



DBS Application Privacy Notice

1. The purpose of this document

Kingsley Primary School is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. You are being provided with a copy of this privacy notice because you are applying for a Disclosure and Barring Service (DBS) criminal record check through the school who are registered with the DBS service to complete checks for employees. We are an authorised conduit to 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, an 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. The school is also legally required to process this information as it has a duty of care towards the children that it provides services to.

Processing a DBS application for an individual who is a school employee, worker, 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.

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 children or adults will attend your home address
20. 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

21. 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 an online DBS application form via the North East Regional Employers' Organisation (NEREO) portal.

We need to process your personal information in this way to provide your 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@dbb.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 the school. The document is your property.

If you are a school employee, worker or volunteer information is provided by the DBS service to NEREO which in turn is sent to the school, which states the disclosure reference number, the date of the check and whether or not the check was flagged (the DBS certificate has a trace) or not flagged (the DBS is clear). The school will decide if there is a need to meet with you and you may be contacted and asked to attend a meeting to discuss the content of your DBS certificate. You would be required to attend the meeting and produce the certificate for review by the Headteacher and/or Chair of Governors.

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.

To use the Update Service, the original DBS certificate must be produced to the school and an online check completed. If the original certificate has a trace the process set out in Section 8 applies in relation to the production of the document for review. If the online check indicates a change in circumstances from the original DBS certificate a new DBS check would be required. Again any trace would follow the process set out in Section 8

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

We will only share your personal information with third parties for the purposes of processing your application. The third parties are;

- North East Regional Employers' Organisation (NEREO) who process the DBS application to the DBS.
- Disclosure and Barring Service (to carry out criminal record checks).
- Capita manage and maintain NEREO computer systems and software.

- GB Group may be required to complete ID checks if we are unable to do this via Route 1.

All our third-party service providers and other entities are required to take appropriate security measures to protect your personal information. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

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, agents, contractors and other third parties 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?

In relation to DBS applications sent via the NEREO portal, we do not retain any data.

If you are recruited into a post and become a school employee, worker 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

We have appointed a Data Protection Officer (DPO) to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO at the address below:

Schools Data Protection Officer
 Scott Thornhill (ADNS Group)
 5 Eggleston Court,
 Riverside Park, Middlesbrough TS2 1RU
compliance@adnsgroup.com
 03003033793



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

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
 United Kingdom

Email customerservices@dbs.gov.uk

DBS helpline 03000 200 190