

## DBS checks - quick guidance for colleagues

### Data protection considerations

- Information obtained from a DBS certificate falls under the category of “**special category data**” as defined under the **General Data Protection Regulation (GDPR)**<sup>1</sup>. As such, the GDPR’s principles apply to the secure storage, handling, use, retention and disposal of DBS certificates and other special category data about individuals that the Society, across all its businesses, may process.

It is recommended that the following guidelines are followed:

- DBS certificates and relevant information must 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
- DBS information must only be used for the specific purpose for which it was requested, and for which the applicant’s consent has been obtained
- in line with the Home Office’s DBS Code of Practice, DBS certificates and certificate information should be destroyed after a suitable period has passed, **usually not more than 6 months**; following that, any DBS information must be destroyed by secure means, for example by shredding. While awaiting destruction, DBS information must be kept in a secure location
- **Childcare only** – DBS certificates can be retained until the next scheduled Ofsted inspection, even if this falls after the recommended 6 months’ period. Once the inspection has taken place, the DBS certificates, and any related sensitive information, must be disposed of in accordance with the disposal recommendations in the Society’s Data Retention and Disposal Policy
- Photocopies or other images of DBS information, or any copy or representation of the contents of a DBS certificate must not be retained. However, **relevant colleagues may keep a record** of the date of issue of a DBS certificate, the name of the subject, the type of certificate requested, the

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<sup>1</sup> Article 9: “[...] personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation [...]” and Article 10: “Processing of personal data relating to criminal convictions and offences or related security measures [...]”.

position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment decision taken

- **(Childcare and Travel only)** - **Industry-regulated** business groups should also be mindful of any additional guidance or good practice their Regulators may have issued, or any specific procedures they are required to adhere to.

## Overview & eligibility

- Criminal Records Bureau (CRB) checks are now called **Disclosure and Barring Service (DBS)** checks
- A DBS check has **no official expiry date**. Any information included on a DBS certificate will be accurate at the time the check was carried out
- It is up to an employer to decide if and when a new check is needed
- Access to the DBS checking service is only available to registered employers who are **entitled by law** to ask an individual to reveal their full criminal history (other than protected cautions and convictions), including spent convictions - also known as asking ‘an exempted question’
- An employer may request a criminal records check as part of its recruitment process, either directly (if registered) or through an **authorised umbrella body**. The Home Office provides an online tool to find one: <https://dbs-ub-directory.homeoffice.gov.uk/>
- The Society is not a registered employer, but processes its requests through a registered umbrella body, **Atlantic Data Ltd**<sup>2</sup>
- Job applicants can’t do a criminal records check on themselves. Instead, they can apply online for a **basic disclosure** from Disclosure Scotland (you don’t have to be from Scotland to use this service). There is an applicable fee of £25 for this service. Online applications can be made here: <https://pvg.disclosurescotland.co.uk/dspvgwebui/faces/jsp/ap/personalDetails.jsp>
- Employers can only arrange DBS checks on **successful** job applicants; this means DBS should not be requested for potential candidates at selection stage, as part of your recruitment diligence process.

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<sup>2</sup> Registered in England & Wales with company no. 04085856.

### Need further information?

- For DBS queries, please contact the Society’s **umbrella body** (Atlantic Data Ltd, [info@atlanticdata.co.uk](mailto:info@atlanticdata.co.uk); tel: 0333 3207 300), or the **DBS customer services** - tel: 0300 0200 190; or by email: [customerservices@dbs.gsi.gov.uk](mailto:customerservices@dbs.gsi.gov.uk)
- For data protection queries, please contact the Society’s **Data Protection Manager (“DPM”)**<sup>3</sup> ([data-protection@midcounties.coop](mailto:data-protection@midcounties.coop));
- For any other legal query, please contact the legal inbox [legal@midcounties.coop](mailto:legal@midcounties.coop)

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<sup>3</sup> For Healthcare: Data Protection Officer (“DPO”)