

FREQUENTLY ASKED QUESTIONS: CHANGES TO THE NOTIFICATION REQUIREMENTS FOR REGISTERED SEX OFFENDERS

GENERAL:

Q. Why do I have to provide these details?

The provision of this information is intended to assist police in the management of the risk of harm to the public posed by sex offenders and the prevention of crime. The new requirements were introduced to ensure that this purpose continues to be achieved as effectively as possible.

Q. Is the annual notification date always the same?

No, unless there is no new or different information to notify in the period since the previous annual notification. The annual notification date will change if new or different information is notified under section 84 before the end of the 12 month period since the previous annual notification was given.

To note: information provided specifically in relation to the new matters which were introduced on 13 August 2012 is given under section 83 of the Sexual Offences Act 2003; the provision of this information is not made under section 84 and does not alter the annual notification date.

Q. Do the new requirements apply to matters which were not subject to notification prior to the changes coming into affect on 13 August 2012?

Yes. A person who is currently subject to the notification requirements under the Sexual Offences Act 2003 is required to comply with **all** requirements of the notification regime, including the new matters set out in the Sexual Offences Act 2003 (Notification Requirements) (England and Wales) Regulations 2012.

Failure to comply with the notification requirements is a criminal offence and can result in up to five years imprisonment.

Q. Do the requirements comply with Human Rights laws?

In formulating these new notification requirements, consideration has been given to the compatibility of the new sex offender notification requirements with data protection law (which includes the European Convention on Human Rights) and we are satisfied that this is the case.

Q. I remain unsure how these changes affect me.

If you remain unclear how the changes to the requirements under the 2003 Act affect you, please seek independent legal advice. If you do not have a solicitor, you may be able to obtain legal advice from a local law advice centre. The Community Legal

Advice Directory can be contacted by telephone on: 0845 345 4345. More information is available at: <https://www.gov.uk/civil-legal-advice>

NOTIFICATION OF INFORMATION IN RELATION TO BANK ACCOUNTS, CREDIT AND DEBIT CARDS

Q. Which accounts does this include?

All accounts with banking institutions which are:

- in your name;
- in your name and the name of another person (joint); and
- in the name of an unincorporated business which is run by you or by you and another person.

Q. Is an offender required to notify information about ISA accounts?

A person subject to notification requirements is required to notify information about any account held with a banking institution, including cash and stocks and shares ISAs. The definition of 'banking institution' includes an institution which is a deposit-taker.

A person is not required to notify information about an account which is held with an institution which is not a banking institution.

Q. Is an offender required to notify details of accounts held overseas?

Yes. A person subject to notification requirements is required to notify information about all *accounts held with a banking institution*, including those held with a banking institution overseas.

Q. Is an offender required to notify of PayPal accounts?

No. A PayPal account is an *online wallet which stores bank card and credit card details only*. The PayPal account will be linked to a bank account or credit card account held by the offender and the details of that account will be subject to notification.

Q. What account details do I need to provide?

For accounts that are in your name; your name jointly with another person; and / or in the name of unincorporated business run by you or run by you with another person:

- the name of each banking institution at which the account(s) are held;

- the address of each institution at which the account(s) is (are) held. If the office is outside the UK, the address of the principal office in the UK (if there is one);
- account number;
- sort code.

You **do not** need to provide the name of the person(s) with whom a joint and/or business account is held.

Debit cards:

- card number;
- validation date;
- expiry date; and,
- name of the business (if any) in whose name the card is held.

Credit card

- name of each credit card provider;
- the address of each office that the each account is held;
- number of each account.

If the credit card account is in the name of an unincorporated business, you must also provide:

- The name of the business in whose name the card is held.

Q. What about details of those with whom a joint or business account is held?

You **do not** need to provide the name of the person(s) with whom a joint and/or business account is held.

Q. Do offenders have to notify every time they obtain new passports, bank accounts, credit and debit cards and, if so, does this have to be done within 3 days?

Yes. Under section 84 of the Sexual Offences Act 2003, a person subject to notification is required to notify to the police of any changes in circumstances within three days of the change occurring. This now includes an occasion when an account is open or closed, or information previously notified about the account has altered or has become inaccurate or incomplete.

Q. Does an offender have to notify if an account is closed?

Yes. As outlined above, a person subject to the notification requirements must notify a change in circumstances which includes an occasion when a new account is opened or an existing account closes or expires.

Q. Can police access offenders bank accounts whenever they want?

No. Police are required to comply with existing laws and procedures as to how this information may be used (including under data protection and the Police and Criminal Evidence Act 1984).

Q. Will an 'electronic fingerprint' be left on my account if the police do undertake a check and will this impact my future credit rating?

A person's credit rating will not be affected.

Q. What if an offender states a third party (partner, business partner or banking institution etc.) has advised them not to provide details of their bank accounts?

You are **not** required to provide certain information about the third party, such as their name, but only the account number and other prescribed information. The duty to notify information in relation to bank accounts is a legal requirement under section 83 of Sexual Offences Act 2003 and failure to comply with these matters is a criminal offence and is punishable by up to five years imprisonment.

Q. Where are my details held?

Information provided under notification will be recorded on ViSOR; the database used to store and manage information obtained as a result of a notification requirement and the on-going management of relevant offenders.

All data is processed in accordance with Data Protection Act 1998.

Q. Is my data safe?

Data protection is taken very seriously and police are required to comply with existing laws and procedures as to how this information may be handled and used (including under data protection and the Police and Criminal Evidence Act 1984).

Additionally, there are robust arrangements in place in relation to data security on ViSOR, the database used to store and manage information obtained as a result of notification and the on-going management of relevant offenders. This includes strict physical and technical security requirements to ensure the data remains secure.

Q. What if my details are cloned?

The ViSOR system is not accessible via these types of devices and it is not permissible to download information from the system onto any kind of other device outside of this secure arena. In addition, there is no legitimate access available remotely due to these security requirements. The system is subject to stringent audit trail processes and as such any access to records can be traced back.

Q. Who has access to my details?

Data protection is taken very seriously and those individuals who have access to the database are subject to heightened vetting standards.

Q. What happens if I do not provide my details?

Failure or refusal to provide this information is likely to be a breach of the notification requirements and is punishable by up to five years' imprisonment.

Q. What happens if I don't have my own bank account?

The legislation only makes provision in relation to accounts held by the relevant offender (whether alone or jointly) and it does not relate to, for example, funds held by a third party on behalf of the offender.

NOTIFICATION OF CERTAIN DETAILS CONTAINED IN PASSPORTS OR IDENTITY DOCUMENTS

Q. What documents can be provided instead of a passport?

For the purposes of the notification requirements, an identity document has the same meaning as that in the Identity Documents Act 2010. This is:

- (a) an immigration document,
- (b) a United Kingdom passport (within the meaning of the Immigration Act 1971),
- (c) a passport issued by or on behalf of the authorities of a country or territory outside the United Kingdom or by or on behalf of an international organisation,
- (d) a document that can be used (in some or all circumstances) instead of a passport,
- (e) a licence to drive a motor vehicle granted under Part 3 of the Road Traffic 1988 or under Part 2 of the Road Traffic (Northern Ireland) Order 1981, or
- (f) a driving licence issued by or on behalf of the authorities of a country or territory outside the United Kingdom.

The reference in (a) to "immigration document" means:

- (i) a document used for confirming the right of a person under the EU Treaties in respect of entry or residence in the United Kingdom,
- (ii) a document that is given in exercise of immigration functions and records information about leave granted to a person to enter or to remain in the United Kingdom, or

(iii) a registration card (within the meaning of section 26A of the Immigration Act 1971).

It should be noted that, for the purposes of the notification requirements under the Sexual Offences Act 2003, an identity document does not include a stamp or label.

Q. What details need to be provided?

The legislation requires notification of certain details contained in an offender's passport, identity document or other document in which the offender's name appears. Where an offender holds a passport, the offender should notify (a) the passport number, and (b) the offender's full name as it appears in the passport. If a passport is not held but the offender holds an identity document (or other document in the absence of an identity document), the offender should notify (a) the description of the document, (b) its issue number (if applicable), and (c) the offender's full name as it appears in the document.

NOTIFICATION WHEN RESIDING OR STAYING FOR AT LEAST 12 HOURS WITH A PERSON UNDER 18

Q. Is the period of *at least 12 hours* cumulative?

No. Notification is required where an offender resides, or stays for a period of *at least 12 hours*, at a relevant household. The period of 12 hours is not cumulative and only applies to each single occasion on which an offender stays for that period at the relevant household.

Q. Is a short term stay at a B&B or hotel included?

No. The regulations provide that a person must notify where residing, or staying for a period of at least 12 hours, at a *relevant household*. For the purposes of these regulations, a *relevant household* is defined as a household or other place at which a person under the age of 18 years resides or stays (whether with parent, guardian or carer, with another child or alone) and to which the public do not have access.

Q. What if an offender resides at a B&B for an extended period – for example, as a result of being housed there by the local authority?

If an offender resides at an address not previously notified under section 83(5)(g) of the 2003 Act for a period of seven or more days, notification must be given under section 84(2). The period of seven days can be calculated as a period of residence on a single occasion of seven days, or two or more occasions in any 12 month period which together total seven days.

NOTIFICATION OF ALL FOREIGN TRAVEL

Q. Will an offender who is resident abroad be required to notify when returning to the UK?

Persons who were required to notify the police of their departure from the United Kingdom in accordance with existing notification requirements (irrespective of the period for which they remain outside the United Kingdom) must notify their return to the United Kingdom, unless the intended date of return had previously been notified prior to their departure from the United Kingdom.

In accordance with the regulations, persons will have a period of three days to notify the police of their return to the United Kingdom. This notification must be provided in person at a prescribed police station as defined in the Sexual Offences Act 2003.

Q. If an offender is intending to travel outside the UK for an extended period, will this effect the offender's annual notification date?

Yes. In the event that a person who is subject to notification requirements leaves the United Kingdom for a prolonged period, the requirement to give periodic notification is suspended until that person returns to the United Kingdom. This is in accordance with section 85(3) and (4) of the Sexual Offences Act 2003. On return to the United Kingdom, notification must be given within three days.

Q. Does an offender have to notify of travel to the Republic of Ireland?

Yes. Notification must be given where a person subject to notification intends to travel outside the United Kingdom; this includes travel to the Republic of Ireland.