

Powys County Council Disclosure and Barring Service (DBS)

Basic Disclosure Applicants Privacy Policy

1. About us

- 1.1 Powys County Council are a Registered Organisation with the National DBS enabling us to process Basic Disclosures on behalf of own employees and external organisations registered to use our service.
- 1.2 Powys County Council's Basic Disclosure system 'Employmentcheck' is hosted by Kent County Council and therefore, relevant staff within Kent County Council will have access to the information contained within the system. All staff in Kent County Council with access to our data have agreed to abide by the Code of Practice and all relevant data protection policies.
- 1.3 Powys County Council DBS Unit help organisations make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children.
- 1.4 The content of this privacy policy applies to Basic Disclosures administered by Powys County Council.

2. What is it I need to know?

- 2.1. This is Powys County Council's DBS Privacy Policy for all basic check applicants. It tells you how we will use and protect any information you provide when making a basic DBS check application in accordance with the General Data Protection Regulation (GDPR).
- 2.2. The Policy also explains what your rights are as a basic disclosure applicant under the General Data Protection Regulations. It says why we need your personal data, what we will do with it and what you can expect from us. It also explains how to get a copy of any personal data we may hold about you. This is called a Subject Access Request.

3. How will we use your personal information

- 3.1. Powys County Council collect your personal data to:
 - Process requests for basic criminal record checks (basic DBS check). This will include the completion of your personal information and verification of your ID documents to allow us to submit an application to the national DBS for the checks to be undertaken.
 - If permission granted, view your Basic DBS certificate online
 - issue an electronic result notification to your organisation at your request and with your consent
 - process payments when appropriate

3.2. The information we collect about you depends on the reason for your business with us. We may use the information we obtain for any of the purposes listed above.

3.3. Allow Powys County Council to view your certificate online –

Within your application you will be asked the question ‘Is Consent Provided to RO’, which means ‘Do you wish to provide consent to the lead contact of RO to view your online DBS certificate when it has been issued?’ If you select the ‘Yes’ option the Accountable Officer at Powys County Council will be able to view an electronic image of your certificate and if applicable could make a recruitment decision based on that information.

Within your application you will be asked the question ‘Consented 3rd Party Email Address’ which means ‘Enter the third party email address to provide consent to view your DBS certificate once it is issued. This should match the email address registered for the recipient’s DBS online account’. If you enter an email address in response to this question the person that address belongs to will be able to view an electronic image of your certificate and if applicable could make a recruitment decision based on that information.

Please be aware that if you give consent on your application to an Accountable Officer and/or a 3rd Party to view your certificate they will be able to see this as soon as the application has been completed. This means they may have the opportunity to view it before you have seen it.

If you give consent on your application to Powys County Council and your DBS certificate contains conviction information, the consent to view an electronic image of your certificate will automatically be removed. This allows you to view the content and dispute it, if necessary. You can reinstate the consent to view the certificate using your DBS online account.

3.4. Issue an electronic result to Powys County Council –

Powys County Council will obtain an electronic result once your application is completed containing the following wording ‘Certificate contains no information’ or ‘Please wait to view applicant certificate.’ Powys County Council will obtain your consent for this. If you do not consent to this result being received by Powys County Council you should not submit your application through Powys County Council. You will need to submit your basic check directly through DBS using their online application route.

Please be aware that once the application has been submitted through Powys County Council you cannot withdraw consent for the electronic result to be sent to us. You would need to withdraw the application.

3.5. Provide a paper version of the certificate

If you apply via Powys County Council you can choose to receive a paper certificate. This can be sent to your current address or you can send it to another address. This does not have to be your own address, you can send it to another recipient, for example your employer. If you choose to have your paper certificate sent to another person this person will be able to view your certificate before you have had an opportunity to check that your details on the certificate are correct.

Please note - we may use previous applications you have submitted to assist in the checking process.

4. Who is the data controller?

- 4.1. A data controller decides the purpose and the manner in which any personal data is processed.
- 4.2. For Business Unit Customers; for the purposes of the Data Protection Legislation, the Client is the Controller and PCC is the Processor. Powys County Council are responsible for the safety and security of the data we hold.
- 4.3. For Umbrella Body Customers; Powys County Council is the data controller of information held by us for the purposes of GDPR and are responsible for the safety and security of the data we hold.

5. Who are the data processors?

- 5.1. A data processor is anyone (other than an employee of a data controller) who processes that data on behalf of the controller.
- 5.2. Powys County Council's DBS system is hosted by Kent County Council who process data on our behalf. We make sure that our data processors comply with all relevant requirements under data protection legislation. This is defined in our contractual arrangements with them.

6. Contacting the Data Protection Officer

- 6.1. The DBS Data Protection Officer Helen Dolman can be contacted via telephone on **01597 826400**, via email at helen.dolman@powys.gov.uk, or in writing to:

Helen Dolman
Professional Lead – Data Protection
Powys County Hall
Spa Road East
Llandrindod Wells
Powys
LD1 5LG

7. What are the legal grounds for processing my information?

- 7.1. The Disclosure and Barring Service was established under the Protection of Freedoms Act (PoFA) 2012 on 1 December 2012. Disclosure functions of the DBS are contained within Part V of the Police Act 1997. As a Registered Organisation, Powys County Council are permitted to obtain the necessary personal information for these checks to be undertaken.
- 7.2. In addition to the above we may share information with third parties for other purposes where we are legally permitted to do so.

8. Why would DBS hold my personal data?

- 8.1. We will only hold your data if you have:
 - previously used or are using the Powys County Council DBS Service

8.2. If we ask you for personal information, we will:

- make sure you know why we need this information
- only ask for information that we need
- ensure only those appropriate have access to it
- store your information securely
- inform you if the information will be shared with a third party
- ask you to agree to us sharing your information where you have a choice
- only keep your information for as long as are able in line with National DBS Code of Practice
- not make it available for commercial use (such as marketing)
- ensure you are provided with a copy of data we hold on you, on request – this is called a Subject Access Request
- ensure there are procedures in place for dealing promptly with any disputes or complaints

Please note: We will share information with 'relevant authorities' such as the national DBS, and police under UK Data Protection Act Prevention and Detection of Crime (Sch2, Part 1 Paragraph 2).

8.3. In return we ask you to:

- give us accurate information
- tell us as soon as possible if there are any changes, such as a new address

9. Organisations that are involved in the Basic Check process

9.1. Data will be passed to organisations and data sources involved with Powys County Council DBS Service where we are legally permitted to do so. This includes:

- Kent County Council – system hosts
- National DBS – manages criminal record information and provides relevant information and clearance to us.
- ITRM – Kent County Council's maintenance and support provider
- Daisy Group – Kent County Council's current hosting provider
- UKFast – Kent County Council's post migration hosting provider

9.2. The national DBS will pass data to organisations and data sources involved with the DBS where they are legally permitted to do so. For full details of these organisations and data sources please follow the link - <https://www.gov.uk/government/publications/dbs-privacy-policies>

10. Where is my data stored?

10.1. Your data is held in secure paper and computer files. All information has restricted access. Where your data is held in paper format we have secure storage and processes for this. We have approved measures in place to stop unlawful access and disclosure. All of our IT systems are subject to formal accreditation from the national DBS and Ministry of Justice.

11. How long will DBS hold my information?

11.1. In line with the DBS Code of Practice, the DBS Unit will retain disclosure information, its content or any representation of the same in any format for no longer than is necessary and for a maximum of six months following the recruitment decision unless a dispute is raised or, in exceptional circumstances, where DBS agreement is secured.

12. What are my rights? How will DBS protect them?

12.1. We are committed to protecting your rights under GDPR.

12.1.1. Your right to be informed

This document provides you with information in relation to how your data is processed as a DBS applicant. This ensures that we are transparent with regards to what we will do with the information you supply to us on your Basic DBS application.

12.1.2. Your right to access to your personal data held by DBS is known as a Subject Access Request

You have the right to request a copy of the information we hold about you.

On receipt of a valid application we will tell you whether we hold any data about you and provide you with a copy.

12.1.3. Your right to request information held is accurate. Can I update it?

If you think that the information held by us at Powys County Council is incorrect, you have the right to request that it is corrected. If you challenge the accuracy of data that was provided to us by a third party we will send your request for correction to that party for their consideration.

It is the duty of Powys County Council, you as the applicant and the organisation who verifies your identity, to ensure that the information you have submitted on your application form is accurate.

If you believe you have submitted an error on an application that is still in progress you will need to contact Powys County Council DBS Unit immediately on **01597 826814**.

If you wish to dispute information contained on a completed certificate you can raise a dispute by contacting the national DBS on **03000 300 190**.

Third parties can also dispute a DBS certificate if they have all the necessary certificate information:

- the applicant's name
- the applicant's date of birth
- the certificate number
- the issue date
- the applicant's address

Where this is the case the applicant will be notified by the national DBS that a third party has raised a dispute.

Further information relating to disputes can be accessed via GOV.UK.

12.1.4. Your right to request erasure of your personal data

In certain circumstances you have a right to have personal data held about you erased. At Powys County Council we will only do this if certain criteria are met. There are some circumstances where this cannot be done therefore we advise you to seek independent advice before submitting an application to us.

Any requests for information to be erased will be considered on a case-by-case basis.

There are some specific circumstances where the right to erasure does not apply and we may refuse your request.

12.1.5. Your right to prevent DBS from processing your information which is likely to cause you damage or distress

You have the right to request restriction of processing where it has been established that one of the following applies:

- the accuracy of personal data is contested, during the period of rectification
- where processing is unlawful
- where an individual has requested it is retained to enable them to establish, exercise or defend legal claims
- pending verification of the outcome of the right to object
- where processing has been restricted

Powys County Council DBS customers can request restriction of processing for any of the above reasons until these are resolved. Should you wish to restrict processing you will need to call the national DBS helpline on **03000 200 190**. Any requests to stop processing will be considered on a case-by-case basis.

12.1.6. You have the right to object to processing of your information

Should you wish for Powys County Council or the national DBS to stop processing your application you will need to withdraw the application. Please contact Powys County Council DBS Unit on **01597 826814** who can advise.

12.1.7. You have the right to make a complaint to the DBS and the ICO

If you wish to make a complaint regarding the way in which Powys County Council have processed your personal data you can make a complaint to the Data Protection Officer via the contact details in Section 6.1.

If you then remain dissatisfied with the response received, you have the right to lodge a complaint to national DBS or the ICO at the following addresses:

Elaine Carlyle
DBS Data Protection Officer
Disclosure and Barring Service
PO Box 165
Liverpool
L69 3JD

dbsdataprotection@dbs.gsi.gov.uk

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

<https://ico.org.uk/>

13. Transfer outside the European Economic Area

13.1. If you have spent time in the Channel Islands or the Isle of Man, your data may be passed to police forces in that area. If any of your data has to be transferred outside of the UK, the national DBS will ensure that an adequate level of protection is put in place.

14. Our staff and systems

14.1. All of our staff, suppliers and contractors have read and agreed to abide by the national DBS Code of Practice. All staff are data protection trained and are aware of their data protection responsibilities. This is refreshed on an annual basis.

14.2. The national DBS conduct regular compliance checks on Powys County Council DBS Unit and systems. All checks are to the standard set out by the national DBS. In addition continual security checks are carried out on our IT systems.

15. Notification of changes

15.1. If we decide to change our Privacy Policy, we will add a new version to our website.