

UHI | INVERNESS

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

REFERENCE: PL/CS/2023/004

Lead Officer	Vice Principal Student Experience & Quality
Review Officer	Information Development Manager
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Further information (where relevant)	

Reviewer	Date	Review Action/Impact
ID Manager	26/03/2012	Approved by BoM
ID Manager	2016	No Changes made – Review extended to 2019
ID Manager	30/04/2020	Approved by BoM
ID Manager	03/03/23	Policy Statement inserted, text moved around and updated due to change in Disclosure Scotland process

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1. Policy Statement

This policy applies to all staff within UHI Inverness that hold responsibility for processing applications for the Disclosure Scotland PVG Scheme.

The college uses information from the Protecting Vulnerable Groups (PVG) Scheme, only for the purpose for which it has been provided. Personal data is only processed where there is a legal basis for doing so.

UHI Inverness recognises it is a criminal offence to disclose personal data to any unauthorised person. Therefore, only staff authorised to process it in the course of their duties, will have access to it.

2. Legislative framework

- 2.1. [Rehabilitation of Offenders Act 1974](#) (Ministry of Justice - The UK Statute Law Database)
- 2.2. [The Rehabilitation of Offenders Act 1974 \(Exclusions and Exceptions\) \(Scotland\) Order 2003](#) (OPSI/HMSO)
- 2.3. The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) ([Amendment](#)) (Scotland) Order 2006 (OPSI/HMSO)
- 2.4. The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions)(Scotland) [Amendment](#) Order 2007 (OPSI/HMSO)
- 2.5. [Police Act 1997](#) (Part V)(OPSI/HMSO)
- 2.6. The Police Act 1997 ([Criminal Records](#))(Scotland) Regulations 2006 (OPSI/HMSO)
- 2.7. The Police Act 1997 (Criminal Records)([Registration](#))(Scotland) Regulations 2006 (OPSI/HMSO)
- 2.8. The Police Act 1997 (Criminal Records)(Scotland) [Amendment](#) Regulations 2006 (OPSI/HMSO)
- 2.9. The Police Act 1997 (Criminal Records)(Scotland) [Amendment](#) Regulations 2008 (OPSI/HMSO)
- 2.10. [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)**
- 2.11. [Data Protection Act 2018](#) (OPSI/HMSO)
- 2.12. UK General Data Protection Regulation (UK GDPR)
- 2.13. [Regulation of Care \(Scotland\) Act 2001](#) (OPSI/HMSO)
- 2.14. 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
- 2.15. [Criminal Justice \(Scotland\) Act 2003](#) (OPSI/HMSO)
- 2.16. [Protection of Children \(Scotland\) Act 2003](#) (OPSI/HMSO) - full Act
- 2.17. Protection of Children (Scotland) Act 2003 (OPSI/HMSO) - Schedule 2 - [definition of child care positions](#)
- 2.18. [Serious Organised Crime and Police Act 2005](#) (OPSI/HMSO)
- 2.19. 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

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- 2.20. [Protection of Vulnerable Groups \(Scotland\)](#) Bill and associated documents (introduced 25 September 2006)(Scottish Parliament) - see below for details of Act
 - 2.21. [Protection of Vulnerable Groups \(Scotland\) Act 2007](#) (OPSI/HMSO)
 - 2.22. Protection of Children (Scotland) Act 2003 ([Amendment of the Definition of Child Care Position](#)) Order 2008 (OPSI/HMSO)

College policies and procedures which are related to this policy are listed below and should be referenced (as appropriate) when reading this document:

- Student Criminal Offence Data policy
- PVG policy
- Safeguarding policy

3. Access and Storage

- 3.1. Disclosure Scotland will send an email notification to the authorised signatory of the application if there is nothing to disclose. Disclosure Scotland **will not** send an email notification in the event that there is something to disclose. A paper PVG certificate will always be sent by post to both the authorised signatory and the applicant.
- 3.2. Email notifications are deleted upon receipt of the paper copy. Paper copies of Disclosure Scotland records are not retained on an individual's HR file or any student file. Scheme Records are stored separately, in lockable, non-portable storage cabinets. Access to the storage cabinets is restricted to authorised individuals only, who are entitled to see such information in the course of their duties.

4. Retention

- 5.1 In normal circumstances, PVG Certificates/Scheme Records are 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.

5. Disposal

- 5.1. Scheme Records are destroyed on a monthly basis, once the retention period has been reached. All records are destroyed by shredding. Departmental Managers will ensure that information awaiting destruction is not retained in an insecure receptacle (e.g. a waste bin or confidential waste console or sack). Staff are forbidden from retaining any image/photograph, photocopy (or any other form of copy) of data released by Disclosure Scotland. Staff will, however, record the following details on either the HR system or student records database (as appropriate):

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- 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).

6. Compliance

- 6.1. All staff involved with the processing of PVG records must comply with this policy. The policy will be audited by the Data Protection Officer and findings reported to the EMT and Audit committee as part of the annual compliance report.

7. Monitoring

- 7.1. Each college policy will be monitored and its implementation evaluated.
- 7.2. Appropriate procedures for monitoring and evaluation are the responsibility of the lead officer.

8. Review

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