

Maples Group Job Applicant Privacy Notice

Cayman Islands

Version 1.0 (August 2019)



1 What does this Privacy Notice do and does it apply to me?

- 1.1 Many countries have data protection laws that protect the privacy of individuals by regulating the way in which businesses handle personal information, requiring businesses to be, among other things, open and transparent about why and how they handle personal information.
- 1.2 The purpose of this Privacy Notice is to inform you why and how the Maples Group ("**Maples**", "**we**", or "**us**") handles personal information about you and other job applicants in the Cayman Islands. This Privacy Notice will apply to you if you are a job applicant who has applied for any role within the Maples Group that is based in the Cayman Islands.
- 1.3 Nothing in this Privacy Notice creates any new relationship between you and us, or alters any existing relationship between you and us. Nothing in this Privacy Notice affects any right you have under any applicable law, including the Cayman Islands' Data Protection Law 2017 ("**DPL**") and any other data protection law that applies to you.

2 Who is responsible for the proper handling of my personal information?

- 2.1 The particular entity within the Maples Group which is legally responsible for the proper handling of your personal information (known as 'data controller' for the purposes of data protection law) varies depending on where the role you have applied for is based, as follows:
 - (a) **Maples and Calder**, Ugland House, South Church Street, PO Box 309, Grand Cayman KY1-1104, Cayman Islands (where the role is with our main legal services business in the Cayman Islands);
 - (b) **Maples and Calder (Overseas) Limited**, Ugland House, South Church Street, PO Box 309, Grand Cayman KY1-1104, Cayman Islands (where the role is with the part of our legal services business that supports the activities of Maples and Calder's Dublin office)
 - (c) **Maples Corporate Services Limited**, Ugland House, South Church Street, PO Box 309, Grand Cayman KY1-1104, Cayman Islands (where the role is with our corporate services business, or our compliance function that supports the activities of Maples and Calder)
 - (d) **Maples Service Company Limited**, Ugland House, South Church Street, PO Box 309, Grand Cayman KY1-1104, Cayman Islands (where the role is a global role that is based in the Cayman Islands)
 - (e) **Maples Technology SEZC Limited**, Ugland House, South Church Street, PO Box 309, Grand Cayman KY1-1104, Cayman Islands (where the role is with our internal IT function based in the Cayman Islands)
 - (f) **MaplesFS Service Company Limited**, PO Box 1093, Boundary Hall, Cricket Square, Grand Cayman KY1-1102, Cayman Islands (where the role is with our divisions that provide non-legal services).
- 2.2 If you have applied for a job which is advertised by our HR department in the Cayman Islands but the location of the role is not specified in the job description (or the job description specifies multiple possible locations or the job description specifies a location outside the Cayman Islands), the responsible entity will be:

- (a) **Maples and Calder**, PO Box 309, Ugland House, South Church Street, Grand Cayman KY1-1104, Cayman Islands (where the role is with our legal services business)
- (b) **MaplesFS Service Company Limited**, PO Box 1093, Boundary Hall, Cricket Square, Grand Cayman KY1-1102, Cayman Islands (where the role is with our divisions that provide non-legal services)

3 What sort of personal information about me does Maples collect?

3.1 The types of personal information which we collect in connection with our recruitment process will vary depending on various factors, including your personal circumstances and the progress you make in the recruitment process, but it can include any combination of the following types of personal information about you:

- (a) your contact details such as title, name, home address, personal email address, and personal phone number;
- (b) information about your skills, experience, and qualifications, including academic history and employment history, and any other information you include in your CV or otherwise provide to us in connection with your job application;
- (c) information about your personality, character, temperament, and demeanour;
- (d) your performance in technical assessment(s), aptitude / psychometric test(s), and other assessments we may ask you to undertake;
- (e) recording of any interactive or non-interactive video interview we may ask you to take part in;
- (f) information about the expectations you have in respect of the position you applied for, such as the type of employment sought, type of work you wish to perform, and your desired salary level;
- (g) information about your personal circumstances, such as your availability for interviews, your notice period, your reasons for applying to Maples, and any adjustment you require in attending interviews or taking up a position within Maples;
- (h) technical information such as the IP address from which you access our website, the type and version of browser you use to access our website, type of device you use to access our website, and so on (to the extent you apply to us through our careers website); and
- (i) information about you which we are obliged to check or monitor for legal or regulatory reasons, such as information relating to your identity, nationality, visa / work permit, credit worthiness, bankruptcy record, and criminal record.

3.2 We will collect your personal information only where it is legally permissible, and only to the extent it is appropriate and necessary for one or more of the purposes described in Section 4.

4 Why does Maples collect my personal information and what are the legal justifications?

4.1 We handle your personal information for the following purposes:

- (a) **HR Administration.** To ensure that we effectively manage and administer all aspects of our recruitment process, and to ensure the fairness in our recruitment process;

- (b) **Business Administration.** To facilitate our day-to-day business operation in general, including in relation to matters such as business planning and budgeting;
- (c) **Corporate Governance.** To manage our risks and safeguard the assets, reputations, and other rights and interests of the Maples Group as well as that of our workforce, clients, and other stakeholders; and
- (d) **Legal and Regulatory Compliance.** To ensure our compliance with all relevant legal, regulatory and contractual requirements, including the following:
 - (i) requirements that apply to us in our capacity as an employer, including those that relate to immigration, equal opportunity, anti-discrimination practices, health and safety at work, and integration of workers with disability or illness;
 - (ii) requirements that apply to us as a regulated business and which are imposed or enforced by regulators such as the Cayman Islands Monetary Authority;
 - (iii) requirements which are imposed or enforced by other public authorities, such as the Workforce Opportunities & Residency Cayman, police and other law enforcement bodies, and courts and tribunals; and
 - (iv) any other legal duty which we owe to our workforce, clients, and other stakeholders, whether such duty is rooted in statute, contract, or tort.

4.2 As part of the aforementioned purposes, we may, depending on the role you have applied for and to the extent this is legally permissible, use your personal information to perform the following:

- (a) background checks (including verifying your academic / professional credentials, employment history, credit history, and any criminal record you may have). Please note that:
 - (i) the background checks we perform include an internal reference check whereby existing staff members of certain seniority are invited to comment on your application; and
 - (ii) depending on the role you have applied for and the prevailing circumstances, we may perform reference checks with your previous employers (excluding your current employer) before a job offer is made to you;
- (b) technical assessments and psychometric assessments (aptitude tests) to profile your abilities, personality traits, leadership potential etc., with a view to better gauging your fit with our organisation. If we ask you to take part in such assessment, further explanation will be provided by our HR department. Please note that such assessment will never be fully automated and the outcome of such assessment will always be reviewed manually to ensure consistency and fairness;
- (c) video recording of your interview. To improve the consistency and efficiency of our hiring process, we may ask you to take part in one or more video interviews. This can be a one-way interview (where we ask you to record a video of your response to a set of standardised questions), or it can be a two-way interview (where we record your live interaction with our interviewer). If we ask you to take part in video interview, further explanation will be provided by our HR department; and
- (d) statistical analysis to inform our decision making, for example by measuring and benchmarking skills, experience, academic and professional qualifications, and salary expectations of our job applicants.

- 4.3 Where we handle personal information of a sensitive nature (such as information concerning your health, or any criminal record you may have), we will do so only where this is strictly necessary and legally permissible, for example to monitor our compliance with laws concerning equal opportunity and anti-discrimination practices, or to discharge our regulatory obligation to ensure the fitness and probity of individuals we employ in certain roles.
- 4.4 In handling your personal information for the aforementioned purposes, we rely on the following legal justifications:
- (a) **Contractual Necessity.** This justification comes from paragraph 2, Schedule 2 of DPL and we rely on it where we handle your personal information in order to evaluate your job application and make you an offer if you are successful. This is the case where we handle your personal information for the purpose of HR Administration;
 - (b) **Legitimate Business Interest.** This justification comes from paragraph 6, Schedule 2 of DPL and we rely on it where we need to handle your personal information in order to operate, manage, and develop our business (provided that we can strike the right balance between our interests and your interests). This is typically the case where we handle your personal information for the purposes of Business Administration and Corporate Governance;
 - (c) **Legal and Regulatory Requirement.** This justification comes from paragraph 3, Schedule 2 of DPL and we rely on it where we handle your personal information for the purpose of Legal and Regulatory Compliance; and
 - (d) **Consent.** This justification comes from paragraph 1, Schedule 2 of DPL and we rely on it where we handle your personal information based exclusively on your permission. We would not ordinarily rely on Consent, but occasionally, where none of the other legal justifications are available to us, we may choose to rely on Consent.

Important Note: Where we rely on Consent to handle your personal information, you can expect us to explain what you are being asked to agree to, and you will be able to decide freely without being penalised in any way for your choice. You can also withdraw your consent at any time should you subsequently change your mind.

5 How does Maples obtain my personal information?

- 5.1 We obtain much of your personal information directly from you, but depending on your circumstances, we may obtain your personal information indirectly from a range of sources.
- 5.2 Sources from which we might obtain your personal information include, without limitation, the following:
- (a) those who have put you forward as a candidate (e.g. recruitment agency or temporary staffing agency);
 - (b) those who provide references for you (e.g. academic institutions you have attended, your former employers, or your previous clients);
 - (c) websites where you have voluntarily made your personal information publicly accessible (non-exhaustive examples of such websites include Blogger, Facebook, LinkedIn, Tumblr, Twitter, and Xing);
 - (d) publicly accessible registers and databases, such as registers of shares, registers of companies and partnerships, database of journals and news articles, and so on; and
 - (e) providers of background check and business risk screening services, including credit reference agencies and operators of criminal records database (in some cases they can include authorities such as government departments and the police).

6 Does Maples share my personal information with others?

- 6.1 We will share your personal information with others only if and to the extent this is appropriate and necessary for one or more of the purposes outlined in Section 4 above. Recipients who might receive your personal information from us will vary depending on your circumstances, but the potential recipients can be grouped into the following categories:
- (a) recruitment agency, temporary staffing agency, and other like third parties who put you forward as a candidate;
 - (b) academic institutions you have attended, your former employers, your previous clients, and other like third parties we contact in order to obtain your reference and to validate your academic history and employment history;
 - (c) companies, trusts, and partnerships that belong to the Maples Group, including those who influence or determine the overall direction of the Maples Group's business as well as those who perform any of the support roles described in paragraph (d);
 - (d) those who support our business operation and HR Administration (e.g. data centre operators, IT service providers, providers of background check and business risk screening services, providers of video interviewing platforms, providers of candidate assessment / testing services, etc.); and
 - (e) government departments and agencies (including Workforce Opportunities & Residency Cayman), police, regulators, courts, tribunals, and other like authorities with whom we are legally obliged to share your personal information, or with whom we voluntarily share your personal information (where this is legally permissible and there is a good business reason for doing so).

7 Does Maples transfer my personal information outside the Cayman Islands?

- 7.1 Due to the international nature of our business operation and the markets in which we operate, your personal information may be transferred outside the Cayman Islands to any of the different categories of recipients described in Section 6, who could be located anywhere in the world, including, without limitation, Bermuda, British Virgin Islands, Canada, China, Dubai, Europe, Hong Kong, Singapore, and the USA.
- 7.2 These overseas destinations, in particular those outside Europe, may not have laws that protect your personal information in the same way DPL does. This does not mean that your personal information is inevitably put at risk but it can mean that there is less formal legal protection for your personal information.
- 7.3 Where we share your personal information with recipients who are located outside the Cayman Islands, we will, wherever possible, take all appropriate steps that are within our control to ensure that adequate legal safeguards are in place for your personal information which are shared with such recipients (for example, we may offer such safeguards by obtaining contractual assurances from the recipients).
- 7.4 Where we are unable to put in place such adequate safeguards, we may nevertheless share your personal information with such recipients but we will do so only to the extent the applicable legal exemptions permit, and we will ensure that any of your personal information we share with such recipients is kept to the minimum necessary.

8 Will my personal information be kept secure by Maples?

- 8.1 We take information security very seriously and we use a broad range of tools and techniques to prevent and detect incidents that might adversely affect our information, such as unauthorised access or disclosure, and accidental change or loss, whether they are caused by external factors or internal factors.

- 8.2 The tools and techniques we use include technical measures such as firewalls, backup and disaster recovery systems, antimalware, and encryption, as well as other measures such as vetting of suppliers who are entrusted with our information, awareness training for our workforce, and the continuous evaluation and enhancement of our information security controls.

9 What would Maples do if a data breach happens?

- 9.1 In the unlikely and unfortunate event your personal information under our control becomes compromised due to a breach of our security, we will act promptly to identify the cause and take the necessary steps to contain and mitigate the consequences of the breach. Where appropriate, we will also notify you of the breach in accordance with DPL and any other applicable law which requires us to notify you of the breach.

10 How long will Maples retain my personal information?

- 10.1 If you are successful in your job application and you accept the offer we make, your personal information will be incorporated into and retained as part of records kept by our HR department.
- 10.2 If you are unsuccessful in your job application, then unless you object, we will retain your personal information for an appropriate period (as allowable by law) so that we may contact you in case we identify an alternative career opportunity at the Maples Group which we consider to be suitable for you.
- 10.3 Where we identify a need to retain your personal information for any other reason (e.g. to defend ourselves from any legal claim or dispute that arises in connection with your job application), we reserve the right to retain your personal information for a longer period, for as long as we are legally permitted to do so.

11 What rights do I have in respect of my personal information?

- 11.1 Under DPL, you have certain legal rights in respect of your personal information handled by us. These include the following:
- (a) the right to ask us to confirm whether or not we handle any personal information about you;
 - (b) the right to ask us to provide you with copies of your personal information we hold;
 - (c) the right to ask us to correct any inaccuracy or incompleteness in your personal information we hold;
 - (d) the right to ask us to stop handling your personal information or to not begin the handling of your personal information;
 - (e) the right to ask us not to subject you to automated decision-making that uses your personal information; and
 - (f) the right to object to us using your personal information for direct marketing purposes.

Important Note: The rights you have in respect of your personal information are not absolute and are subject to a range of legal conditions and exemptions. If and to the extent a relevant legal condition or exemption applies, we reserve the right not to comply with your request. Additionally, while the rights you have can normally be exercised free of charge, the law allows us to charge you in certain limited circumstances. In such cases, we reserve the right to charge you a fee for processing your request.

12 Who can I contact about my personal information?

- 12.1 If you would like to exercise any of the rights you have in respect of your personal information, or if you have any question or concern regarding the way in which we handle your personal information, then in the first instance please contact the person from our HR department you have been liaising with. If you haven't had any direct contact with our HR department yet, please contact:
- (a) legalcareers@maples.com if you have applied to work for our Legal Services division;
or
 - (b) careers@maples.com if you have applied to work for our Fund and Fiduciary Services divisions.
- 12.2 If you have a complaint regarding the way in which we handle your personal information, please contact privacy@maples.com.
- 12.3 We will endeavour to respond satisfactorily to any request, query, or complaint you may have in respect of your personal information, but if you are dissatisfied with our response and wish to make a formal complaint, or if you simply wish to learn more about your rights, you can contact the Ombudsman of the Cayman Islands:

Ombudsman
PO Box 2252, Grand Cayman KY1-1107, Cayman Islands
<https://ombudsman.ky/>