

# Handling of DBS Certificate Information

## 1. 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, Middlesbrough 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.

## 2. Storage and access

Certificate information is kept securely, in a lockable, non-portable, storage container with access strictly controlled and limited to those who are entitled to see it as part of their duties.

## 3. 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.

## 4. Usage

Certificate information is only used for the specific purpose for which it was requested i.e. applications for hackney carriage and private hire vehicle driver licences and for which the applicant's full consent has been given.

## 5. Retention

Once a 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.

## 6. Disposal

Once the retention period has elapsed, we will ensure that any DBS certificate information is returned to the applicant.

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 application decision taken.

## 7. 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.

# Middlesbrough Council – Privacy Policy

## Who are we and what do we do?

Middlesbrough Council has a statutory duty to regulate Hackney Carriage and Private Hire vehicle activities in the borough. The Council need to collect your personal information to carry out this function.

## What type of personal data do we collect and how do we collect it?

We may collect the following types of Personal Data:

- Name
- Contact details (postal address, telephone number, email address, etc)
- Date of Birth
- DVLA or overseas driving licence details
- Photographs
- Certificate of Good Conduct (where required)
- Proof of Identity e.g. passport
- Country of origin and/or nationality
- Proof of Right to Work in UK
- National Insurance Number
- Details of knowledge of, driver skills and English language assessments/qualifications
- Completed medical forms and any supporting medical information from general practitioners or specialists
- Vehicle Registration Marks (VRMs) and Vehicle Identification Numbers (VINs)
- Outcomes of Disclosure and Barring Service (DBS) checks
- Motor Insurance
- Details of cautions or traffic or other criminal offences
- Complaints made about drivers or operators
- The licence and/or badge number issued to you or your vehicle by Licensing

We may collect your Personal Data in a number of ways, for example:

- when you contact us direct either via telephone or email;
- when you register with us via My Middlesbrough
- when you make applications on line

## How the Law allows us to use your personal data

Middlesbrough Council has a statutory duty to regulate hackney carriage and private hire activities in the borough. The Council needs to collect your personal information to carry out this function.

Under the provisions of the Data Protection Regulations we must be able to satisfy one or more conditions for processing in relation to our processing of personal data. The Council relies on the following lawful condition for processing your personal information:

Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

Most of the information that we hold is provided by you in your licence application and the supporting documents you provide with it.

The law requires us to verify that applicants for driver licences as well as individuals applying for a private hire operator's licence have the right to work in the UK. Where necessary, we may need to verify your information with the Home Office and/or the Department for Work and Pensions (DWP).

We may also verify other information about you or your vehicle during the period that your licence is valid. This is to ensure your continuing fitness to hold your licence.

The police may inform us if you are arrested or charged with a criminal offence. This is known as Common Law Police Disclosure. We may use this information to decide whether it is appropriate to suspend or revoke your licence.

## What is your personal data used for?

- To provide you with our services, and to develop and improve the services;
- To ensure that the information we hold about you is kept up-to-date;
- To protect, manage and administer your account and provide you with information when necessary;
- To request information from you
- To deal with any problems or complaints that arise
- To prevent, detect and prosecute fraud and other crime; and
- deliver services and support to you;
- manage those services we provide to you;
- train and manage the employment of our workers who deliver those services;
- help investigate any worries or complaints you have about your services;
- keep track of spending on services;
- check the quality of services; and
- to help with research and planning of new services.
- most of the personal information we hold is provided by you in your licence application and the supporting information you include with it.
- We need to verify the right to work status of licence applicants, and in the case of private hire operators, all of the individuals named on the operator licence. Where necessary, we will do this by verifying your information with the Home Office.
- If you apply for, or renew, a hackney carriage or private hire driver licence, you may be required to demonstrate a certain standard of English language competence. If you already have a qualification, Licensing may verify this with the relevant educational establishment or examination board.

## Will your personal data be shared?

Licensing has contracts with a number of third party service providers that support the day-to-day operation of our licensing services.

We may also enter into specific information sharing arrangements with partners such as local authorities where it would support our statutory functions. Any information sharing is managed in accordance with relevant privacy and data protection legislation.

Licensing also shares personal information with, (and receives information from) a number of other organisations as part of the licensing process and to ensure an individual's or vehicle's ongoing fitness to hold a licence once issued. Such organisations may include the Police, DBS, DVLA, DVSA, Home Office, DWP, MIB, and local authorities. Any information sharing is managed in accordance with relevant privacy and data protection legislation

## How do we keep your personal data secure?

The security of your personal information is important to us. This is why we follow a range of security policies and procedures to control and safeguard access to and use of your personal information.

## How long will we keep your personal data?

After we deliver a service to you, we have to keep your information as a business record of what was delivered.

The retention periods for Licences are 2 years from the lapse of the licence.

The retention periods for financial information are kept for 6 years.

## Is your personal data processed overseas?

We do not send your personal information outside the EEC to be processed.

## Marketing

At no time will your information be passed to organisations external to us and our partners for marketing or sales purposes or for any commercial use without your prior express consent.

## What are your information rights?

Your Information Rights are set out in the law. Subject to some legal exceptions, you have the right to:

- to have any inaccuracies corrected;
- to have your personal data erased;
- to place a restriction on our processing of your data;
- to object to processing; and
- to request your data to be ported (data portability).
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**To exercise any of these rights please contact the service in the first instance.**

You also have the right to request a copy of the personal information council holds about you. To do this, please use this link <https://www.middlesbrough.gov.uk/open-data-foi-and-have-your-say/data-protection>.

If something goes wrong with your personal information, or you have questions about how we use it, please contact the

**Data Protection Officer**

**Middlesbrough Council**

PO Box 500 Middlesbrough TS1 9FT

01642 245432

Email [dataprotection@middlesbrough.gov.uk](mailto:dataprotection@middlesbrough.gov.uk)

<https://www.middlesbrough.gov.uk/open-data-foi-and-have-your-say/data-protection>

## Suitability of Ex-Offenders for Employment Policy

- as an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), Middlesbrough Council complies fully with the [code of practice](#) and undertakes to treat all applicants for positions fairly
- Middlesbrough Council undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed
- Middlesbrough Council can only ask an individual to provide details of convictions and cautions that Middlesbrough Council are legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended)
- Middlesbrough Council can only ask an individual about convictions and cautions that are not protected
- Middlesbrough Council is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background
- Middlesbrough has a written policy on the vetting of ex-offenders, which is made available to all DBS applicants at the start of the application process
- Middlesbrough Council actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records
- Middlesbrough Council consider all applicants against the Councils Policy Guidance to Applicants, Licensed Drivers and Members of the Licensing Committee.
- an application for a criminal record check is always submitted to DBS for an enhanced disclosure given the nature of the position applied for and all application forms contain a statement that an application for a DBS certificate will be submitted upon application for a licence
- Middlesbrough Council ensures that all those in the Licensing Section who are involved in the application process have been suitably trained to identify and assess the relevance and circumstances of offences
- Middlesbrough Council also ensures that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974
- at interview, or in a separate discussion, Middlesbrough Council ensures that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment
- Middlesbrough Council makes every subject of a criminal record check submitted to DBS aware of the existence of the [code of practice](#) and makes a copy available on request
- Middlesbrough Council undertakes to discuss any matter revealed on a DBS certificate with the individual seeking a licence prior to making a decision whether or not to grant a licence.