



Privacy policy

Version 2
29 January 2019

Disclosure Scotland (DS) is an Agency of the Scottish Government agency. We provide criminal records checks under Part V of the Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 (PVG). We became an Executive Agency of the Scottish Government on 1 April 2009 operating on behalf of Scottish Ministers.

We recognise the importance of protecting the privacy of the users of our website and online application service.

This privacy statement relates to the personal information we collect about you when you use our website and other services. This statement explains what personal information we collect about you when you use our website pages (at <https://www.mygov.scot/working-jobs/finding-a-job/disclosure>) and other services, why we collect it, and what we do with it.

The privacy statement will be reviewed and updated at least once a year. If we make any substantial changes, we will notify you by posting on our website at <https://www.mygov.scot/disclosure-scotland-privacy>, or through your contact details held by Disclosure Scotland.

Collection of personal information

The Data Protection Act (DPA) 2018 provides a right of access to any personal information that we hold about you. These rights are subject to certain exceptions and exemptions under the Data Protection Act 2018. Full details can be viewed at:

We collect, hold and process personal information because the processing is necessary for the exercise of our functions as an Executive Agency as outlined in legislation that governs criminal records checks. This is a legitimate condition of processing as outlined under the Data Protection Act 2018. Read the full Act at <http://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>.

DS collects personal information that you provide, by email, telephone or other methods of communication, or via online account and paper application form(s).

DS is committed to ensuring all personal information is collected and processed in accordance with the Data Protection Act 2018 which requires information to be:

- handled fairly and lawfully
- is only kept and used for limited purposes
- is adequate, relevant and not excessive
- accurate and kept up to date
- will not be kept for longer than necessary
- will be processed in line with the data subjects' rights
- will be held securely
- will not be transferred to other countries without adequate protection

Why we collect your Information

Our primary objective is to provide an accurate and responsive Disclosure service which enhances public safety through enabling safer recruitment decisions.

Our core function is to contribute to the safety of the vulnerable in our society by providing criminal history disclosure information to organisations and potential employers to assist them to make safer and more informed recruitment decisions, and by maintaining barred lists of those individuals unsuitable to work with children or protected adults.

Under the Protection of Vulnerable Groups (Scotland) Act 2007 (PVG), we:

- introduce individuals undertaking regulated work into the PVG Scheme and issuing PVG Scheme disclosures
- administer the barred lists in relation to regulated work with children or protected adults

Under Part V of the Police Act 1997, we also:

- issue Enhanced Certificates where the individual's role is prescribed in legislation
- issue Standard Certificates where the individual's role is exempt from the Rehabilitation of Offenders Act legislation
- issue Basic Certificates

For these purposes, we access a range of police data as well as data from other sources.

We require information from you, police forces and police records to prevent crime and to protect the vulnerable. It will only be disclosed to legitimate organisations who have a legal right to have access to this information under Part V of the Police Act 1997, the Protecting Vulnerable Groups Act 2007, or can display a legal right to do so. However, Disclosure Scotland reserves the right to share information with the police where it believes a crime may have been committed.

What Information do we collect about you?

We collect, hold and process personal information so that we can manage and support legitimate and legal applications for disclosure information. We collect information in a variety of ways including paper and online forms, email, telephone etc.

The type of information required for disclosure applications includes:

- personal information: name, name at birth, (if different from name use), date of birth, full postal address, email, home phone number, mobile number, income details, National Insurance number
- some sensitive personal data might be collated in certain circumstances (eg).
- some third-party data might be collected (eg security questions, mother's family/maiden name)
- UK residency details such as: country of birth, nationality, country you normally live in
- bank details

- declaration
- consent

Documentation and evidence

To support an application, we may also require evidence to prove identity, so we ask for copies of documentation. This can include copies of documents such as passport, driving licence, birth certificate, council tax statement etc. The documents we may need will depend on your particular circumstances. If we require additional information, we will tell you what to send when you are making your application to us.

The information that we gather and hold may be used for the prevention, detection and investigation of possible criminal conduct. Please see the section below for further information.

What happens to your Information?

When applying for a disclosure application, you supply us with personal information in support of your application. This personal information may be used in a number of ways:

- assessing eligibility and entitlement to certain levels of disclosures
- prevention, detection and investigation of crime
- checking Police Criminal History Systems for any relevant convictions you may have
- the Rehabilitation of Offenders Act 1974 and its updated/revised schedules and sections
- audit purposes
- statistical analysis and research
- improving service levels
- for members of the PVG Scheme, the ongoing monitoring of members for safeguarding/protection purposes

DS will use your personal information to process your application, which may be done automatically by DS systems or by individuals who work for the Agency.

Prevention, detection and investigation and protection of crime

Disclosure Scotland was established in 2002 to provide criminal records checks under Part V of the Police Act 1997. We became an Executive Agency of the Scottish Government on 1 April 2009 operating on behalf of Scottish Ministers.

Our primary objective is to provide an accurate and responsive Disclosure service which enhances public safety through enabling safer recruitment decisions.

Our core function is to contribute to the safety of the vulnerable in our society by providing criminal history disclosure information to organisations and potential employers to assist them to make safer and more informed recruitment decisions, and by maintaining barred lists of those individuals unsuitable to work with children or protected adults.

Under the Protection of Vulnerable Groups (Scotland) Act 2007 (PVG), we:

- introduce individuals undertaking regulated work into the PVG Scheme and issuing PVG Scheme disclosures
- administer the barred lists in relation to regulated work with children or protected adults

Under Part V of the Police Act 1997, we also:

- issue Enhanced Certificates where the individual's role is prescribed in legislation
- issue Standard Certificates where the individual's role is exempt from the Rehabilitation of Offenders Act legislation
- issue Basic Certificates

For these purposes, we access a range of police data as well as data from other sources.

All 'Higher' level disclosure, applications can only be completed in paper format and must be countersigned by an organisation authorised by Disclosure Scotland, known as a Registered Body. These bodies are allowed to ask the 'Exempted Question'. This is a question which employers are not normally allowed to ask in relation to a person's criminal conviction history.

Under the terms of the Rehabilitation of Offenders Act 1974 (ROA), individuals become rehabilitated after varying periods of time and their conviction(s) deemed 'spent', depending on the sentence imposed and whether they have re-offended. Generally speaking, the Act provides that a spent conviction need not normally be disclosed when a person is asked about his previous record, and a rehabilitated person cannot be prejudiced if the spent conviction later comes to light.

However, the Act recognises that there are some situations where information about certain spent convictions ought to remain available. The Act allows certain spent convictions to be disclosed in certain circumstances. These exceptions include instances where people are applying for positions involving contact with children and other vulnerable people.

An exempted question may only be asked in relation to professions excluded or exempted by virtue of the various ROA exclusions and exceptions orders.

All PVG Scheme members are subject to ongoing monitoring (continuous updating). This means that when you are a PVG Scheme member your vetting information is kept up-to-date and if there is new information about you this will be assessed to determine if you are unsuitable to do regulated work with children and/or protected adults.

It is not possible to provide a definitive list of roles, positions or types of employment that constitute regulated work, not least because the structure and descriptions of peoples' work is constantly changing. Instead, the PVG Act defines regulated work by reference to:

- the activities that a person does;

- the establishments in which a person works;
- the position that they hold; or
- the people for whom they have day-to-day supervision or management responsibility

There are two types of regulated work:

- regulated work with children
- regulated work with adults

It is an offence for an individual to do, or seek or agree to do, regulated work of the type from which they are barred. It is also an offence for an organisation to knowingly recruit an individual who is barred to do regulated work of the type to which the barring relates. However, it is a defence for the organisation to show that they did not know, and could not reasonably be expected to know, that the individual was barred. Conviction for either of these offences may result in a fine, imprisonment up to five years, or both.

In order to avoid committing the offence, organisations must work out whether or not the work they are asking an individual to do is regulated work. If it is regulated work, the organisation should ask for a scheme record or a scheme record update disclosure.

Debt recovery

DS has a dedicated internal Debt Recovery Team who are responsible for pursuing applicants and organisations who have not fully paid for disclosure applications.

The information held includes personal/business information such as name, address, date of birth, email address and amount owed. Records of payments received, details action taken.

Data sharing

DS will share your information with other organisations in order to fulfil its purposes, as listed in the section on why we collect your information.

The main bodies that we share your information with:

- police forces, for the prevention and detection of crime and to protect vulnerable groups
- employing organisations who have a legal right to see such information under the Police Act 1997 and the Protecting Vulnerable Groups Act 2007
- regulatory bodies who monitor professional competence. Regulatory Bodies maintain standards for the profession(s) they regulate. There are 11 regulatory bodies referred to in the PVG Act. These are: the General Chiropractic Council, the General Dental Council, the General Medical Council, the General Optical Council, the General Osteopathic Council, the General Teaching Council for Scotland, the Health Professions Council, the Nursing and Midwifery Council, the Pharmaceutical Society of Great Britain, the Scottish Commission for the Regulation of Care and the Scottish Social Services Council. The NHS Tribunal also has the power to make referrals to

Disclosure Scotland for the purpose of listing and barring for the PVG Scheme.

- Courts Services also has the power to make referrals to Disclosure Scotland on the same basis as the regulatory bodies for the purpose of listing and barring for the PVG Scheme.

How do we keep your information secure?

Your data is protected in line with commercial best practice of ISO 27001, UK government information security standards and data protection legislation. The data is contained in a secure data centre with 24 hours manned security and access restricted to a small number of trusted people. The Disclosure IT system is subject to an annual technical penetration test with any potential vulnerabilities found being addressed. All staff processing Disclosure applications have been background checked before they are allowed access to the Disclosure IT System and each has a unique logon and password. All access to the system is logged and all staff are trained and made aware of their security responsibilities.

All information that you provide to us is stored on our secure servers and have extensive IT security measures in place in line with Scottish Government IT standards.

Where we share personal information with third parties through data sharing agreements or for legal/statutory requirements, we make sure they have the appropriate legal justification (eg police forces).

If you have created an online account via our portal, you will choose a password which enables you to access your account; you are responsible for keeping this password confidential.

What if your information changes?

If any of your personal or contact details change, it is important that you tell us straight away so we have the most up-to-date information to communicate with you about your application and other services.

There are different ways that you can update and amend your details. To do this, please read the information on the website at <https://www.mygov.scot/manage-pvg>.

Or you can contact us:

- by phone: 03000 2000 40 – Monday to Thursday 8.30am to 5pm, Friday 8.30am to 4.30pm, (standard rate)
- by email: info@disclosurescotland.gsi.gov.uk

Retaining your personal information

We retain personal information in line with the Data Protection Act 2018. This involves only retaining the personal information we need for business, regulatory or legal reasons. Once personal information is no longer needed, it is securely destroyed.

DS have a requirement to retain records of applications and applicants for several reasons, the key ones being:

- the ongoing monitoring of PVG Scheme members
- the validation of identity of applicants and information in relation to previous applications
- a separate requirement to maintain personal information for the PVG Scheme barred lists

How to request personal information

Under the Data Protection Act 2018, you have a legal right to access the personal information DS holds about you. This is known as a Subject Access Request (SAR) and we aim to process them within one calendar month.

Subject Access Requests must be made in writing and anyone making an oral request will be asked to complete a Subject Access Request form. Download a copy at <https://www.mygov.scot/disclosure-scotland-subject-access-request-form>. More information about making a subject access request is available on this form.

Please send your Subject Access Request form or request in writing to:
DSadmin@disclosurescotland.gsi.gov.uk

Individuals have the right to see a copy of the information that Disclosure Scotland holds about them.

This right of access means that an individual who makes a written request, along with proof of identification, is entitled to be given a copy of the information.

Please note that the police service is the data controller for criminal records. Subject Access Requests about this are not for Disclosure Scotland to answer, and applicants should refer to the relevant police authority.

To make a Subject Access Request (SAR), complete and send the form to the address below, including a copy of proof of your identity.

Download a Subject Access Request form.

We will aim to meet your request within the specified one calendar month.

*Please note that you do not have to complete the form to make a Subject Access Request (SAR). You can make a request in writing or via email. However, completion of the form can assist in gathering all necessary information to aid the processing of your request.

The team can be contacted as follows:

- by email: dsadmin@disclosurescotland.gsi.gov.uk
- by post:

FAO: Subject Access Requests
Corporate Governance
Disclosure Scotland

PO Box 250
Glasgow
G51 1YU

Individuals can obtain a copy of their full criminal record information by submitting a Subject Access Request to Police Scotland.

Please note, an enforced subject access request cannot be used for employment purposes.

If you wish to make a request to change, delete or cease processing your personal information, you can do this under the Data Protection Act 2018. We will always consider your request to make changes to your personal information and contact you regarding our response. Please send your request to the above contact details.

Call recording and digital media

Call recording

As part of our commitment to provide the best possible service to our customers, we record telephone calls in our helpdesks. This helps us to identify ways that we can provide you with a better service.

We record calls for:

- staff training purposes, helping us to improve the quality of our customer services and to ensure the information we provide is consistent and accurate
- for reporting on the types and numbers of enquiries we receive
- so we can have an accurate record of your call, which may be needed to support any interaction that take place over the phone and/or if there are any disputes
- the gathering of evidence to assist in the investigation, and reporting of criminal conduct or attempted criminal conduct

We understand your personal information is important and we are committed to protecting your privacy. We can actively retrieve call recordings for one year from our system after which point they are archived.

Social media

Our social media site is public and can be assessed by anyone. Any personal information you chose to share via social media sites could be assessed by the wider public. This includes revealing personal information if you communicate with us through social media, such as posting comments. We advise that you do not share personal information in public areas of social media.

Cookies

The Disclosure Scotland website pages (at <https://www.mygov.scot/working-jobs/finding-a-job/disclosure>) and online services use cookies to ensure that our site gives customers the best user experience.

Some of these cookies are essential to make our services work and have already been set. Others help us to improve by providing insight into how the site is being used.

By using our site, you accept the terms of this privacy policy.

Please follow this link for our full cookie statement: <https://www.mygov.scot/cookies>.