



ACTION POINT

COMMUNITY SUPPORT SERVICES

DBS Application Privacy Policy

Created: January 2021
Next review date: January 2022



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DBS Application Privacy Policy

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1. The purpose of this document

Action Point Community Support Services is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. We take our responsibility to adhere to GDPR seriously and have a comprehensive **Confidentiality, Data Protection & GDPR Policy** in place. A copy of this policy is available upon request by contacting admin@keighleyvc.co.uk.

You are being provided with a copy of this **DBS Application Privacy Policy** because you are applying for a Disclosure and Barring Service (DBS) criminal record check and we (Action Point) are registered with the DBS service to complete checks as an 'umbrella body' for registered organisations.

We provide information to the DBS who will then provide you with a copy of what (if any) information they hold against your name. The process is the same whether you are an employee, worker or volunteer.

The DBS criminal record check helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children, but it is only one part of a safeguarding process.

This document makes you aware of how and why your personal data will be used, namely for the purposes of obtaining a DBS criminal record check and how long your data will usually be retained. It provides you with certain information that must be provided under the General Data Protection Regulation and the Data Protection Act 2018.

While a DBS check in relation to an individual's criminal record is a legitimate part of a safer recruitment process to protect children and vulnerable adults and there is an entitlement to obtain the check in accordance with legislation, an individual cannot be forced to undertake a DBS criminal record check. An individual has the right to decline obtaining a DBS record check; however in such circumstances it would be unlikely that an organisation would proceed with the application of that individual.

In most instances, a job applicant has no legal obligation to reveal spent criminal convictions. If an applicant has a criminal conviction that has become spent, the employer must treat the applicant as if the criminal conviction has not happened. A refusal to employ a rehabilitated person on the grounds of a spent criminal conviction is unlawful under the Rehabilitation of Offenders Act (ROA) 1974. However, certain areas of employment are exempt under the ROA 1974 (Exceptions) Order 1975 and employers may ask about spent criminal convictions. This is known as asking an exempted question. When answering, the applicant would have a legal obligation to reveal spent criminal convictions. We expect you to be open and truthful throughout this process. In order to process criminal conviction

data, we rely on Schedule 1, Part 1, (1) of the Data Protection Act 2018, the processing is necessary for the purposes of employment, social security and social protection law.

Action Point is also legally required to process this information as it has a duty of care towards the vulnerable adults and children that it provides services to.

Processing a DBS application for an individual who is an Action Point employee, worker, contractor, volunteer, or a person who has received a conditional offer of employment and part of that conditional offer relates to undergoing a DBS criminal record check the lawful basis for the check under Article 6 of GDPR is based on contract.

For an individual who is undertaking a DBS criminal record check for a registered organisation the lawful basis under Article 6 of GDPR for the Council to undertake the check is based on legitimate interest.

The legitimate interest is processing your application for a criminal record check in order for you to work for a third party in either a paid or unpaid capacity. If we did not process the information you would be unable to receive the relevant DBS certificate. This would then prevent you carrying out such work and affect your personal interest in that task. You are reminded that you do not have to undertake a criminal record check if you do not wish to do so.

2. Data Protection Principles

We will comply with data protection law and principles, which means that your data will be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid / relevant purposes that we have stated and not used in any way that is incompatible with those purposes.
- Accurate and kept up to date.
- Kept securely and only as long as necessary for the purposes we have told you about.

3. The types of information we hold about you

In connection with your DBS application, we will examine, collect, store, and use the following categories of personal information about you;

1. Title, e.g. Mr, Mrs etc.
2. Name (including previous names and the dates those names were used)
3. Address
4. Previous addresses for the last 5 years
5. Date of birth
6. Town & Country of birth
7. Your gender
8. Personal telephone numbers
9. Personal email address 10.National Insurance number
- 11.Driving Licence number
- 12.Passport details
- 13.Other forms of identification as set out in DBS guidance to evidence identity or address
- 14.Scottish DBS Number (if any)
- 15.The post / reason why you require a DBS check
- 16.Which organisation requires the check
- 17.The type of DBS check you are requesting
- 18.We will ask you if you are barred from working with children
- 19.We will ask you if you are barred from working with adults
- 20.We will ask you if children or adults will attend your home address
- 21.We will ask you if you are requesting a DBS check as a volunteer in accordance with the DBS definition to determine if you have to pay for the check
- 22.We will ask you to sign the application form to state the information you have provided is true and accurate

4. How is your personal information collected

For DBS purposes, all the data we collect on you will be provided by you only, either in document format or verbally.

5. How we will use information about you

We will use the personal information we collect about you to complete a disclosure and barring service DBS application form. The document will be completed then be sent securely to the DBS service (see Section 10). We need to process your personal information in this way so the DBS can provide you with a DBS criminal record certificate.

6. If you fail to provide personal information

If you fail to provide all information when requested, which is necessary for us to complete the DBS application form, we will not be able to process your application successfully. If we cannot process your application because we have insufficient information you will not obtain a DBS certificate. You are reminded that an individual has the right to decline obtaining a DBS check; however in such circumstances it would be unlikely that an organisation would proceed with the application of that individual.

7. How we use particularly sensitive personal information (special categories)

The below information is an extract from the DBS website;

<https://www.gov.uk/guidance/transgender-applications>

Transgender process for DBS checks

The Disclosure and Barring Service (DBS) offers a confidential checking service for transgender applicants in accordance with the Gender Recognition Act 2004. This is known as the sensitive applications route, and is available for all levels of DBS check. The sensitive applications route gives transgender applicants the choice not to have any gender or name information disclosed on their DBS certificate that could reveal their previous identity. The sensitive applications team If you are asked to complete a DBS check and have a previous identity that you do not wish to be disclosed to your employer and/or on your DBS certificate, you should call or email the dedicated sensitive applications team before submitting your application. The team is experienced in dealing with sensitive cases and will advise you of the process and what you need to do.

To contact the sensitive applications team, please telephone 0151 676 1452 or email sensitive@db.gov.uk. Please note, that the telephone number also has an out-of-hours answering machine where you can leave your details, and a member of the team will call you back.

If you are happy to have your previous identity disclosed on your certificate, you do not need to contact the sensitive applications team and can simply submit this information under the 'any other names' section of your application.

Please note, an applicant using the confidential checking service, will still complete the same application form as any other applicant.

8. Returned DBS Checks

Once a DBS check is submitted in all circumstances a certificate detailing whether or not you have any criminal convictions is posted by the DBS to the address given as your home. A copy of this certificate is not provided to Action Point or the organisation who requested the DBS check. The document is your property. Any subsequent use of the DBS criminal record certificate by the Registered Organisation is nothing to do with Action Point. We do not need to see the certificate and we do not record any data from it.

9. DBS Update Service

The DBS Update Service allows an individual to use the same DBS certificate for multiple posts as long as certain criteria apply. A DBS online status check allows organisations to check if any relevant information has been identified about the individual since their certificate was last issued. Provided the same level of check is required, Update Service DBS certificates are accepted. Action Point does not check Update Service DBS certificates for registered organisations.

10. Data Sharing - Why might you share my personal information with third parties

We do not share your personal information with third parties with the exception of the Disclosure and Barring Service (to carry out criminal record checks).

11. Data Security

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, or be altered or disclosed. In addition, we limit access to your personal information to those employees and agents who have a business need-to know / purpose for accessing the data. They will only process your personal information for the purpose of the recruitment process and they are subject to a duty of confidentiality. We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

12. Data Retention - How long will you use my information for?

Once your DBS has been processed we do not retain any personal or sensitive data. Some data relating to processes followed is kept for one year after we have processed your DBS application. We retain the information for that period so that we can show, in the event of a legal claim, that we have managed your data in a fair and transparent way. We also keep some data relating to the financial transaction is retained for administrative purposes. If you are recruited into an internal post and become an Action Point employee or volunteer, we have additional policies and procedures that cover the management and storage of your personal data.

13. Rights of access, correction, erasure, and restriction

Your rights in connection with the personal information we hold in relation to you. Under certain circumstances, by law you have the right to:

- Request access to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- Request correction of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- Request erasure of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- Object to processing of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- Request the restriction of processing of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- Request the transfer of your personal information to another party.
- If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the Data Protection Officer (DPO) (see below) in writing.

14. Data Protection Officer

Action Point's Board of Trustees are ultimately responsible for Data Protection & GDPR Compliance, however on a day to day basis the Data Protection Officer (DPO) will oversee compliance with this privacy policy. If you have any questions about this privacy policy or how we handle your personal information, please contact the DPO at the address below:

**Data Protection Officer
Action Point Community Support Services
23 Temple Row
Keighley
BD21 2AH**

Or email admin@keighleyvc.co.uk

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues. www.ico.org.uk

ICO No: Z2018470 (KDVC)

15. DBS Contact Information

The Disclosure and Barring Service have a number of privacy statements which can be found on their internet web-site via the link <https://www.gov.uk/government/publications/dbs-privacy-policies>

**DBS customer services
PO Box 3961
Royal Wootton Bassett
SN4 4HF
Email: customerservices@dbs.gov.uk
DBS helpline: 03000 200 190**

16. Disseminating/Reviewing Policies and Procedures

This Policy will be approved and signed by the Chief Executive Officer and a representative from the Board of Trustees. Action Point will monitor this policy to ensure it meets statutory and legal requirements. The CEO will ensure the policy is reviewed annually seeking approval from the Trustees should any amendments be required.

A Policy review matrix is in place to identify which policies require review and when. Any changes/amendments will be clarified and shared with staff during staff meetings and via internal communication systems, and where significant changes appear these will also be relayed to service users.

17. DBS Application Privacy Policy – DBS Privacy Policy Declaration

ACTION POINT COMMUNITY SUPPORT SERVICES DBS APPLICATION PRIVACY POLICY DECLARATION

I confirm I have read the ***Action Point Community Support Services: DBS Application Privacy Policy*** and consent to them processing my data in the manner described.

These policies can be accessed on request by emailing admin@keighleyvc.co.uk or via the website www.keighleyvc.co.uk

I confirm I have read the ***Standard/Enhanced Check Privacy Policy for applicants*** <https://www.gov.uk/government/publications/dbs-privacy-policies> and I understand how DBS will process my personal data and the options available to me for submitting an application.

Please note: to comply with DBS requirements this form will be held on file by Action Point Community Support Services and deleted after an appropriate period.

YOUR DETAILS (APPLICANT)

Full name printed: _____

DBS application form reference number: _____

Date of Birth: ____ / ____ / ____ Postcode: _____

Signed: _____ Date: ____ / ____ / ____

This form must be submitted to Action Point by the registered organisation
along with your completed DBS application form.

Address: Action Point Community Support Services, 23 Temple Row, Keighley, BD21 2AH.



Action Point
23 Temple Row
Keighley
BD21 2AH

Tel: 01535 609506