The GDPR and how it applies to Employee Referral Schemes

The EU's General Data Protection Regulation (GDPR) comes into force on May 25 2018, enforcing a strict set of new rules concerning privacy and data security and imposing large penalties on violators - up to 4% of an organisation's annual worldwide turnover or €20 million, whichever is greater.

The severity of the fines going to be imposed mean this is a hot topic for all organisations dealing with personal information, and with less than a year to go before the fines start being applied the time to apply solutions is rapidly running out.

At Hollaroo we are proud that data protection and security have been at the heart of our technology since its inception. Our systems are already fully compliant with the new legislation and we are working with our clients to support their internal audit processes.

To support our existing and future clients we have produced the following document to summarise the relevant elements of GDPR for collecting, retaining and processing candidate information. Specifically, we have focused on common ways of supporting employee referrals.

For those concerned about future compliance and the potential risk of fines, Hollaroo offers a quick and easy-to- implement solution "Hollaroo Refer" that enhances your current referral scheme as well as ensuring that it is compliant.

Key Elements of GDPR

The GDPR is wide-ranging and there is a lot of confusion about what is required. In the context of recruitment, and particularly candidate information, the key elements are:

Consent – this must be specific for purpose, explicit and a record must be kept of when consent is given.

Retention – there must be justifiable policy and process in place for managing a period of data retention.

Access – the person whose data you are storing must be able to see what data you have and be able to notify you of any updates or errors.

Removal – the person has the right to withdraw consent and receive assurance that all information is deleted.

Storage – where you store data must be secure by design and ideally the data should be encrypted.

Access Control – you should be able to control who has access to the data and have an audit trail in case of a data breach.

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How this applies to Employee Referral Schemes

Typical referral schemes are of several types:

Email/Paper CV – an employee obtains a person's CV somehow and either emails or gives a paper copy to someone in HR or their line manager.

Upload CV – sometimes as part of an ATS an employee can upload another person's CV into the system (and we assume that system then stores the information securely).

Network Links – Systems expose the connections of an employee (for example on a public network) so they can be approached about opportunities.

Hollaroo – employees identify potential talent and invite them to the network. The person decides whether to join, has visibility and control over their data and decides how to interact with the organisation.

How these different methods comply with GDPR is summarised below:

	Consent	Retention	Access	Removal	Storage	Control
Email/Paper CV	✘	✘	✘	?	✘	✘
Upload CV	✘	?	✘	?	✔	✘
Network Links	✘	✘	✔	?	✔	✔
Hollaroo	✔	✔	✔	✔	✔	✔

Conclusion

It is clear that traditional methods of managing referrals are not compliant with GDPR and even some more modern systems have issues, particularly around consent.

A review and update of your referral programme should be included in the GDPR adoption and audit process for your organisation – and Hollaroo provides a compliant solution.

Contact Us:

If you need any further advice on how to bring your employee referral scheme up to date and become compliant please call us on +44 (0) 1727 298081 or email us at getintouch@hollaroo.com.

Further Information

https://ico.org.uk/media/for-organisations/documents/1624219/preparing-for-the-gdpr-12-steps.pdf

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