Sanctions and Politically Exposed Persons Watchlist Screening Privacy Notice

This Notice is revised as of June 2023

The present Sanctions and Politically Exposed Persons Watchlist Screening Privacy Notice (“Notice”) serves to describe how The New Humanitarian (“TNH”, acting as a Data Controller), located at rue de Varembé 3, 1202 Geneva, Switzerland, processes candidates’ personal data in the context of a Sanctions and Politically Exposed Persons (PEP) Watchlist Screening (“Screening”), required during its recruitment process.

1. SCOPE AND PURPOSE OF PROCESSING

1.1. This Notice defines TNH’s approach to Screening as part of the recruitment of employees and the hiring of consultants and freelancers. The Notice applies to all individuals applying to TNH to work either as an employee, a consultant or a freelancer, who have passed TNH’s preliminary selection process and are being seriously considered for the position (“Candidates”).

1.2. The Screening is conducted in order to identify whether the individual is a “Politically Exposed Person” (“PEP”), who holds a prominent public position or function, and therefore, may be more susceptible to bribery, corruption or other money laundering offences. The Screening also includes sanctions checks against government and international databases of sanctions lists, in order to determine whether the individual is legally restricted from certain activities or industries.

1.3. In order to be able to execute its activities and accomplish its mission, TNH is contractually required by private foundations and governmental donors to execute a Screening of Candidates applying to work at TNH either as employees, consultants or freelancers, as the last step of the recruitment process. A satisfactory outcome of such Screening is a prerequisite to obtaining a contract with TNH.

1.4. In the event that the result of the Screening indicates the presence of a Candidate as a PEP, the Candidate may nevertheless be considered for a position. In such an event, TNH shall evaluate the Candidates’ qualities on the basis of their application against the outcome of the Screening (if any) and shall take a decision as to whether or not such Candidate may be retained and offered a contract. Generally, the Candidate is provided with an opportunity to discuss the outcome of the Screening and provide any material relevant to an assessment of their suitability prior to a final decision.

2. LEGAL BASIS FOR PROCESSING

2.1. The legal basis for the Screening of Candidates is TNH’s legitimate interest to comply with its contractual obligations with private foundations and governmental donors, in order to execute its mission.

2.2. With respect to Candidates applying for a role as an employee, the Screening is conducted on the basis of article 328b of the Swiss Code of Obligations, in order to determine the Candidate’s suitability for the role.
3. **THE PERSONAL DATA PROCESSED**

3.1. In order to perform the Screening, the Candidates’ full name is entered into the MemberCheck Database (or another similar tool), a privately held database, and if the name is included within the database, then the result, detailing the individual’s name, address, gender, public database in which the name appears, and eventual aliases, is produced.

3.2. The result of the Screening is subsequently cross-referenced with the personal data provided by the candidate to TNH in their application, in order to confirm whether the candidate has indeed been identified in the Screening.

4. **ACCESS TO PERSONAL DATA BY THIRD PARTIES**

4.1. The Screening is conducted through the services proposed by a third-party service provider, NameScan (or another similar service provider), with its headquarters in Australia. NameScan and TNH have entered into a contract whereby NameScan is committed to protecting the Candidates’ personal data to the same standard as that applied by TNH. In order to ensure an adequate level of protection of the Candidates’ personal data, TNH and NameScan have notably entered into the EU Standard Contractual Clauses.

4.2. NameScan uses the MemberCheck database, a private database held by Member Check Pty Limited, based in Australia. Such database includes publicly available information, such as criminal records. Through its agreement with NameScan, TNH imposes that MemberCheck apply the same level of protection to the Candidates’ personal data as that awarded in the European Union and Switzerland.

5. **RETENTION PERIOD**

5.1. TNH retains access to the result of the Screening for as long as required in order to take a decision as to whether or not the candidate is to be hired by TNH. Once the decision has been taken, TNH no longer has access to the result of the Screening, and such results are not retained within TNH’s databases.

6. **DATA SUBJECT RIGHTS**

6.1. Candidates may exercise their data subject rights by contacting the TNH Data Protection Officer (“**TNH DPO**”) at dpo@thenewhumanitarian.org. Candidates should note that they may be asked to prove their identity before TNH responds to requests based on the rights below, or otherwise related to the Candidates’ personal data.

6.2. **Right to access and update** personal data: whenever TNH processes personal data, it takes reasonable steps to ensure that the personal data is kept accurate and up-to-date for the purposes for which it collected.

6.3. **Right to delete** personal data: Candidates may request the deletion of their personal data at any time, subject to any retention obligations imposed on TNH. TNH may retain de-personalized (anonymized) information after the deletion of the personal data.

6.4. **Right to rectification**: Candidates have the right to obtain the rectification of their personal data if it is inaccurate or incomplete.
6.5. **Right to object to processing**: within the limits of the law, Candidates have the right to object to TNH’s processing of their personal data.

6.6. **Right to restriction**: Candidates have the right to request that TNH restricts the processing of their personal data.

6.7. **Right to data portability**: Candidates have the right to be provided with a copy of the personal data TNH holds on them in a structured, machine-readable and commonly used format.

6.8. **Right to complain to a supervisory authority**: Candidates have the right to complain to a data protection supervisory authority with regards to the collection and use of their personal data.

7. **PROTECTION OF CANDIDATE PERSONAL DATA**

7.1. Throughout the conduct of Screening, TNH upholds the highest standards of data protection and confidentiality which involves, but is not restricted to:

- Only disclosing screening information with relevant individuals directly involved in the recruitment process. Information may not be disclosed to others within TNH or to external parties.
- The exchange of background check information in email(s) or other electronical correspondence is always encrypted, and to the extent possible, anonymized.

8. **NON-DISCLOSURE OF PERSONAL DATA**

8.1. TNH does not sell the personal data to third parties, and shall not make the personal data contemplated within this Notice available to third-parties, except as provided herein.

9. **AMENDMENTS TO THIS NOTICE**

9.1. TNH may change this Notice at any time by posting a new version on this page, or on a successor page, without prior notification. Candidates shall be notified of any change to the Notice through a notification on the website home page.

9.2. TNH will always conduct the Screening as described in the Notice that was in effect at the time of Screening.

9.3. The new version of the Notice will become effective on the date it is posted, which will be listed at the top of the page as the new effective date.

10. **ANY QUESTIONS ?**

10.1. Should you have any questions regarding this Notice or in relation to the Screening, you can contact the TNH DPO at dpo@thenewhumanitarian.org.

10.2. You can also contact TNH by post, at the address: Rue de Varembé 3, 1202 Geneva, Switzerland.