

# Applicant Privacy Notice



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Ninety One UK Limited of 55 Gresham Street, London, EC2V 7EL, for and on behalf of the global Ninety One business, has prepared this Applicant Privacy Notice ('Notice') for applicants for roles with Ninety One. In connection with your application we have to process your personal data. We think that it is important that you understand how we use your personal data, and we take our obligations in this regard seriously. The purpose of this Notice is therefore to give you information about how Ninety One collects, processes, stores and otherwise uses information about you, and your rights in relation to that information.

Ninety One needs to process your personal data in order to process your application. There are also statutory requirements we have to comply with in relation to your application. If we are not able to carry out the processing activities we describe in this Notice we may not be able to continue with your application. Of course, we hope it would never come to that, and this is simply information we are obliged to provide to you as part of this Notice.

Should you be offered a role with Ninety One, we may need to ask for your specific consent to process certain sensitive personal data in a particular way in certain circumstances, such as for the purpose of conducting background checks prior to you commencing work with us, and to enable relevant third parties to release information about you as part of those checks.

Although we may seek your consent in relation to certain background checks, you should note that in most cases we will process your personal data for the reasons set out in this Notice and it won't be appropriate or necessary for you to provide consent as the legal basis for processing your personal data.

When we say 'Ninety One', 'we' or 'us' in this document, we mean the Ninety One entity that you are applying to work for. In addition, you will see a number of references to the 'Ninety One Group', which includes all other Ninety One entities globally. We may update this document from time to time, for example if we implement new systems or processes that involve the use of personal data.

In this Notice you will see reference to 'GDPR' – that refers to the European Union General Data Protection Regulation which is a European law, governing your rights in relation to your personal data, and how organisations should protect it. Given our global operating model and the high standards required by GDPR, we have decided to apply the principles of GDPR across our global business. In the event that there is any conflict between GDPR and the local law applicable to the Ninety One entity that you're applying to work for, such local law will take precedence.

## Who can I contact if I have any questions regarding how Ninety One processes my personal data?

Please contact Ninety One's Data Privacy Advisor on [dataprivacy@ninetyone.com](mailto:dataprivacy@ninetyone.com)

## Index

To help you find information quickly on any particular question you might have, we have set out an index below. Just click on the question you would like answered and you will be taken to the relevant section:

01. **What categories of personal data does Ninety One collect about me?**
02. **Why does Ninety One need to collect, process and use my Applicant Data and Sensitive Applicant Data and what is the legal basis for doing so?**
03. **Who might Ninety One share my personal data with?**
04. **How long will Ninety One keep my personal data for?**
05. **What rights do I have in respect of my personal data?**
06. **Who can I contact about this?**

### 01. What categories of my personal data does Ninety One collect about me?

'Personal data' means any information relating to you. Ninety One will collect, process and use the following categories and types of personal data about you:

- **Identification data**, such as your name, nationality, passport and visa data, social security number, national identification number, health insurance data, pension data and tax reference number;
- **Personal information**, such as your date and place of birth, emergency contact details, and gender;
- **Contact details**, such as your home address, telephone number and email address;
- **Education and work experience**, such as the contact details for your current/former employer, information about your educational background, your work experience and other experience;
- **Other application data**, such as the information included in your application form/CV and current compensation details;
- **Information collected as part of the interview process**, such as notes taken from your interview or information provided from recruitment agencies;
- **Background check information**, such as information obtained through reference checks and confirmation about your work/educational background;
- together '**Applicant Data**'.

In addition to the collection, processing and use of the Applicant Data, Ninety One collects, processes and uses the following special categories of personal data about you which we describe as '**Sensitive Applicant Data**':

- **Health and medical data**, such as information on disability;
- **Criminal records data**;
- **Race or ethnicity data**, such as information contained in your passport or other citizenship and right to work documentation, and information which you have voluntarily provided to Ninety One for the purposes of our transformation, equal opportunities, and diversity monitoring and initiatives.

## 02. Why does Ninety One need to collect, process and use my Applicant Data and Sensitive Applicant Data and what is the legal basis for doing so?

We collect and use Applicant Data and Sensitive Applicant Data for a variety of reasons linked to processing your application for a role with us (the ‘**Processing Purposes**’). However, we can only collect and use this data if we have a valid legal basis for doing so, and we are required to explain the various legal bases that we rely on to you.

To give you the full picture, on pages 3 and 4 we have set out each of the reasons why we collect and use Applicant Data, i.e. the Processing Purposes, and mapped these against the different legal bases that allow us to do so.

Processing purposes	Legal bases
<p>01. <b>Administering and processing your application (including processing a job offer should you be successful)</b> including identification data, contact details, information about your qualifications and employment history, information obtained during your interview, and information contained in your CV.</p>	<ul style="list-style-type: none"> <li>– Necessary for performing a contract with you as the data subject;</li> <li>– Compliance with legal obligations which Ninety One is subject to in relation to employment law;</li> <li>– Legitimate interests of Ninety One; and</li> <li>– Your consent as data subject.</li> </ul>
<p>02. <b>Determining your eligibility for the role you applied for</b>, including identification data, contact details, information about your work and education experience, information obtained during your interview, and information contained in your CV.</p>	
<p>03. <b>Conducting background checks as part of your application</b>, including identification data, contact details, information about your qualification and employment history.</p>	
<p>04. <b>Complying with applicable laws and employment-related requirements</b> along with the administration of those requirements, such as income tax, national insurance deductions, and employment and immigration laws which involves the processing of identification data and contact details.</p>	<ul style="list-style-type: none"> <li>– Compliance with legal obligations which Ninety One is subject to, particularly in relation to tax law, employment law, social security law and immigration law; and</li> <li>– Legitimate interests of Ninety One.</li> </ul>
<p>05. <b>Monitoring and ensuring compliance with applicable policies and procedures and laws</b>, which involves the processing of your identification data and contact details.</p>	
<p>06. <b>Communicating with you, Ninety One employees and third parties, including informing you of future opportunities with Ninety One</b> (such as existing or potential business partners, suppliers, clients, end-clients or government officials), including communicating future employment opportunities, which involves the processing of identification data and contact details.</p>	<ul style="list-style-type: none"> <li>– Necessary for performing a contract with you as the data subject – we need to be able to communicate with you so that we needed to enter into a contract with you;</li> <li>– Compliance with legal obligation to which data controller is subject; and</li> <li>– Legitimate interests of Ninety One.</li> </ul>

Processing purposes	Legal bases
<p>07. <b>Responding to and complying with requests and legal demands from regulators or other authorities</b> in or outside of your home country which involves the processing of identification data and contact details.</p>	<ul style="list-style-type: none"> <li>– Compliance with legal obligations which Ninety One is subject to.</li> </ul>
<p>08. <b>Complying with corporate financial responsibilities</b>, including audit requirements (both internal and external), Broad-Based Black Economic Empowerment audit requirements, and cost/budgeting analysis and control which involves the processing of identification data, contact details, information about the role you have applied for, including the role's salary and benefits.</p>	<ul style="list-style-type: none"> <li>– Legitimate interests of Ninety One, i.e. we need to ensure that we manage our business effectively;</li> <li>– Compliance with legal obligations which Ninety One is subject to; and</li> <li>– Necessary for performing a contract with you as the data subject.</li> </ul>

Below are the Processing Purposes and corresponding Legal Bases for Sensitive Applicant Data:

Processing purposes	Legal bases
<p>01. <b>To accommodate your application and interview and for compliance with legal obligations</b>, we may use health and medical data.</p>	<ul style="list-style-type: none"> <li>– Your explicit consent as allowed by local data protection law; and</li> <li>– Necessary to carry out the obligations and to exercise specific rights of Ninety One or you in the field of employment and social security and social protection law or regulation as permitted by local data protection law.</li> </ul>
<p>02. <b>Criminal and/or credit record background checks</b> in relation to you in the process of your application, where relevant and appropriate to the role you are applying for, which may include certain biometric data.</p>	<ul style="list-style-type: none"> <li>– Your explicit consent as allowed by local data protection law;</li> <li>– Necessary to carry out the obligations and to exercise specific rights of Ninety One or you in the field of employment and social security and social protection law or regulation as permitted by local data protection law; and</li> <li>– Necessary for reasons of substantial public interest as permitted by local data protection law.</li> </ul>
<p>03. <b>Transformation, equal opportunities monitoring and diversity monitoring and initiatives</b> may involve us using race or ethnicity data such as information contained in your passport or other citizenship and right to work documentation where this has been provided voluntarily to Ninety One.</p>	<ul style="list-style-type: none"> <li>– Compliance with legal obligations which Ninety One is subject to (including government reporting in South Africa);</li> <li>– Necessary for reasons of substantial public interest as permitted by local data protection law; and</li> <li>– Your explicit consent as allowed by local data protection law.</li> </ul>

Where we talk about 'legitimate interests' of Ninety One or third parties, this can include:

- Assessing your suitability for employment/engagement with Ninety One;
- Implementation and operation of a group-wide organisational structure and group-wide information sharing;
- Right to freedom of expression or information, including in the media and the arts;
- Prevention of fraud, misuse of company IT systems, or money laundering;
- Operation of a whistleblowing scheme;
- Physical security, IT and network security;
- Internal Investigations;
- Compliance with our legal obligations;
- Proposed mergers and acquisitions.

When relying on the legitimate interests basis for processing your personal data, we will balance the legitimate interest pursued by us and any relevant third party with your interest and fundamental rights and freedoms in relation to the protection of your personal data to ensure it is appropriate for us to rely on legitimate interests and to identify any additional steps we need to take to achieve the right balance.

### 03. Who might Ninety One share my personal data with?

Ninety One forms part of the broader Ninety One Group. Both Ninety One and the Ninety One Group operates globally, with entities and offices in numerous countries. Entities across the Ninety One Group are involved in the Processing Purposes. To ensure that the Processing Purposes can be completed, your personal data may be shared with any of the entities within the Ninety One Group. Where we do share data in this way, however, it is our policy to limit the categories of individual who have access to that personal data.

Ninety One may transfer personal data to third parties, including to entities within and outside the Ninety One Group, for the Processing Purposes as follows:

- **Within the Ninety One Group.** As the Ninety One entity that you are applying to is part of a broader corporate group with entities and offices in numerous countries, which partially share management, human resources, legal, compliance, finance and audit responsibility. Ninety One may transfer the Applicant Data and Sensitive Applicant Data to, or otherwise allow access to such data by other entities within the Ninety One Group, which may use, transfer, and process the data for the following purposes: to maintain and improve effective administration of the workforce; to communicate information about the Ninety One Group; to maintain a corporate directory; to maintain IT systems; to monitor and assure compliance with applicable policies and procedures, and applicable laws; and to respond to requests and legal demands from regulators and other authorities.
- **Regulators, authorities, and other third parties.** As necessary for the Processing Purposes described above, personal data may be transferred to regulators, courts, and other authorities (e.g., tax and law enforcement authorities), independent external advisors (e.g., auditors), insurance providers, pensions and benefits providers, internal compliance and investigation teams (including external advisers appointed to conduct internal investigations).

- **Data processors.** As necessary for the Processing Purposes described above, personal data may be shared with one or more third parties, whether affiliated or unaffiliated, to process personal data under appropriate instructions (**'Data Processors'**). The Data Processors may carry out instructions related to recruitment, workforce administration, IT system support and maintenance, payroll and compensation, training, compliance, and other activities, and will be subject to contractual obligations to implement appropriate technical and organisational security measures to safeguard the personal data, and to process the personal data only as instructed.

Some of the recipients we may share Applicant Data and Sensitive Applicant Data with may be located in countries outside of Europe. In some cases, this may include countries located outside the European Union and/or European Economic Area ('EEA'), and in particular this will include countries throughout Africa, Asia and the Americas.

Some countries where recipients may be located already provide an adequate level of protection for this data (e.g. Canada), and transfers to other countries such as the USA may be protected under arrangements such as the EU-US Privacy Shield. Nonetheless, for transfers to Ninety One Group entities outside of the EEA, Ninety One will be bound by the model contracts that ensure adequate protection.

If recipients are located in other countries without adequate protections for personal data, Ninety One will take all necessary measures to ensure that transfers out of the EEA are adequately protected as required by applicable data protection law. This will include using appropriate safeguards such as the EU Standard Data Protection Clauses. You can ask for a copy of such appropriate safeguards by contacting us as set out below (**'Who can I contact about this?'**).

#### **04. How long will Ninety One keep my personal data for?**

It is our policy not to keep personal data for longer than is necessary. We may, for example, keep your personal data for a reasonable time after your application process is completed, in case we have future job opportunities that we consider you are suitable for. Where personal data is kept, we will be guided by applicable local law.

#### **05. What rights do I have in respect of my personal data?**

You have a number of rights in relation to your Applicant Data and Sensitive Applicant Data. These can differ by country, but can be summarised in broad terms as follows:

##### **a. Right of access**

You have the right to confirm with us whether your personal data is processed, and if it is, to request access to that personal data including the categories of personal data processed, the purpose of the processing and the recipients or categories of recipients. We do have to take into account the interests of others though, so this is not an absolute right, and if you want to request more than one copy we may charge a fee.

##### **b. Right to rectification**

You may have the right to rectify inaccurate or incomplete personal data concerning you. We encourage you to review your personal data regularly to ensure that it is accurate and up to date.

##### **c. Right to erasure (right to be forgotten)**

You may have the right to ask us to erase personal data concerning you.

**d. Right to restriction of processing**

In limited circumstances, you may have the right to request that we restrict processing of your personal data, however where we process Applicant Data and Sensitive Applicant Data for the Processing Purposes we think that we have a legitimate interest in processing which may override a request that you make.

**e. Right to data portability**

You may have the right to receive personal data concerning you, which you have provided to us, in a structured, commonly used and machine-readable format and you may have the right to transmit that data to another entity.

**f. Right to object and rights relating to automated decision-making**

Under certain circumstances you may have the right to object, on grounds relating to your particular situation, at any time to the processing of your personal data, including profiling, by us and we can be required to no longer process your personal data. This may include requesting human intervention in relation to an automated decision so that you can express your view and to contest the decision.

To exercise any of these rights, please contact us as stated under below (**'Who can I contact about this?'**).

You also have the right to lodge a complaint with the competent data protection supervisory authority, which in the UK is the Information Commissioner's Office (the 'ICO'). For countries other than the UK, please contact Ninety One's Data Privacy Advisor for the contact details of the relevant authority.

**06. Who can I contact about this?**

If you have concerns or questions regarding this Notice or if you would like to exercise your rights as a data subject, you can get hold of Ninety One's Data Privacy Advisor on [dataprivacy@ninetyone.com](mailto:dataprivacy@ninetyone.com)

