

Disclosures and Disclosure Information

Adopted (7th November 2019) – Personnel Sub Committee – Minute 468 Employee Handbook

What this policy covers

The Council uses a Disclosure service to assess the suitability of individuals for employment in positions of trust. As recipients of Disclosure Information, the Council must comply fully with the relevant Code of Practice.

This policy outlines the Council's legal basis for processing and also obligations in respect of the handling, use, storage, retention and disposal of Disclosures and Disclosure Information. It also sets out your obligations regarding disclosing information and the implications of an unsatisfactory disclosure being received.

The Council's responsibilities

General principles

The Council will only process Disclosure and Disclosure Information to perform obligations or to exercise rights in employment law as provided under data protection legislation.

The Council will tell you the reasons for processing Disclosure and Disclosure Information, how it uses such data and the legal basis for this processing in its Privacy Notices.

Where a Disclosure is required for the position concerned, all application forms, job advertisements and recruitment briefs will contain a statement that a Disclosure will be conducted in the event of the candidate being offered the position.

The Council also complies fully with its obligations under data protection legislation and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure Information.

Use of disclosure information

Disclosure Information is only used for the specific purpose for which it was requested, as detailed in the Council's Privacy Notice and for which the Council has the legal right to use it and for which your full consent has been given.

In the event of an unsatisfactory Disclosure the Council will arrange to meet with you to discuss this issue and reserves the right to withdraw any employment offer or terminate your employment.

Storage and access

Disclosure Information is held separately from your personnel file and stored securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

Handling

In accordance with relevant legislation, Disclosure Information is only passed to those who are authorised to receive it in the course of their duties. The Council maintains a record of all those to whom Disclosures or Disclosure Information has been revealed and recognises that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Retention

The Council will not retain your Disclosure Information for any longer than is absolutely necessary. This retention will allow for the consideration and resolution of any dispute or complaint, or be for the purpose of completing safeguarding audits.

Throughout this time the usual conditions regarding safe storage and strictly controlled access will prevail.

Disposal

Once the retention period has elapsed, the Council will ensure your Disclosure Information is immediately destroyed by secure means. While awaiting destruction, Disclosure Information will not be stored in any unsecured receptacle (e.g. waste bin).

The Council will not keep any photocopy or other image of the Disclosure Information or any copy or representation of the contents of a Disclosure. However, the Council may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position in relation to which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.

Your responsibilities

You are required to inform the Council immediately if at any time during your employment you are questioned in connection with, charged with or convicted of any criminal offence or if you are in receipt of any notice of prosecution or police caution. Failure to notify the Council may result in disciplinary action against you, up to and including dismissal without notice for gross misconduct.