

Report of a

**PRIVACY IMPACT ASSESSMENT**

conducted by the Home Office

in relation to the

**CHILD SEX OFFENDERS DISCLOSURE SCHEME**

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## 1. Child Sex Offenders Disclosure Scheme – Introduction and Overview

1.1 In June 2007 the Government published the Review of the Protection of Children from Sex Offenders. As a result the Disclosure Scheme was introduced in four forces to pilot a new approach to dealing with the disclosure of information relating to child sexual offences. The Disclosure Scheme aimed to fulfil action 4 of the review, which stated that the Government would:

***‘Pilot a process where members of the public can register their child protection interest in a named individual. Where this individual has convictions for child sex offences and is considered a risk, there will be a presumption that this information will be disclosed to the relevant member of the public’.***

1.2 Four police force areas piloted the scheme for 12 months from September 2008. The pilot was subjected to an independent evaluation by Leicester De Montfort University, and the decision was made to roll out the scheme nationally.

1.3 The principal aim of this scheme is to provide parents, guardians and carers with information that will enable them to better safeguard their children’s safety and welfare. It is not an aim of this scheme to introduce a US-style Megan’s Law or automatic disclosure of child sexual offender details to the general public, which could encourage offenders to go missing and therefore put children at greater risk of harm.

## 2. What is this document for?

### 2.1 What is a Privacy Impact Assessment (PIA)?

Projects that involve exchanging or disclosing personal information inevitably give rise to privacy concerns. Indeed, the cumulative effect of many such initiatives during recent decades has resulted in harm to public trust and to the reputations of corporations and government agencies alike. Privacy Impact Assessment (PIA) is a process which helps organisations to anticipate and address the likely privacy impacts of projects, in order that we can foresee problems, develop solutions, and ensure that concerns are addressed appropriately. For this reason we have followed a PIA process for the implementation of the Child Sex Offenders Disclosure Scheme.

### 2.2 What does this PIA report cover?

This report sets out the arrangements under which the Scheme will operate, and how its operation can be expected to relate to the privacy of the individuals involved.

### 2.3 How have we conducted the PIA?

We have sought to examine the arrangements both objectively and from the point of view of the individual, to ensure that we meet the legitimate expectations of those concerned. In assessing the impacts and developing the arrangements, we have been informed by the pilot scheme which ran in four police force areas.

The arrangements reflected in this report reflect these processes. We believe that the arrangements that we have put in place for the Scheme reflect good practice in data sharing and protection, striking a fair balance between protecting the privacy rights of the individual and the protection of the public from harm.

## 2.4 What type of PIA have we conducted?

The PIA process is relatively new in the UK. To date, it has largely been used in connection with new projects to collect and store personal information. In deciding whether to conduct a PIA, and what type of PIA to conduct, we considered carefully the nature and scope of the disclosure scheme., and its potential to impact on the privacy rights of the individual, in particular that:

- the project does not involve the introduction of new legislation, or present a completely new policy area. Concepts and practices of disclosure are based on the existing and well-established Multi Agency Public Protection Arrangements (MAPPA). However, whilst this scheme largely builds on that, it does contain a new process, whose privacy impacts need to be understood and any adverse impacts minimised;
- information will be used disclosed in specific circumstances following a risk assessment.
- the scheme involves disclosure on a case by case basis, based on risk assessment of an application, rather than bulk data exchange;

On the basis of our assessment, we decided to follow a small scale PIA process for the disclosure scheme. This is because the project had privacy issues associated with it, but not the large inherent risks that would warrant a full scale PIA, for example those typically associated with new policy areas, major new databases, or using data collected in connection with one purpose for very different purposes.

The changes described in this PIA would usually constitute an amendment to the larger PIA concerning the overall policy. MAPPA however is an established multi agency responsibility even though the changes described here are under Home Office remit. The process being assessed has already worked successfully in pilot and provided information that would have been gathered as part of any stakeholder engagement.

It was therefore considered more time and cost effective, (and possibly easier to read for a public audience), if a short PIA that assessed the risks but also gave enough background to be read alone was produced for the disclosure process.

## 2.5 Is this report the end of the PIA process?

No. We, in consultation with partners will closely monitor and review the scheme's operation, including ongoing review of the privacy impacts, and monitoring compliance with the specific privacy and security arrangements. This will help us ensure that the scheme continues to support the protection of the public from harm and provides benefits both to genuine applicants and to the public which outweigh any adverse impact on the privacy of individuals. Feedback would assist the review process. We will update this document, and publish updated versions, to reflect future developments.

## 3. What does the Disclosure Scheme involve?

3.1 In June 2007, the previous Government published the *Review of the Protection of Children from Sexual Offenders*. The disclosure pilot was set up to fulfil Action 4 of the *Review*, which is to:

“Pilot a process where members of the public can register their child protection interest in a named individual. Where this individual has convictions for child sexual offences and is considered a risk, there is a presumption that this information will be disclosed to the relevant member of the public”.

In the pilot, concerned individuals were given a formal mechanism to make enquiries about people who are in contact with children.

If an individual is found to have convictions for sexual offences against children and there is reasonable cause to believe that the individual poses a risk of causing serious harm to the child or children concerned, there is a presumption that this information will be disclosed to the parent, carer or guardian.

3.2 England and Wales operate Multi-Agency Public Protection Arrangements (MAPPA) to manage sexual and violent offenders and disclosure can be a tool in that management process.

The police already disclose information about Registered Sex Offenders and violent offenders in a controlled way and to a variety of people including head teachers, leisure centre managers, employers and landlords, as well as parents.

The difference in this scheme is that there is a more formal mechanism for a person to make an application for information about a particular individual who has contact with a child or children, therefore alerting the authorities to contact an offender may be having with a child which they may not previously have been aware of.

3.3 This is not Megan's Law, which operates in the USA, and makes private and personal information about child sexual offenders available to the general community.

Individual states can decide how they implement Megan's Law, but all states proactively advise members of local communities about the presence of some sexual offenders, and all states operate websites on which members of the public can search for known sexual offenders living in their area.

In contrast, this disclosure scheme is a carefully managed disclosure to named individuals with direct responsibility for a child's safety.

3.4 Before the scheme, anyone could ask for checks to be made on a named individual that has contact with children under safeguarding children procedures. Controlled disclosure already takes place nationwide. England and Wales has Multi-Agency Public Protection Arrangements (MAPPA) to manage sexual offenders. Disclosure is a tool in that management process.

The police already disclose information about registered sexual offenders in a controlled way and to a variety of people including head teachers, leisure centre managers, employers and landlords, as well as parents.

The difference with this scheme is that there was a formal mechanism for a person to make an application for information about a particular individual who has contact with a child or children, therefore alerting the authorities to contact an offender may be having with a child which they may not previously have been aware of. The process includes specific timescales within which the enquiry would be dealt with.

3.5 Should disclosure be necessary, it will be given to the person who is best placed to protect the child from harm. This will usually be the parent, carer or guardian. Disclosures can also be made to other identified members of the public who are in a position to protect a child from harm. This is established practice under MAPPA guidelines.

#### **4. In what circumstances will information be disclosed?**

4.1 Information provides a disclosure decision making guide which may be used to record the risk assessment and determine the disclosure decision. Staff conducting the full risk assessment will have a list of questions for consideration to help them make an assessment of risk and will be trained to have an understanding of child abuse and offending behaviour.

4.2 It is recommended best practice that the police officer or member of police staff that completes this stage has experience of managing sex offenders or child protection enquiries to ensure a skilled and more consistent approach to this sensitive area of policing. This stage should include revisiting the information obtained in the initial contact and face to face stages and checks on PNC, VISOR, force local intelligence systems and Impact Nominal Index (INI). Research and checks should aim to fill any gaps in information and this stage should ensure all available information known to police on the individuals concerned with the enquiry has been established.

4.3 Checks will also be completed with other agencies where appropriate. This will include:

- children's social care (where the applicant has given consent on the referral form or where the circumstances of the enquiry dictate this is necessary without consent);
- probation service (where appropriate)

4.4 A decision-making tree which sets out the structure of the process and a decision-making guide which sets out the questions to be considered are at Annex A.

## **5. What is the legal basis for disclosure?**

5.1 We should stress again that the Disclosure Scheme builds on existing procedures.

- Multi Agency Public Protection Arrangements (MAPPA) Guidance 2009 (Version 3), which is statutory guidance under Section 325(8) of Criminal Justice Act 2003, explains how responsible authorities should approach the issue of disclosure;
- Working Together to Safeguard Children (2010) provides guidance on making disclosures in respect of an individual's sexual offending to safeguard children from harm;
- Section 327A of the Criminal Justice Act 2003 (inserted by section 140 of the Criminal Justice and Immigration Act 2008) places a duty on each MAPPA authority in every case managed by it concerning a convicted child sexual offender to consider disclosure to particular members of the public of that offender's convictions for child sexual offences. It creates a presumption that information about the offender's previous convictions will be disclosed where the responsible MAPPA authority has reason to believe that a child sexual offender poses a risk of causing serious harm to a particular child or children, and the disclosure of information to a particular member of the public is necessary for the purpose of protecting that child or children from serious harm caused by that offender.
- disclosure must be lawful. In particular the agencies must have the power to disclose the information and disclosure must comply with the Human Rights Act 1998 or Data Protection Act 1998.

5.2 There is a general presumption that details about a person's previous convictions are confidential. The police will only be disclosing convictions or indeed intelligence lawfully under the CSO Disclosure Scheme if:

(i) they have the power to disclose the information. If they are relying on their common law powers, the police must be able to show that it is reasonable to conclude that such disclosure is necessary to protect the public from crime. In the context of this scheme, the police would have to conclude that disclosure to the applicant is necessary to protect a child from being the victim of a crime (most probably, sexual abuse committed by the subject of the request);

(ii) that there is a pressing need for such disclosure; and

(iii) interfering with the rights of the offender (under Article 8 of the European Convention of Human Rights) to have information about his/her previous convictions kept confidential, is necessary and proportionate for the prevention of crime (or in the interests of public safety or for the protection of morals or the rights and freedoms of others). This involves considering the consequences for the offender if his/her details are disclosed against the nature and extent of the risks that offender poses to the child or children. The police should also consider the risk of driving the offender to become non-compliant where he/she may pose a greater risk to other children. This stage of the test also involves considering the extent of the information which needs to be disclosed e.g. you may not need to tell the parent the precise details of the offence for that parent to be able to take steps to protect the child.

Information about a person's previous convictions is also sensitive, personal data under the Data Protection Act 1998 and therefore the police must also be satisfied that disclosure is in accordance with the eight principles set out in that Act.

## **6. What are the practical arrangements?**

6.1 Disclosure to any person about a subject's previous convictions (or other relevant intelligence/information held on them) will only be made where the 3 stage test set out in 5.2 above is satisfied). A decision will be taken as to whom it is necessary to disclose the information. This may be the original applicant or another person. For example the parent, carer or guardian who was the original applicant may be estranged from the family and not in a position to protect the child or children concerned therefore disclosure may be made to the other parent, or the guardian or carer who is in the best position to protect the child. The disclosure must only be made to persons who have a need to know the information to be able to safeguard a child or children from the risk of harm. MAPPA guidance and supporting legislation under section 327A of the Criminal Justice Act 2003 is however wider than this and does cater for disclosure to third parties who are not parent, guardians or carers where necessary to protect a child from the risk of serious harm. It may be therefore that disclosures are made to other third parties if necessary under existing arrangements.

6.2 It is recommended best practice that this disclosure meeting is made with a member of childrens services present. This helps to provide the applicant/carer with the confidence and relevant contact with other agencies for ongoing support. If Disclosure is made then it must be delivered in person with the following warning:

- that the information must only be used for the purpose for which it has been shared i.e. in order to safeguard children;

- the person to whom the disclosure is made will be asked to sign an undertaking that they agree that the information is confidential and they will not disclose this information further;
- The person to whom the disclosure is made will be asked to sign an undertaking that they agree that the information is confidential and they will not disclose this information further. A warning must be given that legal proceedings could result if this confidentiality is breached and that it is an offence under Section 55 of the Data Protection Act 1998 for a person to knowingly or recklessly obtain or disclose personal data without the consent of the data controller (i.e. the agency holding the information that will be disclosed, which in most cases will be the police). This should be explained to the person and their signature obtained on this undertaking. If the person is not willing to sign the undertaking the police need to consider if disclosure should still take place. The outcome is recorded and considered in the subsequent risk assessment and decision making process.

At no time will written correspondence be sent out or left with the applicant/carer in relation to the **disclosure of information**. There would be a potential risk to informants; children and subjects should such written information get into the wrong hands.

6.3 It certain circumstances it may be appropriate to inform the subject that disclosure is taking place, however this approach should be decided on a case by case basis and be premised on an assessment of risk. On occasion, it may also be appropriate to involve the subject in 'self-disclosure'. This may be by the subject making the disclosure to the applicant/carer in the presence of the officer/police staff member. Alternatively it may involve the subject making the disclosure to the applicant/carer themselves and the officer/staff member then confirming the relevant facts have been disclosed with the applicant/carer. *Involving the subject in the disclosure may facilitate their understanding of the risk they pose of causing harm to a child and allow the subject to be part of their own offender management. It also enables the subject to object and provide reasons why the information should not be disclosed.* Any decision in relation to self-disclosure must be recorded.

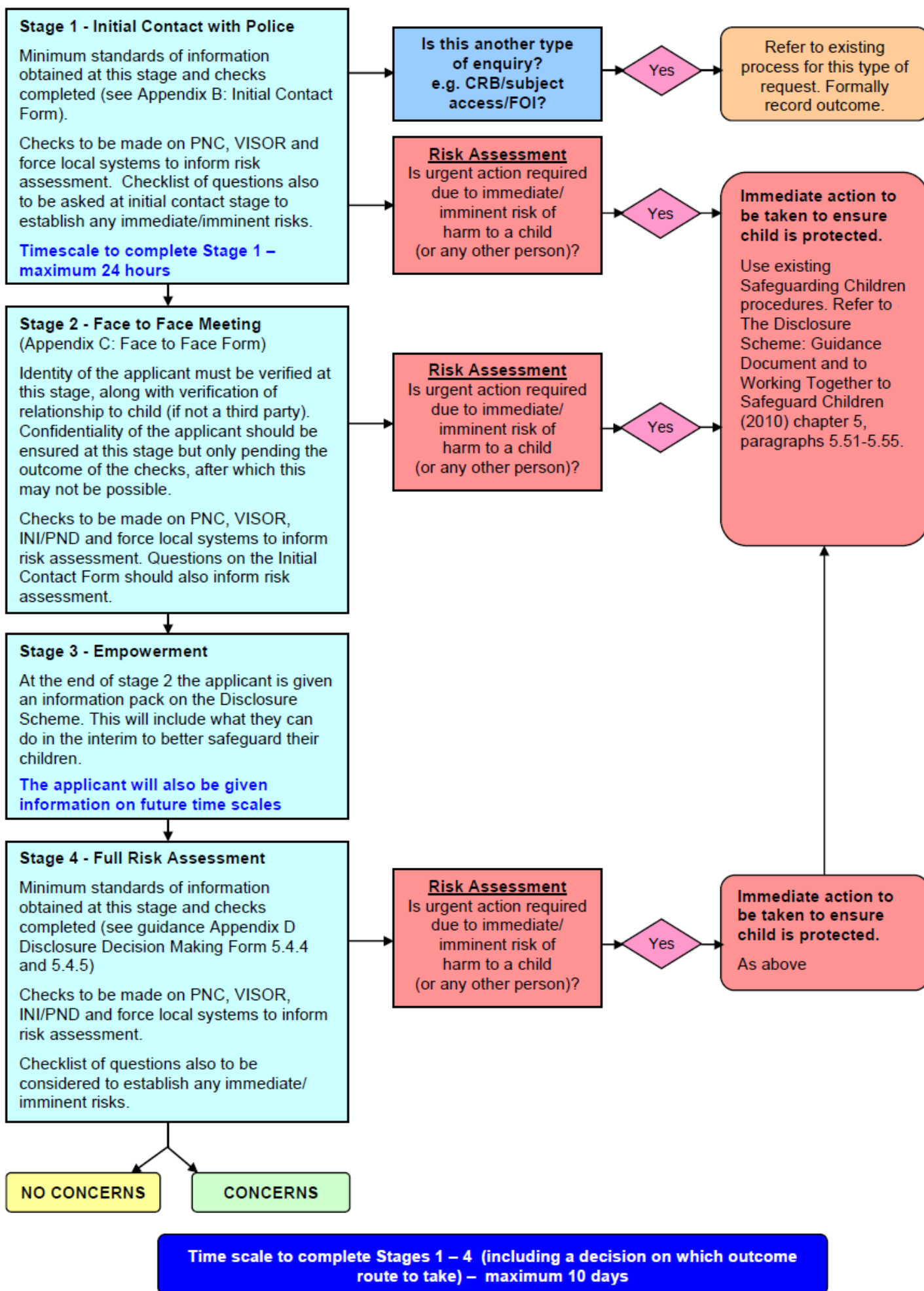
#### 6.4 Maintaining a record of the Disclosure Scheme

At the closure of **every** enquiry (whatever the outcome and at any stage in the process) a final intelligence report **must** be submitted onto the force's intelligence system to record the request, outcomes and details of all parties involved. This should serve as a piece of valuable intelligence, which will be retrievable to all police forces. It would allow any patterns where a subject has many disclosure requests made against them to be identified to help safeguard children.

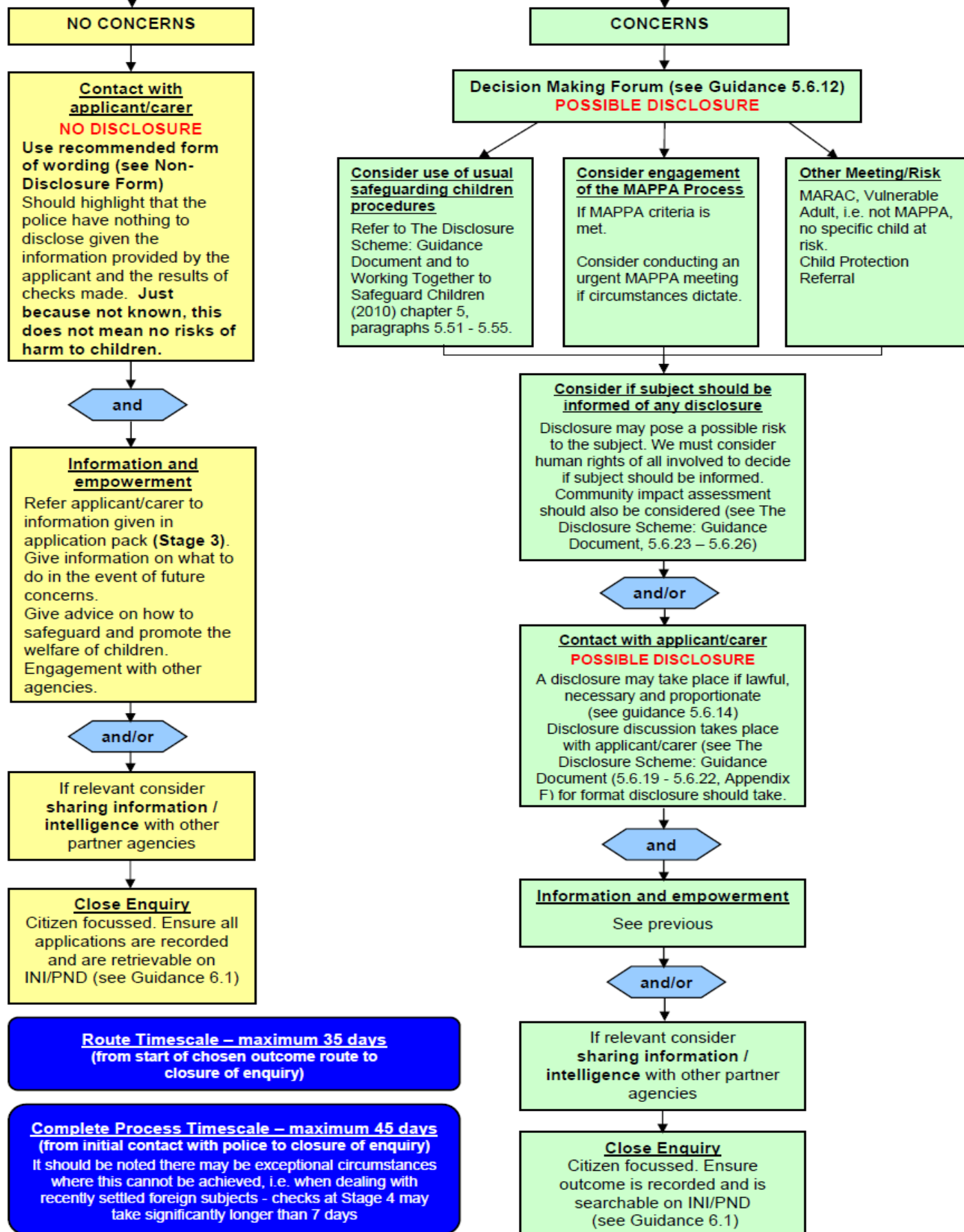
It is important that any decisions made as a result of this scheme are recorded in a format that would stand scrutiny of any formal review. It is also crucial that any relevant information coming to light as part of this process is shared as appropriate with all relevant agencies.



**THE DISCLOSURE SCHEME – DECISION TREE**



## STAGES 1 – 4 DECISION OUTCOME



**NO CONCERNS**

**Contact with applicant/carer**

**NO DISCLOSURE**

Use recommended form of wording (see Non-Disclosure Form)  
Should highlight that the police have nothing to disclose given the information provided by the applicant and the results of checks made. **Just because not known, this does not mean no risks of harm to children.**

and

**Information and empowerment**

Refer applicant/carer to information given in application pack (Stage 3).  
Give information on what to do in the event of future concerns.  
Give advice on how to safeguard and promote the welfare of children.  
Engagement with other agencies.

and/or

If relevant consider **sharing information / intelligence** with other partner agencies

**Close Enquiry**

Citizen focussed. Ensure all applications are recorded and are retrievable on INI/PND (see Guidance 6.1)

**Route Timescale – maximum 35 days**  
(from start of chosen outcome route to closure of enquiry)

**Complete Process Timescale – maximum 45 days**  
(from initial contact with police to closure of enquiry)  
It should be noted there may be exceptional circumstances where this cannot be achieved, i.e. when dealing with recently settled foreign subjects - checks at Stage 4 may take significantly longer than 7 days

**CONCERNS**

**Decision Making Forum (see Guidance 5.6.12)**  
**POSSIBLE DISCLOSURE**

**Consider use of usual safeguarding children procedures**

Refer to The Disclosure Scheme: Guidance Document and to Working Together to Safeguard Children (2010) chapter 5, paragraphs 5.51 - 5.55.

**Consider engagement of the MAPPA Process**

If MAPPA criteria is met.  
Consider conducting an urgent MAPPA meeting if circumstances dictate.

**Other Meeting/Risk**

MARAC, Vulnerable Adult, i.e. not MAPPA, no specific child at risk.  
Child Protection Referral

**Consider if subject should be informed of any disclosure**

Disclosure may pose a possible risk to the subject. We must consider human rights of all involved to decide if subject should be informed. Community impact assessment should also be considered (see The Disclosure Scheme: Guidance Document, 5.6.23 – 5.6.26)

and/or

**Contact with applicant/carer**  
**POSSIBLE DISCLOSURE**

A disclosure may take place if lawful, necessary and proportionate (see guidance 5.6.14)  
Disclosure discussion takes place with applicant/carer (see The Disclosure Scheme: Guidance Document (5.6.19 - 5.6.22, Appendix F) for format disclosure should take.)

and

**Information and empowerment**

See previous

and/or

If relevant consider **sharing information / intelligence** with other partner agencies

**Close Enquiry**

Citizen focussed. Ensure outcome is recorded and is searchable on INI/PND (see Guidance 6.1)

## Terminology

Any person can enquire about a person (the subject) who has some form of access to or connection with a child/children. This could include any third party such as a grandparent, neighbour or friend. This is to ensure any safeguarding concerns are thoroughly investigated. A third party person making an enquiry would not necessarily receive disclosure, a more appropriate person may be a parent, guardian or carer. It should be noted that when it comes to the point of disclosure (under this process) this disclosure should only be made to the individual who is in a position to use that information to safeguard the child or children (usually a parent, carer or guardian) may not always be the original applicant.

The **subject** is the person whom the person registering an interest/applicant is seeking information about under the Disclosure Scheme.

**Concerns** could include any of the following:

- (i) Information known about the subject in relation to offences/intelligence relevant to safeguarding children (i.e. adult sex offences, violence, drugs or domestic abuse. There may be intelligence known about the subject relevant to safeguarding children e.g. non-convictions, cases not proceeded with or intelligence concerning sexual or violent offences, or previous concerning behaviour towards children).
- (ii) Concerns may also be in relation to concerning behaviour relevant to safeguarding children now being displayed by the subject, that have been disclosed as part of the disclosure application, e.g. grooming/unusual behaviour that indicates sexual harm to children might be likely.
- (iii) Concerns may also be in relation to circumstances known about the subject's previous child sexual offending and the circumstances/gravity of that offending now raising concerns about a risk of harm posed to the child/children named in the disclosure request.

**No concerns** means no convictions or intelligence relevant to safeguarding children and no concerning behaviour relevant to safeguarding children.

# DISCLOSURE DECISION MAKING GUIDE

## SECTION 1 - QUESTIONS FOR CONSIDERATION

- Is the subject known for child sexual offences?
- Where the subject is known for child sexual offences, does the disclosure application highlight safeguarding concerns in view of the nature of the previous child sexual offences?
- Is the subject known for other offences relevant to safeguarding children (including intelligence/ information from ViSOR / INI / local checks / checks with other agencies?)
- Does the subject have access to, or the potential to have access to children?

**If the subject is known for offences / intelligence / information relevant to safeguarding children and they have access / potential access to children then give consideration for 'concerns' outcome route.**

**Reconsider if there is an immediate / imminent risk of harm to children. If yes, immediate action should be taken to ensure that the children are safeguarded.**

Review details of the initial contact and face-to-face forms with regard to details of initial contact.

- Were safeguarding children concerns raised as a reason for making an application?
- Was subject behaviour / applicant's observations raised as a reason for making an application?
- Was child behaviour / information from the child raised as a reason for making an application?

With all of the above questions, consideration must be given as to **why**.

**Reconsider if there is an immediate / imminent risk of harm to children. If yes, immediate action should be taken to ensure that the children are safeguarded.**

- Is the subject a current ViSOR nominal?
- Is the subject considered high / very high risk on ViSOR?
- Is the subject currently managed at MAPPA level 2 or 3?
- Review the risk assessment and management plan and activity log on ViSOR. Does the risk assessment and management plan increase or reduce the level of risk?
- 

Export

**If the answer to any of these questions is yes and the risk assessment and management plan does not significantly reduce the risk then consider 'concerns' outcome route.**

**Reconsider if there is an immediate / imminent risk of harm to children. If yes, immediate action**

should be taken to ensure that the children are safeguarded.

- Is there any other information not covered in the above questions that highlights safeguarding children concerns?

If yes, give full details above and consider the 'concerns' outcome route

## SECTION 2 - EITHER 'CONCERNS' OR 'NO CONCERNS' OUTCOME ROUTE

CONCERNS  NO CONCERNS  (please tick)

Reasons/justification for chosen outcome route:

If 'concerns' outcome route, then consideration must be given to the decision making forum.

Safeguarding Children procedures (strategy discussion / meeting / case conference)

**Include:** action taken and justification, details of date and time held, persons present and reference to meeting notes.

Engagement of the MAPPA process

Urgent MAPPA meeting / decision required  Referral to MAPPA

**Include:** action taken and justification, details of date and time held, persons present and reference to meeting notes.

Other meeting / risk for those circumstances that do not fit Safeguarding Children or MAPPA criteria e.g.: MARAC or Safeguarding adults meeting

**Include:** action taken and justification, details of date and time held, persons present and reference to meeting notes.

## SECTION 3 - DISCLOSURE DECISION

Officer/Staff completing:

Date:

Decision: Disclosure  Non-Disclosure

**Legal Authority:**  Common law power to disclose information about a persons convictions where there is a need for such disclosure to protect the public from crime **AND**

Disclosure would not be in breach of the Human Rights Act 1998, Data Protection Act 1998 or a breach of confidence.

**Justification for disclosure:**  S140 CJA 2008

MAPPA Guidance (S325(8) CJA 2010)

Working together to safeguard children 2006 (S11. Children's Act 2004)

Other, specify:

If decision that disclosure will be made then consider:

- what will be disclosed

- who will it be disclosed to
- is the subject going to be informed of the disclosure

All of the above must clearly state how they are lawful, necessary and proportionate.

Consideration given to the completion of a Community Impact Assessment

Details

**SECTION 4 - DECISION-MAKING SIGN OFF**

Officer/Staff completing:

Date:

Agree  / Disagree

Clearly state how lawful, necessary and proportionate:

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## INTRODUCTION

### Name of Project/Programme, Process or Policy

Child Sex Offender Disclosure Scheme

### What is its purpose, and how does it relate to Home Office business?

The principal aim of this scheme is to provide parents, guardians and carers with information that will enable them to better safeguard their children's safety and welfare. It is intended to increase public protection and reduce the risk of serious crime and as such is central to Home Office core business.

### Details of personnel involved in undertaking the PIA (name/section/role/contact details)

Victoria Presland, Safeguarding and Public Protection Unit, [victoria.presland@homeoffice.gsi.gov.uk](mailto:victoria.presland@homeoffice.gsi.gov.uk), 020 7035 8232.

#### a) **Awareness:** Does supporting documentation demonstrate awareness of privacy issues? Outline evidence and give details of any appended documentation.

Awareness of privacy issues is demonstrated by the disclosure decision making process which considers and compliments existing Multi-Agency Public Protection Arrangements (MAPPA), Safeguarding Children procedures, the common law power to disclose, section 140 of the Criminal Justice and Immigration Act 2008, confidentiality of information under Data Protection legislation and the Human Rights Act.. Due consideration is also given to the amount of information that is going to be disclosed and the suitability of the recipient of the information ie: the person best placed to use the information to protect the child from harm. There is also a section that requires the consideration of both necessity and proportionality of making a disclosure. The disclosure decision making process is set out in the decision tree and guide at Annex A of the PIA.

#### b) **Scoping:** Please provide evidence that all privacy issues have been fully considered through privacy scoping at an early stage, including details of consultation with all relevant partners?

As this process builds upon and complements existing processes and procedures, there is nothing new about disclosure resulting from an enquiry under this Scheme. There has also been a project board running from the early creation of the pilot up to the current date. There are various members of other agencies that sit on this project and have had opportunity to comment on privacy issues arising along the way both with regard to the actual mechanisms of the process and the creation of the national guidance.

#### c) **Impacts:** With regards to privacy issues, what could go wrong, how serious could it be, and what could be done about it?



Inappropriate disclosure could be made ie where the risk posed by the subject does not warrant disclosure. Disclosure could be given to someone who then goes on to further disclose the information to another for either good intent or malicious intent. This could result in either information being unnecessarily disclosed, information being passed to other individuals for a genuine reason ie: the safeguarding of their children and in the extreme case, information being disclosed that then leads to acts of vigilantism ie: harassment, criminal damage, acts of violence. Any disclosure, even if correctly given could also result in the registered sex offender (RSO) failing to comply with their notification / registration requirements.

There are a number of measures that have been put in place in order to reduce the occurrence of such consequences and also minimise their impact. These are:

1. Prior to the Scheme 'going live' in any area, each RSO is given a face to face briefing reassuring them about the remit of the Scheme and is reminded of their obligations under the Sexual Offences Act 2003.
2. Disclosure is not open to anyone – it is made to specific people who are best placed to use the information to protect the child from harm. Prior to any information being given the individual would be required to sign an undertaking which stipulates that they can only use the information to keep themselves and their children safe. If they consider that there is another individual at risk then they must contact the police in order for them to provide permission.
3. Individuals are also informed that any breach of the confidentiality agreement constitutes a breach of the Data Protection Act and may result in legal proceedings being brought against them.

## SUMMARY OF PRIVACY RISKS AND MITIGATION

1. Given the amount/type of data collected, what are the privacy risks? How they might be mitigated?

An application made under this Scheme will result in the collection of personal information about the applicant, children, parents of the children and the subject of the application. This will be stored on existing police electronic computer systems and also in paper form. Also at the conclusion of any application a record is submitted in a format that can be uploaded onto the Police National Database. Once completed this will be marked as RESTRICTED in line with GPMS marking systems.

The privacy risks would be in line with c) above.

An application where no disclosure is made would not result in negative information being given to employers as a result of a CRB check on the subject.

2. Given the sensitivity and scope of the information collected, what privacy risks were identified and how might the security controls mitigate them?

See above.

3. What are the risks associated with how long data is retained and how they might be mitigated?

The national picture at the moment is that the data will be retained indefinitely if stored electronically and in line with MOPI (Category 2 - 6 years) for the paper records. The actual hard copy of the disclosure confidentiality agreement may be retained for longer as consideration has been given to a later requirement as an exhibit in any subsequent civil / criminal hearing.

4. What are the privacy risks associated with internal sharing within the Home Office and how they might be mitigated ?

Information is not held or shared internal to the Home Office.

5. Given the external sharing, what are the privacy risks and how might they be mitigated?



Disclosure to members of the public has been covered in c) above.  
Disclosure to other relevant agencies will be done in accordance with either the data Protection Act or existing Information Sharing Agreements.

**6. How could risks associated with individuals being unaware of the collection be mitigated?**

The applicant will not be unaware of the collection of data and confidentiality of the application is seen as crucial to the success of the Scheme up until the point of disclosure. At the point of disclosure, the subject and the parents of the children will in the vast majority of cases be aware of the application as this is part of the national guidance. In the very extreme cases that the subject is not to be told that disclosure is being made, this will be as a result of the serious risk of harm that they pose to the applicant, child and/or community. Unless disclosure is made there should be no reason for the fact that an application has been made to be disclosed to members of the public or the subject.

**7. What are the privacy risks associated with redress and how might they be mitigated?**

As far as we are aware then this kind of information currently would not form part of Subject Access as there are provisions in place for the exclusion of this information on the grounds that it contains information about third party individuals which we have a duty to keep confidential. Each application would be judged on a case by case basis.

**8. Given access and security controls, what privacy risks were identified and how might they be mitigated?**

The disclosure decision making process derives from the Multi-Agency Public Protection Arrangements (MAPPA) which has full regard to the common law power of disclosure, of confidentiality and Human Rights and Data Protection legislation. See also points 5, 6 and 7 above.

## **OVERVIEW**

What changes have been made or recommended as a result of the PIA process? At which key milestones in the project's lifecycle will the PIA be revisited? Please give details of appended Risk Register.

No changes were made or recommended because the disclosure decision making process derives from the Multi-Agency Public Protection Arrangements (MAPPA) which has full regard to the common law power of disclosure, of confidentiality and Human Rights and Data Protection legislation.

It will be revisited in due course when the scheme is fully operational nationally.

