

## References

References should be obtained as part of the efforts to employ the best qualified applicant. Obtaining references requires the consent of the applicant.

### Obtaining references

Obtaining references requires express, informed consent from the applicant for the position. Obtaining references may be set as a condition of employment by the university. Consent may be given by email and it should be clearly stated which data the applicant consents to the processing of, see example: [www.au.dk/informationssikkerhed/databeskyttelse/til-ledere/samtykke-ift-referencer/](http://www.au.dk/informationssikkerhed/databeskyttelse/til-ledere/samtykke-ift-referencer/)

Whether the applicant wishes to give consent is voluntary. Lack of consent may, however, affect the final decision on whether the applicant is offered the position. Consent may be withdrawn at any time.

Non-specific consent to obtain references may not be used to obtain sensitive or confidential personal data. If the university requires data of a sensitive or confidential nature, express, specific consent is required for obtaining this type of data.

Above-mentioned rules must also be observed when obtaining references for employees at Aarhus University.

### Disclosure of data in connection with references

When managers at Aarhus University are asked to provide information on an employee in connection with an application for employment by another employer, the AU manager must ensure that the employee has consented to the AU manager providing information.

#### *If the employee has notified the AU manager*

As a rule, the employee will have informed the AU manager that he/she may be contacted regarding references. In this case, the manager will draft a dated memo stating that the employee has given consent and which information/data it has been consented to disclose. The memo must be filed in the personnel folder.

#### *If the employee has not notified the AU manager*

If the employee has not notified the AU manager of a request for references, the manager may not provide any information until after the manager has contacted the employee and ensured their consent to the release of the reference. The employee may either give the consent in writing (e.g. by email) or orally. If consent is given orally, the manager will draft a dated memo stating that the employee has given consent and which information/data it has been consented to disclose.

General data may be disclosed to a potential new employer under a general consent, while sensitive or confidential data may only be disclosed with express, specific consent.

### Content of a reference

References will be used to obtain information concerning the following:

- Working relationship
- Verification of the information provided by the candidate in an application
- Professional and personal competences, work tasks and results
- Performance and working capacity

As a general rule, an employer/former employer must not disclose information on purely private matters, including political, association-related, sexual or criminal matters, as well as information on health matters, significant social issues and substance abuse, see [section 28 of the Danish Public Administration Act](#), [Article 9 of the General Data Protection Regulation](#) and [section 8 of the Danish Data Protection Act](#).

In connection with obtaining references, it is, however, permissible to disclose and obtain information about matters that may illustrate the professional qualifications of the applicant relevant for the position, the level of absence due to illness (but not the nature), how tasks are being/have been

carried out, whether tasks are being carried out alone or in collaboration with others, etc. The specific questions and answers must relate to the four bullets above.

Aarhus University will obtain the reference(s) in accordance with [section 29 of the Danish Public Administration Act](#), and [Article 6\(1\)\(a\) and possibly Article 9\(2\)\(a\) of the General Data Protection Regulation](#).

#### **Obligation to record**

In connection with obtaining references, a memo must be prepared on the content of the information, see section [13 \(on obligation to record\) of the Access to Public Administration Files Act](#). The applicant will have a right of access to the memo.

#### **Consultation procedure for negative references**

If the information provided by the reference potentially results in a decision not to employ a person, a memo must be prepared and filed in the overall case set up for the recruitment process. If the reference provides information that entails that the applicant is not desirable for the position (provided that the information is correct), the applicant must be consulted before finally deciding not to employ the applicant, see [section 19\(1\) \(on information “unfavourable to the party”\) of the Danish Public Administration Act](#). Assistance can be obtained from HR for this purpose.