the processing of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. This will not, however, affect the lawfulness of processing based on your consent before its withdrawal. If you wish to withdraw your consent, please contact our Data Protection Team.



Once we have received notification that you have withdrawn your consent, we will no longer process your personal information for the purpose you originally agreed to, unless we have another legal basis for processing.

What if you fail to provide personal information?

You are under no statutory or contractual obligation to provide data to Earthworm during the recruitment process. However, if you fail to provide certain personal information when requested, we may not be able to process your job application properly or at all, we may not be able to enter into a contract with you, or we may be prevented from complying with our legal obligations. You may also be unable to exercise your statutory rights.

Changes to this privacy notice

Earthworm reserves the right to update or amend this privacy notice at any time. This privacy notice has last been amended on 22nd February 2024.

If you have any questions about this privacy notice or how we handle your personal information, please contact our Data Protection Team at legal@earthworm.org.