GDPR for Visma EasyCruit

Customer information

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What is GDPR and how does it impact Visma EasyCruit?

GDPR is the new privacy law that will apply to all members of the EU and EEA from May 25, 2018. The purpose of the GDPR is to provide a set of standardised data protection laws across all the member countries. This should make it easier for EU citizens to understand how their personal data is being used, and also raise questions or complaints.

For recruitment this means to improve the protection of personal data, enable the candidates to know what happens to their personal data if they give their consent for companies to use and process it for recruitment purposes, and also ensure their right to withdraw their consent and have their personal data deleted.

You will find many of the statutes in the GDPR in the current privacy legislation, but the new GDPR is more detailed and precise in its requirements. It takes into account the challenges in the rapid evolving digital world, giving rise to privacy risks for the candidate applying for a position at your company.

GDPR is important because it improves the protection of European candidates' rights and clarifies what companies that process personal data, must do to safeguard these rights.

The new law applies from May 25th 2018, and this letter reflects the current situation today with EasyCruit, and how we will continue improvements to support you on GDPR.

What are your responsibilities when using Visma EasyCruit?

Using Visma EasyCruit for your recruitments makes you the Data Controller. That means that you are the one in charge of the purpose and handling of the personal data you obtain from candidates. In the recruitment process you are responsible for all personal data that comes into the system, and for making sure that your processing of such personal data , and particularly the information given to candidates, is compliant with the GDPR legislation.

There are five principles that are important to know when it comes to recruitment and the processing of personal data:
- Fair and Lawful, with Transparency: You need to inform the candidate about the personal data you collect and obtain their consent in order to collect and process the personal data. This is done by making the consent text in the application form mandatory. You need to inform about how, what kind and by who processing of personal data is done.
- Purpose Limitation: You cannot use a candidates personal data for other than the purpose that you collected it for. If you want to use the data for other purposes, as future openings, you need to get a consent for that use.

- Data Minimisation: You must only ask for the amount and types of information from candidates that is necessary to make an informed decision about the candidate. Do not ask questions that are not relevant or infringes discriminatory legislation. In Visma EasyCruit you can minimise the questionnaire and only ask for the few things of importance for your recruitment project.
- Current and Accurate: You may only keep and process the candidate information as long as they are relevant. As soon as they are not relevant, as if you reject the candidate, the information is no longer relevant and should be deleted.
- Storage Limitation: You must inform the candidate about for how long you keep his/her data. If the candidate creates a profile, he/she may delete the profile him/herself at any time. We recommend that you also activate the function for automatic deletion of candidates.

What are Vismas responsibilities related to Visma EasyCruit?

Visma EasyCruit is a SaaS application. That means that Visma is the Data Processor that process data on behalf of you as our customer. The Data Protection Agreement (DPA) between the customer and Visma, regulates the processing of personal data. As outlined in the DPA, Visma is for instance responsible for:
- Only to process data on behalf of and in accordance with your instructions
- Ensuring the confidentiality, integrity and availability of your personal data
- Making sure we take steps to help you stay compliant
- Providing you the information needed to show compliance
- Being transparent regarding the subcontractors we share your personal data with
- Taking the right measures for data security and protection
- Returning and deleting all of your personal data if you want to stop using EasyCruit.

In order to prepare and help you to be GDPR compliant , Visma is making some changes to Visma EasyCruit.

What are the candidates rights?

The candidates have several rights according to GDPR.

- Consent must be clear and distinguishable from other matters and provided in an intelligible and easily accessible form, using clear and plain language. It must be as easy to withdraw consent as it is to give it.
- The right to access: The candidate may request a confirmation as to whether or not personal data concerning him/her is being processed, where and for what purpose. They also have the right to demand a copy of the personal data, free of charge, in an electronic format.

- The right to be forgotten: The candidate is entitled to make you erase his/her personal data, cease further dissemination of the data, and potentially have third parties halt processing of the data.
- The right to data portability:The candidate shall upon request receive the personal data concerning him/her, which he/her previously provided in a 'commonly used and machine readable format' and have the right to transmit that data to another controller.
- Privacy by design/ data minimisations: The candidate should only need to provide personal information that is absolutely necessary for the recruitment and the data sharing should be limited to those needing to act out the processing.
- The right to rectification: The Candidate have the right to rectifications, meaning he/her can request you to update or correct his/her data.
- The right to restriction of processing: The Candidate can request you to suspend his/her data from being processed.

Changes and practical advice related to Visma EasyCruit

Related to the requirements above, Visma will provide changes and advice on different areas. Some parts will require that you do some preparations. The different topics are:

1. Consent

The candidates need to give their consent for Visma to legally be able to process their data. The consent needs to be recorded. The existing feature for Privacy Policy needs to be optimized to meet the GDPR, as consent is not automatically stored in any way.

What will be done in EasyCruit

We are building a new consent text in EasyCruit that will be released in April 2018.

In the new solution you will have one common consent text for all departments. This consent text will be version handled, so that candidates with an account will get a new consent text to approve if this has been changed since last login.

In transitioning between these ways of managing the consent text, both the old and new texts will be available for the customer admins to edit. On May 2nd 2018 Visma will then activate the new text for all customers.

What do you need to do?

You need to review and update your consent texts according to the following aspects:

You need to remove any local department texts and make one common consent text for your company (if you have more than one consent text in use today).

The text needs to inform the candidate:
- The identity of and contact details to your company as Data Controller
- To what purposes the personal data is being processed
- On what legal grounds the personal data is processed (consent)
- The categories of other companies that have access to the personal data, including integration- or archive system partners.
- How long the data will be stored
- How to rectify their data
- How to withdraw consent
- How to extract their data
- How to request more information about processing of their data
- How to request deletion, restriction of or objection to processing of their data.

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Visma provides a privacy policy as default in the new consent text box. This text will be enforced if you do not provide a text on your own. This text may be replaced or adjusted to meet your specific requirements to be GDPR compliant. The privacy policy will be mandatory for all vacancies in EasyCruit from 2.5.2018.

Privacy policy (consent text) for EasyCruit.

The purpose behind Easycruit is to simplify the employer's recruitment process and to enable efficient assessments of and communication with the candidates in this regard. As part of making use of Easycruit the employer receives personal data from the candidates, and processes such personal data as part of the assessment of the skills and abilities of the candidates and whether he/she is suited for the announced position.

The legal ground for processing personal data is the candidates consent to such processing as part of applying to the position, where the candidate chooses what kind of personal data he/she decides to share with the employer in this regard, for instance by using the upload functionality from Google or Dropbox. Please note that candidates are entitled to withdraw the mentioned consent at any time.

The employer is the data controller for the processing of personal data about candidates and all questions regarding privacy can be directed to the employer through the dedicated communication channels provided by Easycruit. The personal data is processed for the purpose of providing, executing and developing the services.

Easycruit is a cloud service developed by Visma. Thus Visma group companies and their subcontractors of IT services may have access to personal data about candidates as part of operating the service. All subcontractors are subject to data processing agreement to ensure privacy according to the standard brought by applicable privacy legislation (GDPR from 25 May 2018), and subcontractors located outside EU are subject to transfer mechanisms approved by the EU Commission.

Personal data about candidates are processed in Easycruit during the recruitment process and to the extent this is necessary to fulfill legislation. Candidates may make use of the edit my profile functionalities inside their Easycruit account to delete, upload and edit information.

Candidates may at any time reach out to the employer in order to exercise the right to access, rectification or erasure of personal data, or to restrict the processing related to the candidate, or to object to the processing, as well as the right to data portability.In addition, candidates have a right to file a complaint to the data protection authorities with regards to the processing of their personal data.

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2. Withdrawal of consent

The candidates have the right to withdraw their consent at any given time. When the consent has been withdrawn, you do no longer have the right to process their data. This includes storing the data which means that the data has to be deleted.

Please note however that other local regulations may apply and overrule this right. One example would be public customers in Sweden where the application is a public record and thus cannot be deleted.

What will be done in EasyCruit

There will be no changes in EasyCruit. EasyCruit already supports deletion of candidate accounts by the candidates themselves. If the candidate do not have an account, the customer user can delete their data within existing functionality.

What do you need to do?

The customer needs to inform the candidates with and without accounts how to withdraw their consent (see above).

3. Data Minimisation

EasyCruit is a very flexible system in order to support collecting different information based on the requirements from different positions and company requirements. The nature of the recruitment process makes candidates reveal information that could be confidential even when not asked for. It is not possible to control what a candidate chooses to write in the application letter, nor the information in an attached CV. Hence it is very important that you as a customer are aware the responsibility you have for the data you are collecting. You must always have focus on collecting only the data needed for the specific recruitment.

What will be done in EasyCruit

There will be no immediate changes in EasyCruit. The data minimization requirement will however be taken into account in all future developments of EasyCruit.

What do you need to do?

You need to review your custom questions, application and candidate forms to ensure that they are only requesting relevant and appropriate data for the purpose.

It is important that you are aware that you are in control of, and that you can change/remove, all the questions in the application form. If you don't know how to do that or are experiencing any problems, please contact support for assistance.

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4. Audit Logging

In order to ensure that no personal or sensitive data are being illegitimately processed, this needs to be properly audit logged. This is in particular essential for sensitive data.

What will be done in EasyCruit

The following changes are being made to fulfill the requirements:

EasyCruit are introducing audit logging of all processing of personal data via the application (EasyCruit itself).

Audit logging are also introduced for any processing of data outside the application like direct access to data base or S3 system.

What do you need to do?

No preparations needed.

5. Data Portability

The candidates have the right to export the data they have entered themselves in a machine readable format. The candidates may require an extract of their data from EasyCruit. This is not possible in EasyCruit today.

What will be done in EasyCruit

This requirement will be covered in long term by implementing a feature for both candidates and customer users (Front and Back Office). This is to be done in the scope of refactoring Front Office. There is a challenge that there is no standard, nor requirement to provide a feature for importing the extract.

What do you need to do?

This is in general not a very relevant functionality for a recruitment solution, when candidates uses LinkedIn and CV-parsing when applying for a position in EasyCruit. In addition, most of the personal data processed by EasyCruit is uploaded by the candidate himself/herself. Limiting the practical need for assisting the candidates with data portability.

6. Automatic deletion and data life cycle

Deletion of personal data is an essential part of GDPR.

In strict interpretation of GDPR, you have no longer the right to process or keep a candidate's personal data after the decision has been made to not make an offer of employment or the candidate has declined an offer of employment.

Exceptions may apply:

- Law legislations that may override the GDPR legislation.
- If you ask for permissions to keep the candidate's data for future positions.

What will be done in EasyCruit

EasyCruit already covers some automatic and manual deletion of candidate data which is controlled by you as a customer. To further improve this, the features for automatic deletion and data life cycle will be reviewed in the context of a larger remodeling the personal data.

Meanwhile, Visma recommends the customers to set the automatic deletion to 6 months after last activity.

What do you need to do?

You need to verify that you have the correct settings for automatic deletion according to GDPR or other regulations/legislations.

7. Security

As the data processor, Visma is responsible for the security of EasyCruit.

What will be done in EasyCruit

EasyCruit is currently in progress with Vismas Security Program.

As part of this program, internal penetration tests was conducted during the autumn of 2017. All critical and high impact security issues has been solved.

We will conduct an external audit in 2018.

What do you need to do?

No preparations needed.

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8. Restriction of processing

In a legal conflict or similar, the data subject has the right to restrict processing of their data. This means that the data is not allowed to be altered, deleted and to most extent read.

What will be done in EasyCruit

The easiest way to be compliant is simply not to process the candidates data or delete it.

EasyCruit will in the longer term implement a feature for your administrators to flag candidates as restricted. When flagged, the candidates will be frozen and exempt from any deletion or alteration of their data. They will also only be visible for your administrators.

What do you need to do?

No preparations needed.

How to get more information

If you are looking for general information regarding processing of personal data in Visma, visit visma.com and read our Privacy Statement.

For more information about how Visma prepares for the GDPR, visit https://www.visma.com/gdpr/

If you represent a customer being a controller and need more information regarding data protection around software products/services, you can visit our Trust Center.

If you have questions directly related to a data protection agreement with Visma, you should reach out to your primary business contact in Visma.

All other inquiries should be sent to support.easycruit@visma.com. Visma e will respond to such inquiries as soon as possible and make priorities based on urgency in terms of risk for data subjects.