

social media checks – discrimination and privacy considerations



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introduction

Using social media to assess cultural fit and mitigate reputational risk is no longer a 'nice to have option'. Increasingly, it's being seen as a core element of the screening process. Supplementing rather than replacing existing screening procedures. Social media is a fantastic resource that many HR departments shy away from, but they can provide a great deal of information to assist employers in making their recruitment decision whilst ensuring they protect their business.

Of course, background checks are an invaluable resource for companies when recruiting to establish what an individual is or is not (e.g. a convicted criminal or someone who has wildly embellished their CV or qualification felon) but social checks can help you to understand more of the person behind the CV. However, with employment and data protection laws in place to rightfully protect candidates from unfairly based recruitment decision it's important to consider how you can do this and stay compliant.

non-discrimination considerations

An often-discussed concern from employers and candidates in viewing information on your candidates online, especially in social media platforms is the significant concern that you are likely to see information that is considered a 'protected characteristic' for example:

- race or ethnicity
- religion or belief
- political opinions
- sexual orientation
- disabilities
- age

Social media checks provided by **giant** remove all information on protected characteristics before it reaches you as, once viewed you, it could be considered to have influenced the recruitment decision.

privacy considerations - GDPR

The use of social media screening isn't specifically dealt with under GDPR or the UK DPA act 2018. However, it could be considered under the more generic guidance issued by The European Data Protection Board (EDPB) guidance from 2017 which refers to the processing of personal data in the employment context. Specifically that employers should not assume that because a profile is publicly available that they are permitted to process that data for their own purposes. A legal ground/lawful basis is still required for this processing, such as legitimate interests and its best practice to have the consent of the employee to conduct the relevant searches.

To support this a number of data protection authorities have published general guidance on pre-employment screening covering screening in general but can be applied to social media.

Considerations include:

- Make it clear early in the recruitment process if social media screening will take place if it is only relevant to certain types of roles, and how it will be conducted;
- Screening should be proportionate to the role; roles that are prominent, public-facing, or working with vulnerable populations may require more scrutiny than other roles;
- Checks should be conducted as late in the recruitment process as possible, generally after a candidate has been considered short-listed or given a conditional offer;
- Access to social media should never be gained by deception. Social media screening offered by **giant** will always only search publicly available profiles and with the consent of the candidate.

Historically, and understandably, employers have been wary of undertaking social media searches. How to adopt a consistent, comprehensive and unbiased approach? How not to stray too far into the private lives of their employees? How to avoid viewing information about protected characteristics, else risk exposing themselves to accusations of discrimination? But with new artificial intelligence and machine learning technologies, the landscape of social media searches has changed.



At **giant** our social media searches consult publicly available, open-source data only. They're run against 10 clearly defined categories – eight risk categories and two positive indicator categories. Each risk category will be 'red flagged' if any relevant content is identified. And all red-flagged content will be fully evidenced, actionable and documented in a comprehensive report.

so why choose **giant** for you social media checks?

- zero false positives
- protected characteristics kept confidential
- flexible risk categories
- undisclosed social media handles identified
- fast, efficient and affordable solution
- no more 'last to know' scenarios
- global, multi-lingual solution
- advanced technology
- GDPR and privacy compliance

about **giant**

For almost 30 years, **giant** have provided specialist, end-to-end workforce management software and support services for organisations of all sizes. Globally. When it comes to screening and onboarding your workers, you need a fast and flexible solution, so you don't lose talent, this is why companies outsource to **giant**. We are passionate about your worker's journey and so provide the technology and industry knowledge you need to bring them onboard efficiently and compliantly.

We know one size doesn't fit all, so we tailor our system and processes to match your individual requirements.

You can relax knowing your data is safe with us. Our commitment to compliance protects your business from risk and our rigorous international security standard ISO 27001 ensures that your data is GDPR secure.

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