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Service Area: People Services
Work Area: HR
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Privacy Notice Name: DBS Check
Description of Privacy Notice: Applicants/Employees who are applying or already occupy posts which require a DBS check will need to provide details to the DBS for processing.

How we will use your information

Purpose and legal basis for using your information

Purpose of processing

Some posts within the Council are designated as having a statutory requirement for a Disclosure and Barring Service (DBS) check, while the Council has determined that some posts require a DBS check to ensure post holders / prospective post holders are suitable for working with children or vulnerable adults. The Council has also determined that DBS checks should be renewed every 3 years.

Where post holders / prospective post holders are unable to provide the identification required by the DBS in order to carry out a DBS check, an approved external ID verification service will be utilised by CCBC in order to verify identity, in order to carry out the DBS check.

Legal basis for processing

In order for the processing of personal data to be lawful under the General Data Protection Regulations 2016, a valid condition from Article 6 of the Regulations must be identified, which is outlined below:

If there is a statutory requirement for DBS check, the legal basis for processing is:

Art 6 1c. processing is necessary for compliance with a legal obligation to which the controller is subject;

If the council has determined that the post requires a DBS check or it is a DBS renewal, the legal basis for processing is:

Art 6 1f. processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

Data Protection legislation also provides extra protection for personal data in relation to criminal convictions and offences or 'special category personal data'. If any personal data falls within these categories then an additional condition for processing must be identified, as outlined below:

Data Protection Act 2018, Schedule 1 / Part 1

- 1 (1) This condition is met if—
- (a) the processing is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on the controller or the data subject in connection with employment, social security or social protection, and
 - (b) when the processing is carried out, the controller has an appropriate policy document in place (see paragraph 39 in Part 4 of this Schedule).

Consequences of not providing the information requested

If you are applying for a post that requires a DBS check, it is a requirement of the application process that you submit the required information / documents needed in order to carry out the DBS check.

In respect of a DBS renewal, it is a requirement of your terms and conditions of employment that you submit the required information / documents needed in order to carry out the DBS check.

Who will have access to your information

Identity of Data Controller and Data Protection Officer

The Data Controller for your information is Caerphilly County Borough Council (CCBC). The Data Protection Officer is:

Ms Joanne Jones
Corporate Information Governance Manager
Email: foi@caerphilly.gov.uk
Tel: 01443 864322

Details of main users of your information

- HR staff involved in the recruitment/renewal process
- CCBC staff involved in the DBS process
- Your line manager for determining your suitability for employment / continued employment with the council.

Details of any sharing of your information with other organisations

Your personal details will be shared with DBS for them to carry out the DBS check. A copy of their privacy notice can be found at:

www.gov.uk/government/publications/basic-dbs-check-privacy-policy

If you are unable to provide the identification required by the DBS in order to carry out a DBS check, an external approved ID verification service will be utilised by CCBC in order to verify identity, in order to continue with the DBS check. Currently this service is provided by Experian. Experian will check the details you supply against any database (public or otherwise) to which they have access. They may also use the information you supply in future to assist other companies for verification purposes. A copy of Experian's Privacy Notice can be found at:

www.experian.co.uk/consumer/privacy.html

Details of any external data processors

DBS checks are processed by Kent Borough County Council who are approved e-bulk brokers, on behalf of Caerphilly Borough Council.

Requests for information

All recorded information held by Caerphilly County Borough Council may be subject to requests under the Freedom of Information Act 2000, Environmental Information Regulations 2004 and the Data Protection Act 2018.

If the information you provide is subject to such a request, where possible Caerphilly County Borough Council will consult with you on its release. If you object to the release of your information we will withhold your information if the relevant legislation allows.

How long will we retain your information

Details of retention period

How long Caerphilly County Borough Council retains information is determined through statutory requirements or best practice.

The information provided to carry out a DBS check and the result of the check will be held for a maximum period of 6 months.

Your Rights (Inc Complaints Procedure)

Your rights under the Data Protection

Data Protection gives data subjects (those who the information is about) a number of rights:

- The right of subject access – Application forms for this process are available on our website: [SAR Form](#)
- The right to be informed
- The right of rectification
- The right to erasure
- The right to restrict processing
- The right to object
- The right to data portability
- Rights in relation to automated decision making and profiling.

Further information on your rights is available from: www.ico.org.uk.

To enact your rights please contact the service area detailed on the top of this form.

Complaints Procedure

If you are unhappy with the way that Caerphilly County Borough Council has handled your request / information, you have the right of complaint. Please contact the Service Area detailed at the top of this document outlining your issues.

If you remain unhappy you also have a right of complaint to the Information Commissioner's Office. Please follow this link for further information on the complaints process.

www.caerphilly.gov.uk/My-Council/Data-protection-and-freedom-of-information/Questions-and-complaints

Summary Privacy Notice

How we will use your information

We will use your information to make a decision on your suitability for employment/continued employment with the council.

The legal basis for processing is legal obligation where there is a statutory requirement for your post to have a Disclosure and Barring Service (DBS) check or where the Council has determined that your post require a DBS check or for renewals, the legal basis for processing is legitimate interests. The information provided to carry out a DBS check and the result of the check will be held for a maximum period of 6 months.

In order to process your DBS check, your information will be shared with the DBS. If you are unable to provide the identification required by the DBS in order to carry out a DBS check, your information will be shared with Experian in order to verify your identity.

You have a number of rights in relation to the information including the right of access to information we hold about you and the right of complaint if you are unhappy with the way your information is being processed.

For further information on how we process your information and your rights please click the following link:

[{Hyperlink to Full Privacy Notice on our website}](#)

How we will use your information

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The legal basis for processing is legal obligation where there is a statutory requirement for your post to have a Disclosure and Barring Service (DBS) check or where the Council has determined that your post require a DBS check or for renewals, the legal basis for processing is legitimate interests. The information provided to carry out a DBS check and the result of the check will be held for a maximum period of 6 months.

In order to process your DBS check, your information will be shared with the DBS. Further details on how your information will be processed by the DBS are available here:

www.gov.uk/government/publications/basic-dbs-check-privacy-policy

If you are unable to provide the identification required by the DBS in order to carry out a DBS check, your information will be shared with Experian in order to verify your identity. Experian will check the details you supply against any database (public or otherwise) to which they have access. They may also use the information you supply in future to assist other companies for verification purposes. Further details on how your information will be processed by Experian are available here:

www.experian.co.uk/consumer/privacy.html

You have a number of rights in relation to the information including the right of access to information we hold about you and the right of complaint if you are unhappy with the way your information is being processed.

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