

PRIVACY NOTICE DBS CHECKS

1. WHO WE ARE AND HOW TO CONTACT US

- 1.1. We are Leicester College (the “College”). This Privacy Notice explains how we collect, use, store, and share your personal data when you are required to undergo an enhanced Disclosure and Barring Service (DBS) check to complete a work placement with children and/or adults receiving regulated activity, as part of your qualification. This will also include a check of the child and / or adult barred lists as part of the ‘Regulated Activity’ work that you will be undertaking.
- 1.2. For the purposes of applicable data protection law (mainly the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA 2018), we are the “controller” of your personal information. That means that we determine the purposes and the means of using your personal information (i.e. “why” and “how” your personal information is used), and that we take on legal obligations to you.
- 1.3. When an individual applies for a criminal record check through the Disclosure and Barring Service (DBS), their identity must be verified by the Registered Body. Leicester College is a ‘Registered Body’ meaning that we must comply with the DBS Code of Practice. The Code of Practice is published under the Police Act 1997, s 122(2) and in particular the Police Act 1997 (Criminal Records) (Registration) Regulations 2006. It is intended to ensure and to provide assurance to those applying for standard and enhanced DBS Checks that the information released will be used fairly. The Code of Conduct also seeks to ensure that sensitive personal information is handled and stored appropriately and is kept for only as long as necessary.
- 1.4. If you have any questions or queries which are not answered by this Privacy Notice or have any potential concerns about how we may use the personal data we hold, please write to the Data Protection Officer at Leicester College, Freeman’s Park Campus, Welford Road, Leicester, LE2 7LW or email dpo@leicestercollege.ac.uk.

2. WHAT INFORMATION DO WE HOLD ABOUT YOU?

2.1. Information we collect from you

We use the College EBS system to collect your name, date of birth, contact details, course details and person code, which is pulled through into our DBS Database. We also use a tracker which is a live document the team uses to track when you have been contacted, appointments, whether you have completed the application booked an appointment to show your ID, have received your DBS certificate, and have booked an appointment and shown your certificate. We have a confidential DBS check request form on SharePoint which has your name, person code, date of birth and details of your course and details of your work placement, what level of DBS check is required and whether a barred list check is needed. Work placement coordinators and managers use this form to request a DBS check for you. We also have a confidential list on SharePoint if your work placement coordinator checks your certificate that they record the check reference number, date of issue, workforce and level.

2.2. We take a copy of the ID documents you showed us to verify your identification to record them on a DBS identification verification checklist, which we need to retain as part of your application. It is proof of your identity documents seen, which lists:

- the document type
- reference numbers
- issuing dates which on we have confirmed your identity
- DBS certificate number (linked in a separate record to your name, person code, workforce details and level of check)

Once we have recorded your ID documents on the DBS Identification verification checklist, they are confidentially shredded. Whilst this process takes place, the photocopied ID is kept in a non-portable locked filing cabinet kept in a locked office. We also keep the ID route checklist which shows which ID route you have followed, your course code, name, person code, name of the person who verified your ID, date.

2.3. We use e-Safeguarding who through their portal facilitate the DBS online application form, take payment for 19+ applications, countersign the application form, and submit to the DBS. When you complete the online application form, you are asked to consent to e-Safeguarding completing the application on your behalf. You are also asked to confirm that you have read the e-Safeguarding Fair processing Policy and the e-Safeguarding Privacy Policy that were sent to your email, and you need to confirm that you have read the DBS Privacy Policy and a link to the Policy is included, you also need to confirm to the electronic result which indicated whether the certificate is blank or to wait, and is sometimes used by a Registered body to inform an employer before the certificate is received. If you chose not to consent, the application will be discontinued, and you will be referred to the College.

2.4. We do not hold copies of your DBS application submitted through e-Safeguarding, and we do not keep a copy of your certificate.

2.5. We keep information contained in any correspondence by post, email, or other electronic communication through the DBS team. We will also keep any correspondence sent to you through the EBS system under Docs and Comms. We may record phone or video calls.

2.6. We may also obtain other information about you permitted by law from other sources. This may include from previous educational institutions, social services, the police, or other agencies.

Special Category Personal Data

2.7. Some of the information outlined above that we collect about you is regarded as sensitive by data protection law. Known as 'special category personal data,' this relates to information about your health, racial or ethnic origin, sex life, sexual orientation, religious beliefs, political opinions, trade union membership or any genetic or biometric data that is used to identify you. This information, and any information about criminal offences / convictions, warrants a higher level of protection under data protection law. We therefore apply additional safeguards and information security measures when using these types of your personal information.

3. WHY DO WE COLLECT THIS INFORMATION?

- 3.1. The College collects this data to administer the processes of completing DBS check, which is needed for work placements involving children or vulnerable adults as part of your course qualification, in line with DBS requirements for people who support, supervise, teach, train, oversee, conduct personal care, care for, and have regular contact with vulnerable groups.
- 3.2. Leicester College will only request an Enhanced Disclosure and Barring Service (DBS) check where the role is eligible under the relevant legislation. Eligibility for an Enhanced DBS check, including any barred list check(s), is determined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, together with the Police Act 1997 and associated Criminal Records Regulations. These legislative provisions establish eligibility for a DBS check but do not, in themselves, create a legal requirement for a check to be undertaken.
Where a role constitutes regulated activity with children or adults, as defined by the Protection of Freedoms Act 2012, the role will normally be eligible for an Enhanced DBS check and, where appropriate, a check of the relevant barred list(s).
Applicants for positions covered by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 are required to disclose criminal record information in accordance with current legislation and DBS guidance. Convictions and cautions that are protected under the current DBS filtering rules are not required to be disclosed and will not normally appear on an Enhanced DBS certificate. Leicester College will process and consider criminal record information in accordance with its legal obligations, including those relating to safeguarding, data protection and equality.

4. WHO MIGHT WE SHARE YOUR INFORMATION WITH?

- 4.1. We will keep your information confidential but, in some instances, we may need to share it. Some of the most likely instances of where we may share your personal information are listed below.
- 4.2. If we are Compliance audited, we may be required to share your data with the Disclosure and Barring Service (DBS). We do not share your data with third parties without your consent.
- 4.3. If you tick the box on the application form to say that you have a criminal conviction, we will pass you name and person code to the Risk Assessment Team who will follow this up with you.

5. TRANSFERRING YOUR PERSONAL DATA TO OTHER COUNTRIES

- 5.1. In most cases we expect your information to stay here in the UK. However, on the few occasions where we do transfer your information outside the UK, we will ensure it is protected and handled in line with data protection law.
- 5.2. If we do transfer your personal data, we generally do not expect to transfer it to territories outside the European Economic Area (EEA). However, in instances where we need to do so (for example, where one of our service providers is based outside of the EEA), we will put in place the necessary additional protections required by Article 46 UK GDPR, or rely on one of the exemptions in Article 49 UK GDPR in order

to transfer your data.

- 5.3. If you would like more information about how we protect your personal information if it is transferred outside the UK please email dpo@leicestercollege.ac.uk.

6. HOW DO WE PROTECT YOUR DATA?

- 6.1. We take the security of your data seriously and implement technical (i. e. IT/technological) and organisational (i.e., physical/documentary) measures to ensure that your data is not lost, accidentally destroyed, misused, or disclosed inappropriately.
- 6.2. Where we engage third parties to process personal data on our behalf, we do so on the basis of written instructions, ensuring they are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

7. HOW LONG DO WE KEEP THIS INFORMATION ABOUT YOU?

- 7.1. We keep information in accordance with our document retention policy. Retention periods are in line with the length of time we need to keep your personal information in order to manage and administer your education and training, carry out our statutory functions or public interest tasks, establish or defend legal claims, or ensure the success of any of our legitimate interests. They also take into account our need to meet any legal, statutory, and regulatory obligations. These reasons can vary from one piece of information to the next. In all cases our need to use your personal information will be reassessed on a regular basis and information which is no longer required will be disposed of.
- 7.2. DBS identification verification, and the ID route checklists are kept with your record on the student DBS database for 2 years in line with the 2-year Certificate validity.

8. AUTOMATED DECISION-MAKING

- 8.1. Automated decision-making is when a computer or similar electronic system uses personal information to make decisions about people without any human involvement. Profiling involves collecting various pieces of information about a person in order to analyse or evaluate certain aspects relating to that person or to make predictions about them (for example, how that person may behave or what their preferences are). Automated decision-making does not have to involve profiling, though it often will.
- 8.2. We do not use your personal information in automated decision-making, including profiling (i.e. we do not create profiles or make decisions about you based solely on automated decision-making without human involvement). If that changes, we will tell you.

9. WHAT ARE MY RIGHTS?

- 9.1. The UK GDPR gives you certain rights regarding how your information is collected and used. To exercise any of these rights, contact dpo@leicestercollege.ac.uk.

9.2. You have the following rights:

- the right to be informed about the collection and use of your personal data – this is called 'right to be informed.'
- the right to ask us for copies of your personal information we have about you – this is called 'right of access' and is also known as the right to make a subject access request (SAR), data subject access request or right of access request.
- the right to ask us to change any information you think is not accurate or complete – this is called 'right to rectification.'
- the right to ask us to delete your personal information – this is called 'right to erasure.'
- the right to ask us to stop using your information – this is called 'right to restriction of processing.'
- the 'right to object to processing' of your information, in certain circumstances.
- rights in relation to automated decision making and profiling.
- the right to withdraw consent at any time (where relevant); and
- the right to [complain to the Information Commissioner](#) if you feel we have not used your information in the right way.

9.3. Please note that some of these rights are only available in certain circumstances and may be subject to legal exemptions.

9.4. There are legitimate reasons why we may refuse your information rights request. For example:

- the right to erasure does not apply when the use of the data is necessary in order to comply with a legal obligation; to establish or defend a legal claim; or to carry out a task in the public interest.
- the right to portability does not apply when the lawful basis for processing is legal obligation, vital interests, public task, or legitimate interests.
- right to object does not apply when the lawful basis for processing is contract, legal obligation, or vital interests. And if the lawful basis is consent, you do not have the right to object, but you have the right to withdraw consent.

9.5. We may also refuse your request if it is manifestly unfounded or excessive.

9.6. If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance. We will acknowledge all complaints within 30 days and aim to deal with them without undue delay

10. DISCLOSURE AND BARRING SERVICE INFORMATION

10.1. For your information, The Disclosure and Barring Service have a Privacy Policy. It tells you how they use your data collected on your application form.

<https://www.gov.uk/government/publications/standard-and-enhanced-dbs-check-privacy-policy/standard-and-enhanced-dbs-check-privacy-policy>

10.2. The Disclosure and Barring Service can be contacted at

- Address: DBS Customer Services, PO Box 3961, Royal Wootton Bassett, SN4 4HF
- Email: customerservices@dbb.gov.uk
- Telephone: 03000 200 19

11. PRIVACY NOTICE CHANGES

- 11.1. This Privacy Notice is regularly reviewed. This is to make sure that we continue to meet the highest standards and to protect your privacy. We reserve the right at all times, to update, modify or amend this Notice. We suggest that you review this Privacy Notice from time to time to ensure you are aware of any changes we may have made. The latest version of this Notice can be found on the College's website.