



## Privacy Notice Disclosure and Barring Service (DBS) - Council Employees

When processing your personal data, the council is required under Articles 13 and 14 of the UK General Data Protection Regulation (UKGDPR) to provide you with the information contained in this document.

### Data Controller

<b>Name</b>	Cumbria County Council
<b>Address</b>	Cumbria House, 117 Botchergate, Carlisle, Cumbria CA1 1RD
<b>Registration Number</b>	Z5623112

You can search the Information Commissioner's Register of Fee Payers at:  
<https://ico.org.uk/about-the-ico/what-we-do/register-of-fee-payers/>

### Data Protection Officer

The council's Data Protection Officer is Claire Owen. You can contact the Data Protection Officer by:

Email: [dataprotection@cumbria.gov.uk](mailto:dataprotection@cumbria.gov.uk)  
Post: Cumbria County Council, Legal and Democratic Services, 1<sup>st</sup> Floor,  
Cumbria House, 117 Botchergate, Carlisle, Cumbria CA1 1RD  
Online: [Contact Form](#)

### Why do we need DBS checks?

At Cumbria County Council, we deliver a wide range of services to the community and employ individuals from various professions and sectors. Many of these sectors, especially those that involve working with vulnerable people, have regulations and/or guidance in place to ensure those services are delivered safely.

These regulations and guidance include safer recruitment practices which need to be adhered to when assessing someone's suitability to undertake some specific work.

Part of these safer recruitment practices include the need to consider an individual's relevant criminal history when making decisions about whether they are suitable for all or part of the job. For some roles, we are also required to check that an individual is not barred from carrying out specific activities with children and/or adults – this is known as checking “the barred list”.

DBS certificates provide us with the relevant information needed to make these decisions and as such, for many of our roles, DBS checking forms a fundamental part of our pre-employment clearance process.

## What is the Disclosure and Barring Service (DBS)?

DBS stands for Disclosure and Barring Service. The Disclosure and Barring Service discloses relevant information about an individual's criminal history and barred list status (through a DBS certificate). It also maintains the Adults' and Children's' Barred Lists and makes considered decisions on whether an individual should be placed on those lists and barred from undertaking certain activities with adults and / or children.

To find out more about how the Disclosure and Barring Service process your information please see [About the Disclosure and Barring Service](#).

## DBS Certificate Levels

DBS certificates are sent to individuals directly from the Disclosure and Barring Service. Individuals are then required to present their DBS certificate to a designated officer at Cumbria County Council (usually the line manager) so that the certificate can be checked, and the content can be carefully and proportionally considered.

There are 3 main types of DBS certificates which return different levels of information about a person's criminal background and/or suitability to work with children and /or adults. These are:

- [Standard Level DBS](#)
- [Enhanced Level DBS](#)
- [Enhanced Level DBS with barred list check](#)

Each of the DBS certificate levels above, will return details of relevant spent or unspent criminal activity. The certificates will not include any information related to protected or “filtered” criminal activity. If a DBS clearance is needed, this will be indicated on the advert, the job specification, or the recruitment information for the role.

## DBS Eligibility

Not all roles that involve working with children or vulnerable adults require a DBS check and employers can only request a barred list check against specific roles. It is a criminal offence to undertake a DBS check when there is no requirement for one. It

is therefore essential that the correct level of DBS check is identified against the role to ensure the appropriate safeguards are in place and no-one is checked unnecessarily.

At Cumbria County Council, we only check roles that are exempt from the Rehabilitation of Offenders Act. At Cumbria County Council, each role has been individually assessed to determine the correct level of DBS certificate needed. This list is held centrally against the post details and can be found here: [Link to DBS allocation List](#).

Senior Managers in conjunction with People Management/HR Provider will consider whether a role needs a DBS check in the following circumstances:

- when a new role is created
- where the activities undertaken within the role change
- when there is a change in frequency of certain activities (e.g., the role now involves working with children more than once a week or more than 3 times a month when previously this was undertaken on an ad hoc basis)
- when the role's work base changes (e.g. where an office-based admin role is relocated to work in a care home or school)
- when a line management role has a new responsibility and now supervises individuals that require a DBS check and /or will be undertaking regulated activity.

## Frequency of Checks

For employment purposes, the DBS check forms part of the recruitment process and allows employers to make safe and informed recruitment decisions about a candidate's suitability for a role. Thereafter, DBS checks are undertaken, as part of the contract of employment, every 3 years so that this suitability can continue to be considered.

Occasionally, additional checks are processed, for example if there is alleged criminal activity during employment. In these circumstances, line managers must inform their People Management team and a counter signatory in the service centre, who will initiate the checking process.

Further information can be found at: [Cumbria County Council's Safer Employment and Criminal Convictions procedure \(PDF 632KB\)](#).

## Applying for a DBS Certificates through Cumbria County Council

Cumbria County Council is a Registered Body for the DBS, meaning we are authorised to process DBS applications on behalf of Cumbria County Council, and other organisations that wish to use our DBS umbrella service. As a Registered Body we are required to comply with the [DBS Code of Practice](#) which outlines our obligations in relation to the DBS application process.

Obtaining DBS certificates at any level, will follow the same process.

Individuals are requested to complete a DBS application form. This application form may be paper based, or online. Currently, new/ prospective employees are asked to complete an online application form, whilst existing employees (rechecks) use the paper application process.

Our online checks are processed via a third-party Registered Body, called Cantium Business Solutions, whilst our paper-based applications are processed in-house. To find out how Cantium Business Solutions process your information please see the [Cantium Business Solutions DBS Privacy Notice](#). We currently use a third party to undertake our recruitment DBS checks as in most cases, the DBS clearance is returned faster than the paper application process.

If a DBS check is referred to Cantium Business Solutions to carry out, Cumbria County Council, with the individual's consent, will provide Cantium Business Solutions with the individual's personal email address which is needed to initiate the online check.

Following the completion of the application form, individuals are required to present valid documents that confirm their identity. Individual's will be provided with information outlining which ID documents are acceptable for the DBS application. They will present these to an ID verifier within Cumbria County Council- usually the individual's future or current line manager, a counter signatory, or a member of Cumbria County Council's library service.

The ID verifier will check the validity of the documents presented and complete an internal form to confirm this. This form will also outline the ID details that are required for the DBS application. This internal form will be sent to one of a small number of designated counter signatories who will process the form. These counter signatories sit within Cumbria County Council's service centre team.

The counter signatories use the internal ID verification form to cross reference the information provided with the information on the individual's online or paper application form. They check for any inconsistencies in the information, errors or questions regarding the validity of the individual's Identity documentation. Additionally, they check that the DBS level that is being applied for, is appropriate.

Should any questions arise, the counter signatories may use your contact details to get in touch and confirm any small inconsistencies over the phone. Sometimes, they may require you to complete and submit a new DBS application form. In the process of doing this, they will be required to confirm your identity. All invalid paper application forms are disposed of confidentially following the completion of the application process.

The counter signatories will securely store your paper DBS application form and internal ID verification form whilst processing the DBS application. They will confidentially dispose of any paperwork containing sensitive information once the application process has concluded.

Once satisfied with the content of the application form, the counter signatories will either submit your paper application form directly to the Disclosure and Barring Service or confirm the accuracy of the online application to Cantium Business Solutions.

Cantium Business Solutions, will then submit the electronic application form to the Disclosure and Barring Service for the purposes of progressing the DBS certificate.

To find out more about how The Disclosure and Barring Service process your information please see [About the Disclosure and Barring Service](#).

## Presenting the DBS certificate and Assessing DBS Clearance

### *Receiving and presenting a DBS Certificate*

Following the application process a DBS certificate detailing any relevant criminal offences is sent via mail to the individual's postal address. A copy of this certificate is not provided to the Council. The document is the individual's property.

All DBS applications that have been processed for employment purposes with CCC, need to be presented, by the individual, to Cumbria County Council so the content within the certificate can be carefully and proportionally considered against the requirements of the job.

If an application was processed online and there is no criminal offence, or barred list information contained within the certificate, Cumbria County Council will receive an email from Cantium Business Solutions, prior to the certificate being received, to confirm that the individual's certificate contains no information.

The individual will be required to show their certificate to their prospective/existing line manager who will verify the DBS certificate. Where the certificate is assessed as satisfactory, the manager will confirm the following details to the service centre, who will record this information against the individual's recruitment or employee personal file:

- Name of applicant
- Check level undertaken
- DBS certificate number
- Date of Issue
- Officer that verified it.

No information relating to criminal offence content is disclosed to the service centre or recorded.

### *DBS Clearance -assessing DBS Certificates for Suitability for Employment*

New DBS certificates, at the correct level, that are presented to the council are automatically assessed as satisfactory if they contain no criminal offence information.

In circumstances where a DBS certificate contains relevant offence information, the prospective/ existing line manager will discuss the content with the individual and undertake a risk assessment which will form part of the process for considering the individual's suitability for employment.

With the consent of the individual, this risk assessment is then provided to a decision maker within the council to decide if the applicant is suitable for employment, or if any adjustments or measures are needed to the role as a result of the risk assessment. The decision maker is normally the Assistant Director for the service, who has been trained in making proportionate decisions on matters relating to the rehabilitation of ex-offenders. Our Rehabilitation of Ex-Offenders policy can be found [here](#). In some circumstances, the decision maker may seek advice from a member of the People Management team, or the Local Authority Designated Officer (LADO).

As part of that risk assessment, the individual will be asked to provide further information relating to the criminal offence committed. In some circumstances, Cumbria County Council may ask the individual to present further evidence, such as police reports, to verify the information provided verbally by the individual.

Should a risk assessment be carried out, a copy of this will be stored on the individual's personnel file, or the recruitment file.

## Data Handling

Any records relating to DBS data must be handled and recorded in line with DBS Data Handling, Use, Storage, Retention and Disposal Procedure.

This notice describes the way data is collected, used and shared for each of the checks listed above.

## Standard Level DBS

There are two parts to the DBS process that involve access to information. These are:

1. [Applying for a DBS certificate](#)
2. [Presenting the DBS certificate and Assessing DBS clearance](#)

Data Type	Legal Basis <sup>1</sup>	Relevant Legislation	Automated Decision-Making/Profiling	Data Transfers	Data Recipients
<b>DBS Application Process:</b> <ul style="list-style-type: none"> <li>• title</li> <li>• name(s)</li> <li>• previous names since birth</li> <li>• gender</li> <li>• date of birth</li> <li>• birth town/country</li> <li>• addresses (including previous addresses)</li> <li>• contact details i.e. telephone, email</li> <li>• nationality</li> </ul> Special Category Data:	Personal Data: UKGDPR Article 6(1) (b) Contract UKGDPR Article 6(1) (c) Legal Obligation  Special Category Data: UKGDPR Article 9(2) (b) Employment/social security and social protection	Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975  Police Act Regulations (1997)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Internal <input checked="" type="checkbox"/> External <sup>2</sup>  External Organisation: <a href="#">Cantium Business Solutions</a>  <a href="#">Disclosure and Barring Service</a>

<sup>1</sup> Where the council is relying on UKGDPR Article 6(1)(c) all Relevant Legislation should be listed.

<sup>2</sup> If data is being shared with an external recipient the name must be given in the box provided.



<ul style="list-style-type: none"> <li>• identity documents e.g. driving licence, passport details</li> <li>• National Insurance Number</li> <li>• Changes to personal circumstances</li> <li>• Criminal record information</li> </ul> <p><b>DBS Standard Certificate Information:</b></p> <ul style="list-style-type: none"> <li>• Full Name</li> <li>• Previous known names</li> <li>• Date of birth</li> <li>• Full residential address</li> <li>• Unspent criminal offences</li> <li>• Spent criminal offences, that are not protected or filtered from an individual's record.</li> <li>• An example of criminal offences may include convictions, cautions, reprimands or warnings</li> </ul>					
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## Enhanced Level DBS

There are two parts to the DBS process that involve access to information. These are:

1. [Applying for a DBS certificate](#)
2. [Presenting the DBS certificate and Assessing DBS clearance](#)

Data Type	Legal Basis <sup>3</sup>	Relevant Legislation	Automated Decision-Making/Profiling	Data Transfers	Data Recipients
<p><b>DBS Application Process:</b></p> <p>Personal Data:</p> <ul style="list-style-type: none"> <li>• title</li> <li>• name(s)</li> <li>• previous names since birth</li> <li>• gender</li> <li>• date of birth</li> <li>• birth town/country</li> <li>• addresses (including previous addresses)</li> <li>• contact details i.e. telephone, email</li> <li>• nationality</li> </ul> <p>Special Category Data:</p>	<p>Personal Data: UKGDPR Article 6(1) (b) Contract UKGDPR Article 6(1) (c) Legal Obligation</p> <p>Special Category Data: UKGDPR Article 9(2) (b) Employment/social security and social protection</p>	<p>Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975</p> <p>Police Act Regulations (1997)</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Internal <input checked="" type="checkbox"/> External <sup>4</sup>  <p>External Organisation: <a href="#">Cantium Business Solutions</a>   <a href="#">Disclosure and Barring Service</a></p>

<sup>3</sup> Where the council is relying on UKGDPR Article 6(1)(c) all Relevant Legislation should be listed.

<sup>4</sup> If data is being shared with an external recipient the name must be given in the box provided.

<ul style="list-style-type: none"> <li>identity documents e.g. driving licence, passport details</li> <li>National Insurance Number</li> <li>Changes to personal circumstances</li> <li>Criminal record information</li> </ul> <p><b>DBS Enhanced Certificate Information:</b></p> <ul style="list-style-type: none"> <li>Full Name</li> <li>Previous known names</li> <li>Date of birth</li> <li>Full residential address</li> <li>Unspent criminal offences</li> <li>Spent criminal offences, that are not protected or filtered from an individual's record.</li> <li>Any other relevant criminal information held by the local police that the Chief Officer reasonably believes to be relevant.</li> <li>An example of criminal offences may include convictions, cautions, reprimands or warnings</li> </ul>				
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## Enhanced Level DBS with barred list check

There are two parts to the DBS process that involve access to information. These are:

- [Applying for a DBS certificate](#)
- [Presenting the DBS certificate and Assessing DBS clearance](#)

Data Type	Legal Basis <sup>5</sup>	Relevant Legislation	Automated Decision-Making/Profiling	Data Transfers	Data Recipients
<p><b>DBS Application Process</b></p> <p>Personal Data:</p> <ul style="list-style-type: none"> <li>title</li> <li>name(s)</li> <li>previous names since birth</li> <li>gender</li> <li>date of birth</li> <li>birth town/country</li> <li>addresses (including previous addresses)</li> </ul>	<p>Personal Data: UKGDPR Article 6(1) (b) Contract UKGDPR Article 6(1) (c) Legal Obligation</p> <p>Special Category Data: UKGDPR Article 9(2) (b) Employment/social security and social protection</p>	<p>Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975</p> <p>Police Act Regulations (1997)</p> <p>Safeguarding Vulnerable Groups Act 2006,</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Internal <input checked="" type="checkbox"/> External <sup>6</sup>  External Organisation: <a href="#">Cantium Business Solutions</a>  <a href="#">Disclosure and Barring Service</a>

<sup>5</sup> Where the council is relying on UKGDPR Article 6(1)(c) all Relevant Legislation should be listed.

<sup>6</sup> If data is being shared with an external recipient, the name must be given in the box provided.



<ul style="list-style-type: none"> <li>• contact details i.e. telephone, email nationality</li> </ul> <p>Special Category Data:</p> <ul style="list-style-type: none"> <li>• identity documents e.g. driving licence, passport details</li> <li>• National Insurance Number</li> <li>• Changes to personal circumstances</li> <li>• Criminal record information</li> </ul> <p><b>DBS Enhanced Certificate Information with barred list check:</b></p> <ul style="list-style-type: none"> <li>• Title</li> <li>• Full Name</li> <li>• Gender</li> <li>• Previous known names</li> <li>• Date of birth</li> <li>• Full residential address</li> <li>• Unspent criminal offences</li> <li>• Spent criminal offences, that are not protected or filtered from an individual's record.</li> <li>• Any other relevant criminal information held by the local police that the Chief Officer reasonably believes to be relevant.</li> <li>• Confirmation where the applicant is in the list of people barred from working in regulated activity with children and / or other vulnerable groups.</li> <li>• An example of criminal offences may include convictions, cautions, reprimands or warnings</li> </ul>		<p>as amended by the Protection of Freedoms Act 2012</p> <p>Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (SVG0).</p>			
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## Failure to Provide Data

As there is a statutory and contractual basis for collecting your personal data if you do not provide the following, we may be unable to progress your DBS disclosure application which may affect your ability to commence/continue in a job role or voluntary position.

## Redaction

We operate a policy where we routinely redact the following details before making forms and documents available online:

- contact details e.g., telephone numbers, email addresses
- signatures
- personal or special category data
- information agreed to be confidential or commercially sensitive

Occasionally it may be considered necessary, justified, and lawful to disclose data that appears in the list above. In these circumstances the council will make all reasonable efforts to contact you if this processing is going to have an impact on your rights or privacy.

## Data Security and Retention

All of the information you give us will be kept safe and secure whether it is written or on a computer system. We will treat any personal information confidentially and will comply with the UKGDPR/Data Protection Act 2018. This means that, if we keep any of your personal data we must:

- tell you what information we need to collect from you
- only use the information for the reason we have agreed with you
- not ask for more information than we need to provide the services
- let you see any information we have collected about you, on request
- keep the information safe, secure and confidential
- personal information will be deleted in accordance with council policy

The information you supply will be kept on a secure council system and can only be accessed by authorised employees within the Service Centre team.

Cumbria County Council will only store your information for as long as is legally required in accordance with the council's Retention and Disposal Schedule.

We will hold your personal information for a period of up to 6 months following receipt of your disclosure and a recruitment (or other relevant) decision has been made and the application archived.

In very exceptional circumstances where it is considered necessary to keep Disclosure information for longer than six months, we will consult the DBS about this and give full consideration to the Data Protection and Human Rights of the individual subject before doing so.

For further information on how long the council keeps your data please contact the Records Management Service at: [record.centre@cumbria.gov.uk](mailto:record.centre@cumbria.gov.uk).

## Your Rights - Data Subject Access

The UKGDPR provides you with the right to access information the council, as a public authority holds about you. Upon receipt of a valid request the council will:

- provide you with a response within one month
- let you know if your request is subject to an extension
- make reasonable efforts to comply with the format of your request
- inform you if your request is going to be refused or a charge is payable.

You can make a Data Subject Access Request by contacting:

Email: [information.governance@cumbria.gov.uk](mailto:information.governance@cumbria.gov.uk)  
Post: Cumbria County Council, Information Governance Team  
Parkhouse, Baron Way, Carlisle CA6 4SJ  
Telephone: (01228) 221234  
Online: [Contact Form](#)

## Your Rights - Other

In addition to your right of access the UKGDPR also gives you the following rights:

- the right to be informed via the council's Privacy Notice
- the right to withdraw your consent. If we are relying on your consent to process your data, then you can remove this at any point
- the right of rectification, we must correct inaccurate or incomplete data within one month
- the right to erasure. You have the right to have your personal data erased and to prevent processing unless we have a legal obligation to process your personal information
- the right to restrict processing. You have the right to suppress processing. We can retain just enough information about you to ensure that the restriction is respected in future
- the right to data portability. We can provide you with your personal data in a structured, commonly used, machine readable form when asked
- the right to object. You can object to your personal data being used for profiling, direct marketing or research purposes
- you have rights in relation to automated decision making and profiling, to reduce the risk that a potentially damaging decision is taken without human intervention.

Where our processing of your personal data is based on your consent, you have the right to withdraw your consent at any time. If you do decide to withdraw your consent, we will stop processing your personal data for that purpose, unless there is another lawful basis we can rely on – in which case, we will let you know. Your withdrawal of your consent will not impact any of our processing up to that point.

Where our processing of your personal data is necessary for our legitimate interests, you can object to this processing at any time. If you do this, we will need to show either a compelling reason our processing should continue, which overrides your interests, rights, and freedoms or that the processing is necessary for us to establish, exercise or defend a legal claim.

Unless otherwise stated above you can exercise any of these rights by contacting:

Email: [dataprotection@cumbria.gov.uk](mailto:dataprotection@cumbria.gov.uk)  
Post: Cumbria County Council, Legal and Democratic Services, 1<sup>st</sup> Floor,  
Cumbria House, 117 Botchergate, Carlisle, Cumbria CA1 1RD  
Online: [Contact Form](#)

## Verifying Your Identity

When exercising the rights mentioned above please be aware that under UKGDPR Article 12(6) additional information can be requested to verify that you are the data subject if your identity is unconfirmed. Please note that:

- additional documentation is only required when the council cannot verify your identity using internal council systems that relate to the service you are requesting information about
- the council will contact you for this documentation prior to processing your request
- the statutory deadline for responding to your request will start when you have provided the additional documentation
- failure to provide additional documentation may lead to the council rejecting your request.

## Complaints

If you have any concerns about the information contained in this Privacy Notice, please contact: [resourcing@cumbria.gov.uk](mailto:resourcing@cumbria.gov.uk)

If you have concerns about the way the council has processed your data, please contact the council's Data Protection Officer via:

Email: [dataprotection@cumbria.gov.uk](mailto:dataprotection@cumbria.gov.uk)  
Post: Cumbria County Council, Legal and Democratic Services, 1<sup>st</sup> Floor,  
Cumbria House, 117 Botchergate, Carlisle, Cumbria CA1 1RD  
Online: [Contact Form](#)

If you are not satisfied with our response or believe we are not processing your personal data in accordance with the law you can complain to the Information Commissioner's Office (ICO): <https://ico.org.uk/make-a-complaint/your-personal-information-concerns/>