

## **Handling of DBS Certificate Information Policy**

### **General principles**

As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust, Birmingham City Council complies fully with the code of practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information.

It also complies fully with its obligations under the General Data Protection Regulation (GDPR), Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and has a written policy on these matters, which is available to those who wish to see it on request.

It is a criminal offence to disclose information in a certificate to anyone other than an employee (or member) of the Council. There are some very limited exceptions to this rule, which include where the applicant for the certificate consents, and if there is statutory obligation to provide the information to another person.

Even where you are considering disclosing information in a DBS certificate to a Council employee or member, you should do so only if strictly necessary.

### **Storage and access**

#### **e-Bulk (Electronic) Disclosures**

DBS certificates received electronically through the e-Bulk system are stored solely within the e-Bulk system for online viewing. Online access to the DBS certificates is restricted to nominated staff within Human Resources, Counter-signatories and the relevant Primary Applicant Managers, with secure password controls in place.

#### **Paper Based Disclosures**

A paper-based DBS certificate is never kept on an applicant's personnel file and is always kept separately and 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, that is, the relevant Counter-signatory, nominated staff within Human Resources and the officers involved in making the recruitment decision. The Counter-signatories are responsible for ensuring the safe and confidential storage of all disclosure information received.

### **Handling**

In accordance with section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom certificates, or certificate information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

To note: organisations which are inspected by the Care Quality Commission (CQC) or Ofsted, and those establishments which are inspected by the Care and Social Services Inspectorate for Wales (CSSIW) may be legally entitled to retain the certificate for the purposes of inspection.

In addition, organisations that require retention of certificates in order to demonstrate 'safer recruitment' practice for the purpose of safeguarding audits may be legally entitled to retain the certificate. This practice will need to be compliant with the Data Protection Act, Human

Rights Act, General Data Protection Regulation (GDPR), and incorporated within the individual organisation's policy on the correct handling and safekeeping of DBS certificate information.

### **Usage**

Certificate information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

### **Retention**

Once a recruitment (or other relevant) decision has been made, we do not keep certificate information for any longer than is necessary. This retention will allow for the consideration and resolution of any disputes or complaints or be for the purpose of completing safeguarding audits.

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

Further details regarding retention periods can be found in our corporate retention schedule which can be requested by contacting [records.management@birmingham.gov.uk](mailto:records.management@birmingham.gov.uk) if you do not have access to the Councils' intranet portal.

### **Disposal**

Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately destroyed by secure means, for example by deleting an electronic file from the server, shredding, pulping or burning. While awaiting destruction, paper certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack).

DBS certificates received electronically through the e-Bulk system are automatically deleted from the system after 180 days.

We will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, notwithstanding the above, we may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment decision taken.

### **Acting as an umbrella body**

Before acting as an umbrella body (an umbrella body being a registered body which countersigns applications and receives certificate information on behalf of other employers or recruiting organisations), we will take all reasonable steps to satisfy ourselves that they will handle, use, store, retain and dispose of certificate information in full compliance with the code of practice and in full accordance with this policy.

We will also ensure that any, body or individual, at whose request applications for DBS certificates are countersigned, has such a written policy and, if necessary, will provide a model policy for that body or individual to use or adapt for this purpose.

### **Further information**

The **DBS Code of Practice** can be found on the Government internet website by accessing the following link: <https://www.gov.uk/government/publications/dbs-code-of-practice>