

# Data Protection Policy - DBS

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This policy concerns the storage, access, handling, usage, retention and disposal of Disclosure And Barring Service (DBS) Certificates and certificate information (Formerly CRB Checks).

## General Principles

As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust, the Company complies fully with the Code of Practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information. It also complies fully with its obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and has a written policy on these matters, which is available to those who wish to see it on request.

## Storage And Access

Disclosure information is kept in the 'confidential' section of the the Company database, and access is limited to those who are entitled to see it as part of their duties. Only staff and volunteers authorised by the General Manager have access to this section of the database.

## Handling

In accordance with Section 124 of the Police Act 2002, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom Disclosures or Disclosure information has been revealed and we recognise that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

## Usage

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

## Retention

Once a recruitment (or other relevant) decision has been made, we do not keep certificate information for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep certificate information for longer than six months, we will consult the DBS about this and will give full consideration to the Data Protection and Human Rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail

## **Disposal**

Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately suitably destroyed by secure means, i.e. by being permanently deleted from the database. We will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, notwithstanding the above, we may keep a record of the date of issue of the certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificate and the details of the recruitment decision taken.

## **Cases Where The Certificate Prevents The Applicant Having Unsupervised Contact With Children Or Vulnerable Adults**

For the purposes of this policy, the Disclosure Officer is Julie Shettle, and the Lead Officers are Katie Gentry and Viv Colvill.

If a certificate is received back from the DBS which shows a previous conviction or comment the Disclosure Officer shall contact the Lead Officer informing them of the details. The Disclosure Officer shall assist the Lead Officer in making the appropriate decision regarding this applicant.

The Lead Officer may request that the applicant attends a meeting to discuss the items shown on the DBS certificate, in order to assist them in making a fair and reasonable decision.

The Lead Officer shall, if it is decided to exclude the applicant, then inform the applicant of their immediate exclusion and retain the disclosure under conditions as outlined.

The Lead Officer shall not divulge the details of the applicant of the certificate to any other person.

The decision to recommend exclusion will not be taken lightly and any dispute between the Disclosure Officer and the Lead Officer will be referred to the DBS.

The applicant shall be excluded whilst the dispute process is undertaken.

Appeal by the applicant regarding the exclusion must be directed to the DBS or to Surrey Community Action who will refer it to the DBS.

Subject to all appeal processes, the Disclosure held by the Lead Officer of the group or by Surrey CA shall be destroyed as outlined.

The Lead Officer is permitted to inform the applicant that the decision to exclude has been taken after recommendation by the Umbrella Body (Surrey CA) as a result of details provided by the DBS.

## **Current Certificate**

For the purposes of the group a 'Current Certificate' shall be one which is less than three years old.

Certificates obtained previously by volunteers shall be acceptable provided that:

They have been issued within the last three months.

They are 'Enhanced' level checks.

Applicants will be encouraged to sign up for the DBS Online service, which allows an up-to-date certificate to be viewed online at any time.

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END OF POLICY

Next review Jul 2020

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