

## **Powys County Council Disclosure and Barring Service (DBS)**

### **Standard/Enhanced Disclosure Applicants Privacy Policy**

#### **1. About us**

- 1.1 Powys County Council are a Registered Body with the National DBS enabling us to process in the region of 22,000 DBS applications per annum for our own employees and external organisations registered to use our service.
- 1.2 Powys County Council's DBS 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 As the information released on DBS certificates can be extremely sensitive and personal, Powys County Council have agreed to comply with the national DBS code of practice. The code is there to ensure organisations are aware of their obligations and that the information released will be used fairly. The code also ensures that sensitive, personal information disclosed, is handled and stored appropriately and is kept for only as long as necessary.
- 1.5 DBS offer different types of check issued under the Police Act 1997 and Powys County Council are able to process checks at all levels:
  - a basic check shows unspent convictions and conditional cautions under the terms of the Rehabilitation of Offenders Act 1974
  - a standard check shows spent and unspent convictions, cautions, reprimands and final warnings which are not subject to filtering
  - an enhanced check shows the same as a standard check plus any information held by local police that is considered reasonably relevant, and ought to be disclosed, relating to the child or adult workforces. Where the application is for any other role, the police will consider the nature of the role in the release of information
  - an enhanced check with barred lists shows the same as an enhanced check plus whether the applicant is in the list of people barred from doing the role
- 1.6 Employers can only carry out a standard or enhanced check when you apply for certain roles.

- 1.7 You will have the ability to track your application for **standard and enhanced checks**. You will need to enter your form reference number and date of birth in order to use this facility.

## 2. What is it I need to know?

- 2.1. This policy tells you how Powys County Council DBS Unit will use and protect any information we hold about you as part of your standard or enhanced disclosure application.
- 2.2. The Policy also explains what your rights are as a standard or enhanced 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 the personal information supplied to us?

- 3.1. Powys County Council DBS Unit collect your personal data in order to:
  - Process requests for criminal records checks (DBS checks). 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 police checks to be undertaken.
  - Process 'Adult First' checks - this is a service provided by the national DBS under the Police Act 1997. It can be used in exceptional cases where a person is permitted to start regulated activity work with adults, before a DBS certificate has been obtained. This service is only available to organisations who are eligible to access the DBS adults' barred list and who have requested a check of the barred list on their DBS application form. The DBS Adult First check allows an individual to be checked against the DBS adults' barred list ahead of the Disclosure certificate being issued. A preliminary result is sent to Powys County Council (Registered Body). This check would only be undertaken by Powys County Council when a written request has been received from an individual's recruiting organisation.
  - 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.

***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](mailto: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 Body, Powys County Council are permitted to obtain the necessary personal information for these checks to be undertaken.
- 7.2. Powys County Council DBS Unit provide a service which enables employers in the public, private and voluntary sectors to make suitability decisions. We do this by providing information to the National DBS which enables them to determine whether individuals are unsuitable or unable to undertake certain work in particular, with occupations involving regular contact with vulnerable groups, including children.
- 7.3. 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 Powys County Council 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 will ask you to:

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

8.4. This helps us to keep your information up to date and secure. It will apply if we hold your data on paper or in electronic form.

## **9. Organisations that are involved in Powys County Council DBS Service**

9.1. Data will be passed to organisations and data sources involved with the 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 Powys County Council 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 Powys County Council protect them?**

12.1. We are committed to protecting your rights under the 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 standard or enhanced application.

### **12.1.2. Your right to access to your personal data held by Powys County Council DBS Unit - 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 that 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 Powys County Council from processing 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 the 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 Powys County Council, the national DBS and the Information Commissioner's Office (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](mailto:dbsdataprotection@dbs.gsi.gov.uk)

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

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

### **13. Restrictions**

13.1 There are restrictions to the rights of individuals and these are:

- National Security
- Defence Public Security
- Crime & Taxation

These restrictions are covered in more detail in the forthcoming Data Protection Bill 2018.

### **14. Transfer outside the European Economic Area**

14.1 If you have spent time in the Channel Islands or the Isle of Man, it is likely that your data will 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.

## **15. Our staff and systems**

15.1 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.

15.2 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.

## **16. Notification of changes**

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