



NATIONAL PROBATION SERVICE  
for England and Wales

*Cumbria*

## **NATIONAL PROBATION SERVICE**

### **CUMBRIA AREA**

# POLICY STATEMENT AND CODE OF PRACTICE ON THE SECURE STORAGE, HANDLING, USE, RETENTION AND DISPOSAL OF DISCLOSURES AND DISCLOSURE INFORMATION

*Enforcement, rehabilitation and public protection*

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# **NATIONAL PROBATION SERVICE**

## **CUMBRIA AREA**

### **POLICY STATEMENT AND CODE OF PRACTICE ON THE SECURE STORAGE, HANDLING, USE, RETENTION AND DISPOSAL OF DISCLOSURES AND DISCLOSURE INFORMATION**

#### **STATEMENT**

As an organisation using the Criminal Records Bureau (CRB) Disclosure service to help assess the suitability of applicants for positions of trust, the National Probation Service Cumbria Area complies fully with the CRB Code of Practice regarding the correct handling, use storage, retention and disposal of Disclosures and Disclosure information. It also complies fully with the obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information.

#### **CODE OF PRACTICE**

##### Introduction

This Code of Practice is published under section 122 of the Police Act 1997 ("the Act") in connection with the use of information provided to registered persons ("Disclosure information") under Part V of the Act.

Disclosure information is information:

- contained in criminal record certificates under section 113 of the Act (which are referred to in this Code as "Enhanced Disclosures"), or
- contained in enhanced criminal record certificates under section 115 of the Act (referred to in this Code as "Enhanced Disclosures"), or
- provided by the police under section 115 (8) of the Act.

Except where indicated otherwise, the Code of Practice applies to all recipients of Disclosure information – including:

- registered persons (National Probation Service Cumbria Area)
- those countersigning Disclosure applications on behalf of registered persons, and
- others receiving such information.

##### Purpose of the Code

This code of Practice is intended to ensure – and to provide assurance to those applying for Standard and Enhanced Disclosures – that the information released will be used fairly.

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The code also seeks to ensure that sensitive personal information is handled and stored appropriately and is kept for only as long as necessary.

#### Fair use of Disclosure Information

As recipients of disclosure information, the National Probation Service Cumbria Area shall:

- observe guidance issued or supported by the Criminal Records Bureau (“the Bureau”) on the use of Disclosure information – and, in particular, recipients of Disclosure information shall not unfairly discriminate against the subject of Disclosure information on the basis of conviction or other details revealed.

In the interest of the proper use of Disclosure information and for the reassurance of persons who are the subject of Disclosure information, the National Probation Service Cumbria Area shall have a written policy on the recruitment of ex-offenders, so that a copy can be given to all applicants for positions where a Disclosure will be requested.

#### Handling of disclosure information

As recipients of Disclosure information, National Probation Service Cumbria Area will comply with the following procedures:

##### 1. Storage and Access

Disclosure information will not be kept on an applicant’s personnel file and is always kept separately and 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.

##### 2. Handling

In accordance with section 124 of the Policy Act 1997, disclosure information is only passed to those who are authorised to receive it in the course of their duties. The National Probation Service Cumbria Area will maintain a record of all those to whom Disclosures or disclosure information has been revealed and we recognise that it is a **criminal offence** to pass this information to anyone who is not entitled to receive it.

##### 3. Usage

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

##### 4. Retention

Once recruitment (or other relevant) decision has been made, the National Probation Service Cumbria Area will not keep Disclosure information for any longer than is absolutely necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If in very exceptional circumstances, it is considered necessary

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to keep Disclosure information for longer than six months, we will consult the CRB about this and will give full consideration to the Data Protection and Human Rights individual subject before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

#### 5. Disposal

Once the retention period has elapsed, the National Probation Service Cumbria Area will ensure that any Disclosure information is immediately suitably destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). The National Probation Service Cumbria Area will not keep any photocopy or other image of Disclosure or any copy representation of the contents of a Disclosure. However, notwithstanding the above, a record may be kept of the date of issue of a Disclosure, the name of the subject and the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.