

CRIMINAL RECORDS INFORMATION POLICY

1 Introduction

1.1 This policy supplements the Ulster Independent Clinic's (the Clinic's) Data Protection Policy.

1.2 This document sets out the Clinic's policy on collecting criminal records data.

1.3 The Clinic may gather criminal records data in the following circumstances:

1.3.1 when asking questions about a prospective (or existing) employee's criminal record;

1.3.2 when processing job applications from individuals who are applying for positions at the Clinic; or

1.3.3 when receiving information from existing employees or workers about criminal convictions or cautions.

1.4 This policy sets out our commitment to comply with our data protection obligations, to treat prospective employees fairly and not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed. Its purpose is to set out how we comply with our data protection obligations in respect of criminal records information and seek to protect such information, and to ensure that staff understand and comply with the rules governing the collection, use and deletion of criminal records information to which they may have access in the course of their work.

1.5 We are committed to complying with our data protection obligations, in particular:

1.5.1 in relation to the circumstances in which we seek criminal records information;

1.5.2 by being concise, clear and transparent about how we obtain and use such information, and how (and when) we delete it once it is no longer required; and

1.5.3 by ensuring the correct handling, use, storage, retention and disposal of Access NI certificates and certificate information.

1.6 The Data Controller is responsible for informing and advising the Clinic and its staff on its data protection obligations, including in relation to criminal records information, and for monitoring compliance with those obligations and with the Company's policies. If you have any questions or comments about the content of this policy or if you need further information, you should contact The Human Resources department.

2 Policy statement

2.1 Having a criminal record will not necessarily bar you from working with us. However, this will depend on the nature of the offence. We will take into account the circumstances and background of any offences and whether they are relevant to the position in question, balancing the rights and interests of the individual, our employees, clients, suppliers and the public.

2.2 We will treat all applicants, employees and volunteers fairly but reserve the right to withdraw an offer of employment if you do not disclose relevant information, or if an Access NI check reveals information which we reasonably believe would make you unsuitable for the role.

3 Scope and definitions

- 3.1 This policy applies to criminal records information processed by the Clinic.
- 3.2 The definitions set out in the [Privacy standard/data protection policy], apply to this policy.

4 Asking for criminal records information

- 4.1 The Clinic will only request criminal records information when it is justified and the information is necessary for the performance of an employment contract in relation to a particular post, in order to comply with a legal obligation or if in the legitimate interests of the Clinic.

5 Where an unprotected conviction or caution is disclosed in the context of an employment application

- 5.1 If the Clinic has concerns about the information that has been disclosed in the Access NI Certificate, or the information is not as expected, the Clinic will carry out a risk assessment.
- 5.2 In carrying out a risk assessment, the Clinic will take account of:
 - 5.2.1 the relevance of the conviction or other matter revealed to the position in question;
 - 5.2.2 the seriousness of the offence or other matter revealed;
 - 5.2.3 the circumstances of the offence;
 - 5.2.4 the age of the offence;
 - 5.2.5 whether there is a pattern of offending; and
 - 5.2.6 whether circumstances have changed since the offending took place.
- 5.3 The Clinic will consider whether the unprotected conviction or caution impacts on an individual's integrity and suitability to work as a Clinic employee.

6 Training

- 6.1 The Clinic will ensure that all those within the organisation who are involved in the recruitment process:
 - 6.1.1 have been suitably trained to identify and assess the relevance and circumstances of offences; and
 - 6.1.2 have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders.

7 Storage and access

The Clinic will ensure that Access NI certificate information is 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 .

8 Handling

8.1 The Clinic will ensure that Access NI certificate information is only passed to those who are authorised to receive it in the course of their duties. Access NI maintains a record of all those to whom certificates or certificate information has been revealed. It is a criminal offence to pass this information to anyone who is not entitled to receive it.

8.2 Once the Access NI certificate has been inspected, it will be destroyed in accordance with the code of practice.

9 Usage

Certificate information must only be used for the specific purpose for which it was requested.

10 Retention

10.1 Once a recruitment (or other relevant) decision has been made, the Clinic does not keep certificate information for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints or matters requiring further investigation.

10.2 If, in very exceptional circumstances, it is considered necessary to keep certificate information for longer than six months, we will give full consideration to the data protection and human rights of the individual before doing so.

10.3 Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

11 Disposal

11.1 Once the retention period has elapsed, we will ensure that any Access NI certificate information is destroyed by secure means, e.g. by shredding, pulping or burning. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack).

11.2 We will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, notwithstanding the above, we may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment decision taken.