



BROMSGROVE SCHOOL

PRIVACY NOTICE FOR DBS APPLICATION

Author:	Bursar
Reviewed:	August 2023
Next Review Due:	August 2024
Scope:	All Schools

BROMSGROVE SCHOOL PRIVACY NOTICE FOR DBS APPLICATION

1. PURPOSE OF DBS PRIVACY NOTICE

Bromsgrove 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 Bromsgrove School who are registered with the DBS service to complete checks for employees. We provide information to the DBS who will then provide you with a copy of what if any information they hold against your name.

The DBS check assists us as an employer to make recruitment decisions and comply with our safeguarding obligations. The aim of this document is so you are aware of how and why your personal data will be used for the purpose of obtaining a DBS 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 Data Protection Act 2018.

While a DBS check in relation to an individual's criminal record is a statutory part of the School's safer recruitment process there is a legal entitlement to obtain the check in accordance with set guidelines. An individual cannot be forced to undertake a DBS criminal record check and has the right to decline obtaining a DBS criminal record check. However, in these circumstances we would not as an organisation proceed with the application of the individual.

In most cases, a job 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 law. Bromsgrove School is 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 a new employee or volunteer who has received a conditional offer of employment from Bromsgrove School 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 and 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 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 a DBS in our role as a registered body with the DBS.

We need to process your personal information in this way to obtain 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 Bromsgrove School would proceed with the application of that individual.

7. 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 Bromsgrove School. The document is your property.

8. 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.

9. 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, namely the Disclosure and Barring Service (to carry out criminal record checks).

10. 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 at Bromsgrove School 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.

11. DATA RETENTION - HOW LONG WILL YOU USE MY INFORMATION FOR?

As an employee or volunteer of Bromsgrove School we have additional policies and procedures that cover the management and storage of your personal data. These can be accessed on the School's policy management system, NETconsent.

12. 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 person responsible for data protection (see below) in writing.

13. PERSON RESPONSIBLE FOR DATA PROTECTION

The Bursar is the person responsible for data protection and oversees compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the Bursar via e-mail lbrookes@bromsgrove-school.co.uk.

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

14. 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

Email customerservices@dbs.gov.uk

DBS helpline 03000 200 19