

## DATA HANDLING POLICY(Access NI)

### Safety & Security of Information

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## CONTENTS PAGE

Paragraph	Description	Page Number
1.0	General Principles	3
2.0	Storage & Access	3
3.0	Handling	3
4.0	Usage	3
5.0	Retention	3
6.0	Disposal	4
7.0	Monitoring & Review	4

## **1.0 INTRODUCTION**

As an organisation using Access NI to help access the suitability of applicants for positions of trust, Mid Ulster District Council complies fully with Access NI's Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosure Applications and Disclosure information.

The Council also fully complies with obligations under the Data Protection Act 1998 and other relevant legislative requirements with regard to the safe handling, storage, retention and disposal of Disclosure Information.

## **2.0 STORAGE & ACCESS**

Disclosure information is to be kept 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.

## **3.0. HANDLING**

In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties.

Mid Ulster District Council shall maintain a record of all those to whom Disclosures or Disclosure information has been revealed. The Council recognises it is a criminal offence to pass this information to anyone who is not entitled to receive it.

## **4. USAGE**

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

## **5.0 RETENTION**

Once a recruitment (or other relevant appointment, regulatory) decision has been taken, the Council does not keep Disclosure information for any longer than is necessary. The Council shall comply with Access NI's Code of Practice requirement to ensure that all Disclosure certificates will be destroyed once a decision, recruitment or otherwise has been made and will be retained no longer than six months from the date of issue.

## **6.0 DISPOSAL**

Once the retention period has elapsed, Mid Ulster District Council will ensure that any Disclosure information is immediately destroyed by secure means i.e. by shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in any unsecured receptable (e.g. waste-bin or confidential sack). The Council will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure or any other relevant non-conviction information supplied by police. However, despite the above, 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 for which the Disclosure was requested, the Access NI unique reference number of the Disclosure Certificate and the details of the recruitment decision.

## **7.0 MONITORING & REVIEW**

This policy will be reviewed regularly by the Council and, if necessary, revised in consultation with recognised Trade Unions in light of changing legislation and Access NI's Code of Practice.

# POLICY ON THE RECRUITMENT OF EX-OFFENDERS

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	Child Protection Policy Safeguarding Adults Policy
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## CONTENTS PAGE

Paragraph	Description	Page Number
1.0	Policy Statement	3
2.0	Context	3
3.0	Aims & Objectives	3
4.0	General Principles	3
5.0	Roles & Responsibilities	3-4
6.0	Monitoring & Review	5

## **1.0 POLICY STATEMENT**

Mid Ulster District Council complies fully with the Code of Practice, issued by the Department of Justice, in connection with the use of information provided to registered persons, their nominees and other recipients of information by Access NI under Part V of the Police Act 1997, for the purposes of assessing Applicant's suitability for employment purposes, voluntary positions and other relevant purposes.

Mid Ulster District Council undertakes to treat all applicants for positions fairly and not to discriminate unfairly or unlawfully against the subject of a Disclosure on the basis of conviction or other information revealed.

## **2.0 CONTEXT**

This policy will be made available to all Disclosure applicants at the outset of the recruitment process.

## **3.0. AIMS & OBJECTIVES**

Mid Ulster District Council is committed to equality of opportunity (see Council's separate Equal Opportunities Policy) to following practices, and to providing a service which is free from unfair and unlawful discrimination. The Council seeks to ensure that no applicant or member of staff is subject to less favourable treatment on the grounds of gender, marital status or family status, race\*, colour, nationality, ethnic or national origins, age, sexual orientation, responsibilities for dependants, physical or mental disability, religious belief or political opinion, trade union membership or non-membership or criminal record\*\*.

\*The word race is to be understood, in line with the Race Relations (NI) Order, to include colour, race, nationality or ethnic or national origins.

\*\*Criminal record will be seen in light of his/her overall application, ability to do the job and responsibility of an employer for the care of other employees and service users. Only offences relevant to the post in question will be considered.

## **4.0. GENERAL PRINCIPLES**

Mid Ulster District Council actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with criminal records. The selection process will be based on the required standard of skills, competencies, qualifications and experience as outlined in the essential and desirable criteria included in the person specification for the post.

## **5.0 ROLES & RESPONSIBILITIES**

Mid Ulster District Council will request an AccessNI Disclosure only where this is

considered proportionate and relevant to the particular position. This will be based on a thorough risk assessment of that position and having considered the relevant legislation which determines whether or not a Standard or Enhanced Disclosure is required for the position. Where an AccessNI Disclosure is deemed necessary for a post or position, all applicants will be made aware at the initial recruitment stage that the position will be subject to a Disclosure check and that the Council will request the candidate recommended for appointment to undergo an appropriate AccessNI Disclosure check.

In line with the Rehabilitation of Offenders (Exceptions) (Northern Ireland) Order 1979 (as amended in 2014), Mid Ulster District Council will only ask about convictions which are defined as 'not protected' for the purposes of obtaining a Standard or Enhanced disclosure.

The Council undertakes to ensure an open, measured and documented discussion with the applicant on the subject of any offences and other matters that might be considered relevant for the position concerned e.g. the individual is applying for a driving job but has a criminal history of driving offences. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of the conditional offer of employment.

Mid Ulster District Council may also consider discussing with the applicant any matter revealed in a Disclosure Certificate, which is not relevant to the position. The Council is only able to discuss what is contained on a Disclosure Certificate, and not what may have been sent under separate cover by the Police, with the subject of that Disclosure before considering withdrawing a conditional offer of employment.

The Human Resources Department will ensure that all those in Mid Ulster District Council who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of Disclosure information. The Human Resources Department will also ensure that those staff have received appropriate guidance and training in the relevant legislation relating to employment of ex-offenders (e.g. Rehabilitation of Offenders (Northern Ireland) Order 1978).

The Human Resources Department will undertake to make every subject of an AccessNI Disclosure aware of the existence of the AccessNI's Code of Practice, and to make a copy available on request.

**HAVING A CRIMINAL RECORD WILL NOT NECESSARILY DEBAR YOU FROM WORKING WITH MID ULSTER DISTRICT COUNCIL. THIS WILL DEPEND ON THE NATURE OF THE POSITION, TOGETHER WITH THE CIRCUMSTANCES AND BACKGROUND OF YOUR OFFENCES OR OTHER INFORMATION CONTAINED ON A DISCLOSURE CERTIFICATE OR PROVIDED DIRECTLY TO COUNCIL BY THE POLICE.**



## **6.0 Monitoring and Review**

This policy will be reviewed regularly by the Council and, if necessary, revised in consultation with recognised Trade Unions in light of changing legislation and Access NI's Code of Practice.