

Approved: 9 March 2009  
Review approved by Board of Management: 26 March 2012  
No changes to be made in 2016. Review date extended to April 2019



**POLICY ON SECURE HANDLING, USE, STORAGE AND RETENTION  
OF DISCLOSURE INFORMATION**

**REFERENCE: PL/CS/2020/001**

Lead Officer (Post):	Principal and Chief Executive	Review date:	April 2023
Area:	College Management Information	Review Lead Officer (Post)	Information Development Manager
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## 2. Usage

- 2.1. The college uses information from the Protecting Vulnerable Groups Scheme only for the purpose for which it has been provided. Such personal data is only processed where there is a legal basis for doing so.

## 3. Handling

- 3.1. Inverness College recognises that it is a criminal offence to disclose personal data to any unauthorised person. We, therefore, only pass such information to those who are authorised to see or process it in the course of their duties.

## 4. Access and Storage

- 4.1. The college does not retain information released by Disclosure Scotland on an individual's personnel file or student file. It is stored securely, in lockable, non-portable storage containers. Access to storage units is strictly controlled to authorised and named individuals, who are entitled to see such information in the course of their duties.

## 5. Retention

In normal circumstances, information related to background checking is retained for up to 90 days. This is to allow a period of resolution for any dispute or complaint arising, following the notification of a decision to recruit a staff member or student. In exceptional circumstances (where there is justification for retention for a longer period), the data subject will be advised of the extended retention period. The same conditions relating to secure storage and access will apply during any such period.

## 6. Disposal

- 6.1. Once the retention period has elapsed, the data will be destroyed in a secure manner i.e. by shredding, pulping or burning. Inverness College will ensure that such information which is awaiting destruction will not be retained in any insecure receptacle (e.g. a waste bin or confidential waste console or sack). The college will not retain any image or photocopy or any other form of the information released by Disclosure Scotland. The college will, however, keep a record of the following:

- date of issue of the disclosure;
- the name of the data subject;
- the disclosure type;
- the position for which the disclosure was requested;
- the unique reference number of the disclosure **and**
- details of the recruitment/admission decision taken (where appropriate).

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## 7. Legislative framework

- 7.1. [Rehabilitation of Offenders Act 1974](#) (Ministry of Justice - The UK Statute Law Database)
- 7.2. [The Rehabilitation of Offenders Act 1974 \(Exclusions and Exceptions\) \(Scotland\) Order 2003](#) (OPSI/HMSO)
- 7.3. The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) ([Amendment](#)) (Scotland) Order 2006 (OPSI/HMSO)
- 7.4. The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions)(Scotland) [Amendment](#) Order 2007 (OPSI/HMSO)
- 7.5. [Police Act 1997](#) (Part V)(OPSI/HMSO)
- 7.6. The Police Act 1997 ([Criminal Records](#))(Scotland) Regulations 2006 (OPSI/HMSO)
- 7.7. The Police Act 1997 (Criminal Records)([Registration](#))(Scotland) Regulations 2006 (OPSI/HMSO)
- 7.8. The Police Act 1997 (Criminal Records)(Scotland) [Amendment](#) Regulations 2006 (OPSI/HMSO)
- 7.9. The Police Act 1997 (Criminal Records)(Scotland) [Amendment](#) Regulations 2008 (OPSI/HMSO)
- 7.10. [Definition of Adult at Risk](#) as contained in The Police Act 1997 (Criminal Records) (Scotland) Regulations 2006 (OPSI/HMSO) **Note - definition is contained within Regulation 10(3)**
- 7.11. [Data Protection Act 2018](#) (OPSI/HMSO)
- 7.12. [Regulation of Care \(Scotland\) Act 2001](#) (OPSI/HMSO)
- 7.13. The Housing (Scotland) Act 2001 (Housing Support Services) Regulations 2002 (OPSI/HMSO) - the Schedule to this SSI provides details of prescribed [Housing Support Services](#) per section 2(1) of the Regulation of Care (Scotland) Act 2001
- 7.14. [Criminal Justice \(Scotland\) Act 2003](#) (OPSI/HMSO)
- 7.15. [Protection of Children \(Scotland\) Act 2003](#) (OPSI/HMSO) - full Act
- 7.16. Protection of Children (Scotland) Act 2003 (OPSI/HMSO) - Schedule 2 - [definition of child care positions](#)
- 7.17. [Serious Organised Crime and Police Act 2005](#) (OPSI/HMSO)
- 7.18. The Serious Organised Crime and Police Act 2005 ([Commencement No 2](#))(Scotland) Order 2006 (OPSI/HMSO) - implements, amongst other sections, section 163 of the 2005 Act
- 7.19. [Protection of Vulnerable Groups \(Scotland\) Bill](#) and associated documents (introduced 25 September 2006)(Scottish Parliament) - see below for details of Act
- 7.20. [Protection of Vulnerable Groups \(Scotland\) Act 2007](#) (OPSI/HMSO)
- 7.21. Protection of Children (Scotland) Act 2003 ([Amendment of the Definition of Child Care Position](#)) Order 2008 (OPSI/HMSO)

## 8. Scope

- 8.1. This policy applies to all disclosure information received by the college and processed by the Human Resources Department and Student Admissions Department.

## 9. Compliance

- 9.1. This policy must be complied with and it will be audited regularly by the Data Protection Officer with reports going to the SMT and Audit

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committee.

## **10. Monitoring**

- 10.1. Each college policy will be monitored and its implementation evaluated.
- 10.2. Appropriate procedures for monitoring and evaluation are the responsibility of the lead officer. These procedures will be subject to audit by the Quality Unit.

## **11. Review**

- 11.1. This policy will be reviewed on a 3 yearly basis, or sooner if legislative change requires.