**Disclosure and Barring Service Candidate Privacy Policy**

#  About us

# The Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions and helps prevent unsuitable people from working with vulnerable groups, including children.

1. **What is it I need to know?**
	1. This privacy policy is for individuals applying for a job with DBS (candidates). The policy covers the recruitment process and subsequent security clearance process. It also covers those who have been placed on a merit list. It tells you how we will use and protect any information we hold about you.
	2. The policy:
	* explains your rights as a candidate
	* why we need your personal data
	* what we will do with your personal data
	* what you can expect from us
	1. It also explains how you can get a copy of any personal data we may hold about you – this is called a [subject access request](https://www.gov.uk/government/publications/dbs-subject-access-request).
	2. Should you receive a formal offer and start employment with DBS, you should read the DBS Employee Privacy Policy which explains your rights as an employee of DBS**.** The Employee Privacy Policy is available on the Intranet to all DBS employees.
2. **How will we use your personal information?**
	1. We collect your personal data to:
* carry out the recruitment process to fill a vacant role
* carry out pre-employment checks including reference checks
* carry out a health questionnaire to establish whether you are fit for work and to make necessary arrangements for the implementation of reasonable adjustments if required
* process a Basic DBS check which checks your criminal record – a Basic DBS check informs us of any unspent convictions and conditional cautions you have; this check is then used as part of the security clearance process
* process an application for security clearance - security clearance is required before you can start employment at DBS
* create and monitor a merit list for future positions - merit lists are used to collate a list of candidates who have been successful in reaching the benchmark of an assessment but have not scored highly enough to take up an immediate vacancy; merit lists last for six or twelve months, and candidates can therefore be contacted to be offered similar vacancies should they arise in the future
* set you up as a member of staff on the DBS self-service electronic system during the recruitment process
* undertake payroll and pension administration
* provide access to IT systems
* carry out equal opportunities monitoring
* gain feedback through smart survey tools on your candidate experience (it is your choice whether to participate)
* undertake any other purpose where we are legally permitted to do so or where you have given your consent

	1. We may collect your personal information in a number of ways including:
* when you apply for a vacancy, internally or externally
* when you complete a Basic DBS check online
* when you complete security clearance application forms
* when you complete a health questionnaire
* when you contact Human Resources (HR) directly by email or via telephone
* when we receive your personal data from third parties throughout the recruitment process
1. **Who is the data controller?**
	1. DBS is the data controller of information held by us for the purposes of data protection legislation. DBS has responsibility for the safety and security of all the data we hold.
	2. A data controller decides the purposes, and the manner, in which any personal data is processed.
	3. The Cabinet Office (Civil Service HR) is the data controller for account details, and for any applications that have started but not yet submitted by you as a candidate.
	4. The Cabinet Office (Civil Service HR) and DBS are joint data controllers for the personal data held within a submitted application.
2. **Who are the data processors?**
	1. A data processor is anyone (other than an employee of a data controller) who processes that data on behalf of the controller.
	2. We have a range of suppliers who process data on behalf of DBS as defined in section 9. We make sure that our data processors comply with all relevant requirements under data protection legislation. This is defined in our contractual arrangements with them.
3. **Contacting the Data Protection Officer**
	1. The DBS Data Protection Officer can be contacted via email at **dbsdataprotection@dbs.gov.uk**or in writing to:

DBS Data Protection Officer

Disclosure and Barring Service

PO Box 165

Liverpool

L69 3JD

1. **What are the legal grounds for processing my information?**
	1. DBS will process your personal data during the recruitment process, security clearance process and pre-employment check process to take steps at your request, before entering into a contract of employment with us (Article 6(1)(b) GDPR). This includes:
* sifting applications and conducting interviews to identify the successful candidate for a role and for the creation of merit lists
* processing references as part of pre-employment checks
* conducting the security clearance process
* conducting a health questionnaire with you as part of our pre-employment checks
* processing information you provide on the Civil Services Pensions Questionnaire to set you up as a member of staff on our payroll and IT systems
	1. Obtaining relevant security clearance and satisfactory pre-employment checks is a conditional requirement to work for DBS. Again, the process is conducted to take steps at your request prior to entering into a contract of employment with us.
	2. Information you provide on the New Starter Baseline Standard Verification Record (BSVR) form will be sent to Home Office Security to conduct checks to verify that security clearance can be granted.
	3. A Basic DBS check is used as part of pre-employment checks. DBS would be unable to progress with the pre-employment checks without your Basic DBS certificate.
	4. DBS have a legal obligation under the Police Act Part V Section 112 to process information supplied under this section, for the purpose of producing a Basic DBS certificate.
	5. Once the application has been processed, you are able to view the result of your check online if your check did not reveal police records information. A paper certificate will also be issued to an address of your choice which can be DBS. With your consent, DBS can also view the result online. If your check reveals police records information, you will not be able to view or share your result online and the paper certificate will be sent in the post. Please refer to our Basic Check Privacy Policies found [here](https://www.gov.uk/government/publications/basic-dbs-check-privacy-policy), and [here](https://www.apply-basic-criminal-record-check.service.gov.uk/privacy-policy).
	6. DBS also have a legal obligation under the Equality Act 2010, to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between people who share a protected characteristic and those that do not. This is known as the Public Sector Equality Duty. DBS will process data about racial or ethnic origin, sexual orientation, disability, religious belief or other protected character where you have volunteered this data for the purpose of monitoring and upholding this duty, for example, collating diversity monitoring information.
	7. You do not have to provide this information as part of the recruitment process unless you choose to do so. You will not be identifiable in the reporting of this information.
1. **Why would DBS hold my personal data?**
	1. The data we hold will be personal details. It will be personal data that you have provided to us during the recruitment process (whether as an external or internal candidate) and during the subsequent security clearance process.
	2. DBS is required to process your personal data for security purposes to ensure individuals working for DBS obtain the relevant security clearance. This includes those on a merit list.
	3. DBS will also process your information in the creation and monitoring of merit lists. Merit lists are used to collate a list of candidates who have been successful in reaching the benchmark of an assessment but have not scored highly enough to take up an immediate vacancy. Merit lists last for six or twelve months and candidates can therefore be contacted to be offered similar vacancies should they arise in the future.
	4. DBS will process data about your health to ensure we have the relevant occupational health guidance for you to commence employment with us. Our occupational health provider will undertake a health questionnaire with you to establish whether you are fit for work and to make necessary arrangements for the implementation of reasonable adjustments in the workplace due to a disability. In some cases, a referral for an occupational health assessment may also be made. The reports will form part of your employee personnel record and may be used in connection with DBS’ operational business i.e. to enable line mangers to put reasonable adjustments in place as outlined.
	5. DBS will only process data about your racial or ethnic origin, sexual orientation, disability, religious beliefs or other protected characteristic where you have volunteered this data and for the purpose of monitoring and upholding DBS’ equal opportunities policies and related provisions under the Public Sector Equality Duty. You do not have to provide this information as part of the recruitment process unless you choose to do so. You will not be identifiable in this information.
	6. If we ask you for personal information, we will:
* make sure you know why we need this information
* only ask for information that we need
* ensure only those appropriate have access to it
* store your information securely
* only keep your information for as long as we need to – see our [Retention Policy](https://www.gov.uk/government/publications/dbs-data-retention-policy)
* ensure it is not available for commercial use (such as marketing) without your permission
* ensure you are provided with a copy of data we hold on you, on request – this is called a [subject access request](https://www.gov.uk/government/publications/dbs-subject-access-request)
* ensure there are procedures in place for dealing promptly with any [disputes](https://www.gov.uk/report-problem-criminal-record-certificate) or [complaints](https://www.gov.uk/government/organisations/disclosure-and-barring-service/about/complaints-procedure)

Should you have any concerns with the recruitment or subsequent security clearance process, please contact the DBS People Support Team via email at DBSPeopleSupportTeam@dbs.gov.uk.

* 1. In return, we will ask you to:
* give us up-to-date and accurate information
* tell us as soon as possible if there are [any changes, such as a new address, emergency contact details and marital status](#COCAddress)
	1. This helps us to keep your information reliable, up-to-date and secure. It will apply whether we hold your data on paper or in electronic form.
1. **Organisations that are involved in processing candidate information**
	1. Data will be passed to organisations and data sources involved with DBS where legally permitted to do so and for the purposes of entering into a contract of employment with you. Data may also be shared where you have provided your consent for the sharing to take place. This includes:
* Oleeo – Oleeo is the technical supplier for the recruitment system used by DBS
* Cabinet Office IT infrastructure partners – the data is stored within the Cabinet Office IT infrastructure and may be shared with their data processors who provide email, document management and storage services
* DBS disclosure service – to undertake the Basic DBS check to then be used as part of the security clearance process. Please refer to the Basic Check Privacy Policies [here](https://www.gov.uk/government/publications/dbs-privacy-policies) and [here](https://www.apply-basic-criminal-record-check.service.gov.uk/privacy-policy), for information regarding how DBS will carry out the check and who your data may be shared with for the purposes of producing a certificate
* Home Office Security (DBS is an arm’s length body of the Home Office) – Home Office Security will determine whether an individual will be granted security clearance which is a requirement to take employment with the Home Office/DBS
* People Asset Management (PAM) – a partner who provides occupational health services to DBS and will conduct a health questionnaire with you
* Shared Services Connected Limited (SSCL) – a partner who administers a number of HR services on behalf of DBS, such as facilitating payroll
* MyCSP - a provider who undertakes pension administration on behalf of DBS
* DBS Security team – to record decisions and monitor security clearance details including level of vetting and expiry dates
* Capita – a supplier of recruitment testing and resourcing agency services to the DBS
* Civil Service Resourcing – supplier of the Oleeo online platform for Civil Service Jobs which DBS use in recruitment administration including applications, feedback, notifications and offers to candidates
* DBS Facilities team – for the administration and reporting of health and safety obligations and flexi clock administration
* Government Internal Audit Agency (GIAA) – department who undertake audit and advisory engagements to help government departments to improve how they deliver their public service
* National Audit Office (NAO) – department who may review payroll information as part of an annual or interim audit
* PSI – provide an online test platform which the recruitment system is integrated with; personal data is not shared with PSI
* IBM - provide an online test platform which the recruitment system is integrated with; personal data is not shared with IBM
* SmartSurvey – provide online survey tools which may be used to request feedback from candidates about your recruitment experience
1. **Where is my data stored?**
	1. Application information is held within a web-based recruitment system, with restricted access to recruiters and vacancy holders.
	2. Your data is also held in secure paper and computer files. These have restricted access. Where your data isheld in paper format we have secure storage and processes for this. In some cases, we may use secure off-site storage. We have approved measures in place to stop unlawful access and disclosure. All our IT systems are subject to formal accreditation in line with Her Majesty Government (HMG) policy. They also comply with the security required within data protection legislation to make sure that personal data is processed in a manner that ensures appropriate security of the data including protection against unauthorised or unlawful processing.
2. **How long will DBS hold my information?**
	1. We operate a [Data Retention Policy](https://www.gov.uk/government/publications/dbs-data-retention-policy) to ensure that data is not held for longer than necessary. However, at present, your information may be held beyond the specified retention periods where there is the potential for it to fall under the remit of ongoing government independent inquiries
	2. Any data that we identity could be called on by the inquiry, will be retained until completion of the inquiry. At this point the information will be securely destroyed, as soon as is practicable.
	3. DBS will keep internal recruitment documentation for one year, and for external recruitment information (across government and external to Civil Service) for two years. This includes applications, interview notes, assessor notes and markings. Merit list records will be kept for six months from expiry.
	4. Security clearance forms (including New Starter BSVR form) and copies of evidence used to support ID/address confirmation will be kept for one year from when the security clearance confirmation is received. Security clearance confirmations will be kept for seven years after the clearance ends. References are kept for six years.
	5. DBS will delete the HR copy of the Basic DBS certificate once security clearance has been granted.
	6. If unsuccessful following interview or in gaining a position from a merit list, New Starter BSVR form, references and Pensions Questionnaire form will be securely destroyed.
3. **What are my rights? How will DBS protect them?**
	1. We are committed to protecting your rights under data protection legislation**.**
		1. **Your right to be informed**

This document provides you with information in relation to how your data is processed as a candidate to DBS. This ensures that we are transparent with you as a candidate with regards to what we will do with the information you supply to us during the recruitment and security clearance process.

* + 1. **Your right to access to your personal data held by DBS - known as a subject access request**

You have the right to request a copy of the information we hold about you.

On receipt of a valid application we will tell you whether we hold any data about you and provide you with a copy. Further information on how to apply can be found [here](https://www.gov.uk/government/publications/dbs-subject-access-request).

* + 1. **Your right to request information held is accurate. Can I update it?**

As a candidate, you can manually update a number of personal details online on the Civil Service Jobs portal such as your name and contact details.

If you think that the information held by us at DBS is incorrect, you have the right to request it is corrected. If you challenge the accuracy of data that was provided to us by a third party we will send your request for correction to that party for their consideration.

To make a request, please contact the DBS People Support team via email at DBSPeopleSupportTeam@dbs.gov.uk.

* + 1. **Your right to request erasure of your personal data**

In certain circumstances you have a right to have personal data held about you erased. At DBS we will only do this if certain criteria are met. There are some circumstances where the right to erase does not apply and we may refuse your request. We therefore advise you to seek independent advice before submitting an application to us.

Any requests for information to be destroyed will be considered on a case-by-case basis.

To make a request, please complete the request form at Appendix A and return to DBSPeopleSupportTeam@dbs.gov.uk.

* + 1. **Your right to prevent DBS from processing information which is likely to cause you damage or distress**

You have the right to request restriction of processing where it has been established that one of the following applies:

* during the period of rectification if accuracy of personal data is contested
* processing is unlawful
* an individual has requested it is retained to enable them to establish, exercise or defend legal claims
* pending verification of the outcome of the Right to Object
* where processing has been restricted

Any requests to stop processing will be considered on a case-by-case basis. To make a request, please contact the DBS People Support team.

* + 1. **Right to receive an electronic copy of any information you have consented to be supplied to us - known as data portability**

You have the right, where this is technically feasible, to receive electronically any personal data you have provided electronically to DBS to process on a [consent](https://www.gov.uk/government/publications/consent-privacy-policy) basis.

All requests will be considered on a case-by-case basis. To make a request, please contact the DBS People Support team.

* + 1. **You have the right to object to processing of your information**

If you wish to withdraw from the recruitment process and the subsequent security clearance process, please withdraw your application on Civil Service Jobs portal and advise the DBS People Support team accordingly via email.

If you would like DBS to stop processing your Basic DBS check application, you will need to [withdraw the application](https://www.gov.uk/guidance/dbs-check-requests-guidance-for-employers#withdrawing-applications).

You would be unable to take up a position with DBS without obtaining the relevant security clearance.

* + 1. **You have rights relating to automated decisions being made about you**

As part of the pre-employment checks process, you will be required to obtain a Basic DBS certificate. The Basic DBS check process is generally an automated process however if the system identifies that ‘potentially’ there is police information held about you by a police force then some manual processing may be required.

You have the right to object to any automated decision-making. It should be noted that you would need to inform us of this on submission of your application as the certificate can be issued quite quickly.

Please contact the DBS helpline on 03000 200 190.

The HR department does not undertake any other automated decision-making or profiling activities in relation to the recruitment process.

* + 1. **You have the right to make a complaint to DBS and the ICO**

If you wish to make a complaint to us regarding the way in which we have processed your personal data, you can make a complaint to the Data Protection Officer via the contact details in [Section 6.1](#DPO). If you then remain dissatisfied with the response received, you have the right to lodge a complaint to the Information Commissioner’s Office (ICO) at the following address:

The Information Commissioner’s Office

Wycliffe House

Water Lane

Wilmslow

Cheshire SK9 5AF

<https://ico.org.uk/>

1. **Transfer outside the European Economic Area**
	1. If any of your data has to be transferred outside of the UK, DBS will ensure that an adequate level of protection is put in place.
	2. The data held within the recruitment system is held within the United Kingdom.
	3. As part of the processing of applications, personal data may be stored on the Cabinet Office IT infrastructure and shared with data processors who provide email, document and storage management services and may be transferred and stored securely outside of the European Economic Area. Where that is the case, it will be subject to equivalent legal protection through the use of model contract clauses.
2. **Our staff and systems**
	1. All of our staff, suppliers and contractors are security vetted by the Home Office SecurityUnit prior to taking up employment. All staff are data protection trained and are aware of their data protection responsibilities. This is refreshed on an annual basis.We conduct regular compliance checks on all DBS departments and systems. All checks are to the standard set out by the Information Commissioner’s Office. In addition, continual security checks on our IT systems are undertaken.
3. **Notification of changes**
	1. If we decide to change our privacy policy, we will add a new version to our website.

**Appendix A:**

**Request for erasure of personal data**

|  |  |
| --- | --- |
| **Name:** |  |
| **Date of birth:** |  |
| **Address:** |  |
| **Telephone number:** |  |
| **Email address:** |  |
| **Please provide details of the information you are requesting to be erased, including the type of detail, what details are held, and where the data is held (if known):** |  |

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# Please return to DBSPeopleSupportTeam@dbs.gov.uk.