

Humberside Fire and Rescue Service

Privacy Notice – Criminal Record Information

1. Scope

This Privacy Notice describes how Humberside Fire and Rescue Service (“the Service”) manage the personal information related to criminal records information and our legal obligation to undertaken checks with the Government Disclosure and Barring Service (DBS).

2. Aim

Under data protection law, individuals have a right to be informed about how we as a Service use any personal data that we hold about you, why we need it and what protections are in place to keep it secure.

3. Personal Information we collect and/or process

Whilst the majority of personal information you provide to us is mandatory, some of it is requested on a voluntary basis. In order to comply with data protection laws, we will inform you at the point of collection, whether you are required to provide certain information to us or if you have a choice in this. We will tell you what you need to do if you do not want to share this information with us.

Where checks are undertaken for the Service for prospective or current employees or volunteers, we may be required to collect and process the following additional information:

- Copy disclosure certificates for a limited time period
- Risk assessment forms completed to reach a suitability decision where applicable.
- Details of memberships of the DBS Update Service and records of online status checks
- Records of reimbursements made of fees for the DBS Update Service

We may collect this information in the following ways:

- Paper, electronic or online forms (such as DBS application forms, risk assessment forms)
- Telephone
- E-mail
- Letter
- Face-to-face
- Disclosure certificate

4. Reasons we collect and use your personal information

By virtue of you seeking to be employed or volunteer in a role that legally requires a criminal record check, or where the Service is allowed to undertake such a

check, you are placing yourself under a statutory and/or contractual obligation to provide your personal information to the Service during the criminal record checking process in order to allow a check to be requested and undertaken.

We also need to collect and process your personal information in order to provide our services effectively:

- To deal with associated payment of fees and queries on check progress
- To produce reports to monitor the volumes of checks processed.

Any personal data supplied will only be lawfully processed in accordance with the Data Protection Act 2018.

We collect and lawfully process your personal information under the following:

- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975
- Police Act (Criminal Records) Regulations 2002
- Safeguarding Vulnerable Groups Act 2006

The legal basis under data protection legislation for us processing this personal information is:

- GDPR Article 6(1)(a) – the data subject has given consent for the processing of his or her personal data for one or more specific reasons.
- GDPR Article 6(1)(b) – processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.
- GDPR Article 6(1)(c) – processing is necessary for compliance with a legal obligation to which the Service is subject.
- GDPR Article 6(1)(e) – processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Service.

In addition, the legal basis for processing any special categories information is:

- GDPR Article 9(2)(a) – the data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where domestic law provide that the prohibition referred to in paragraph 11 may not be lifted by the data subject.
- GDPR Article 9(2)(b) – processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by domestic law or a collective agreement pursuant to domestic law providing for appropriate safeguards for the fundamental rights and the interests of the data subject.

5. Sharing and disclosing your personal information

We use a data processor to complete the DBS checks on our behalf and this is currently done by Essex County Council (eDBS checking service) (ECC). All relevant information required to process these requests will be passed to ECC to enable them to do so.

[Essex County Council \(eDBS checking service\)](#) (external website)

[Essex County Council Privacy and Data Protection](#) (external website)

Where checks are undertaken for the Service, your information may be shared internally for the purposes of reaching a suitability decision. This could include staff in Human Resources, your manager or other senior managers in your Function / Directorate. We will limit the points of contact to a reasonable, appropriate, proportionate number and adhere to Service policies and procedures in the handling of staff disclosures, complaints, and grievances.

We may disclose your information to others, but only where this is necessary either to comply with our legal obligations or as permitted by data protection legislation. We may share your personal data with other public service bodies including the Police and the Disclosure and Barring Service (DBS).

The reasons why we may share your data with other public bodies are as follows:

- To verify identity documents.
- To protect vulnerable adults and children who may be at risk of harm or abuse.
- To monitor and improve our performance and delivery of services.
- For the prevention and/or detention of crime, or in connection with legal proceedings.
- Where necessary to protect individuals from the risk of harm or injury.
- Where otherwise permitted under the data protection legislation.

We will only disclose your sensitive or confidential information to a third party if we are legally required to do so or, where we have good reason to believe that failing to share information would put you or someone else at risk of harm.

We will not pass your personal information to external organisations for marketing or sales purposes or for any commercial use without your prior express consent.

6. Protecting your personal information

We have security arrangements in place to guard against unauthorised access, improper use, alteration, destruction or accidental loss of your personal information.

We take appropriate organisational and technical security measures and have rules and procedures in place to ensure that any personal information we hold on computer systems is not accessed by anyone not required and authorised to do

so. Information about the Information Technology security standards we use to protect your personal information can be obtained from the Service's Digital Services Unit.

When we use third party organisations to process information on our behalf, we ask them to demonstrate their compliance with our security requirements, and any instructions we may give them and their compliance with relevant data protection legislation throughout the time they work for the Service. These organisations take their instructions from us and their obligations with regard to what information they process and what they can do with it are agreed in the contracts we have with them. The Services does not transfer your personal information outside the United Kingdom.

7. How long we will keep your data

The Service has retention schedules in place to ensure that information is only held for as long as it is needed. We will not keep your information for longer than is required by law. Your information will be disposed of in a controlled and secure manner in accordance with the Service's Records Management and Data Quality Policy. For more information on our data retention schedule and how we keep your data safe, please visit the intranet or contact Corporate Assurance, whose details can be found in Section 10 of this notice.

8. Requesting access to your details

If you have any questions about the personal information that we hold about you please contact Corporate Assurance, whose details can be found in Section 10 of this notice.

9. Your rights as a data subject

The rights that you have depend upon the grounds upon which we collected your information.

In most cases, people who have had a criminal records check undertaken for the Service will have the following rights:

- **Right of access** – you have the right to request a copy of the information that we hold about you;
- **Right of rectification** – you have a right to correct information that we hold about you that is inaccurate or incomplete;
- **Right to restrict processing** – where certain conditions apply, you have the right to request a restriction in the way we use your data;
- **Right to object** – you have the right to object to certain types of processing such as direct marketing;
- **Right to judicial review:** in the event that the Service refuses your request under rights of access, we will provide you with a reason why the request has been refused. You have the right to complain.

10. Contact Details

If you wish to speak to the Service about how it handles your personal information, or wish to exercise any of your rights, please contact:

Humberside Fire and Rescue Service Headquarters,
Corporate Assurance Section,
Summergroves Way,
Hull.
HU4 7BB

Phone:(01482) 565333

Email: dataprotection@humbersidefire.gov.uk

In the event that you wish to make a complaint about how your personal data is being processed by the Service (or third parties under contract) or, how your complaint has been handled, please contact the above in the first instance. If you are not satisfied with our response or the way we handle your information, you have the right to lodge a complaint directly with the Information Commissioner.

Information Commissioners Office,
Wycliffe House,
Water Lane,
Wilmslow
Cheshire
SK9 5AF