

Volunteer Scotland Disclosure Services Privacy notice

WHAT IS THE PURPOSE OF THIS DOCUMENT?

Volunteer Scotland Disclosure Services is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about you as a customer, in accordance with the General Data Protection Regulation (GDPR).

For the purposes of processing Disclosure and PVG applications, and fulfilling our contract with volunteer involving organisations, Volunteer Scotland Disclosure Services is a “data processor”. The organisation that has obtained your Data for the purpose of the Disclosure or PVG check, or for signatory details, is the “data controller”. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to all customers of the organisations that we process PVG and Disclosure applications for, and also for details provided by those organisations themselves (e.g. lead signatory details). This notice does not form part of any contract to provide services. We may update this notice at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

DATA PROTECTION PRINCIPLES

We will comply with data protection law. This says that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

THE KIND OF INFORMATION WE HOLD ABOUT YOU

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are “special categories” of more sensitive personal data which require a higher level of protection.

Police Act Disclosure and PVG applicants:

We may collect, store, and use the following categories of personal information about you:

- Personal contact details such as name, other names known by, title, addresses, telephone numbers, and personal email addresses
- Current and previous addresses
- Mother's maiden/family name
- Date of birth
- Town of birth
- Gender
- Marital status and dependants
- Passport number and country of issue
- Driving licence number and country of issue
- National identity card number and country of issue
- National Insurance number
- Credit/debit card information
- Volunteer role
- Volunteer host organisation
- Details of authentication reference number for passport, birth certificate, driving licence or other supporting document the applicant provides
- Regulatory body code and registration number
- Level of PVG membership
- PVG scheme record, scheme record update and Police Act disclosure certificate number

We may also collect, store and use the following "special categories" of more sensitive personal information:

- Country of birth
- Nationality
- Information about criminal convictions and offences. For Police Act Disclosure Applicants this can include convictions and alternatives to prosecution; cautions; prescribed court orders; information considered to be 'unspent' under the Rehabilitation of Offenders Act 1974.
- Information about criminal convictions and offences. For PVG scheme applicants this can include information confirming whether an individual is 'under consideration' or unsuitable for regulated work; convictions and alternatives to prosecution; cautions; prescribed court orders; sex offenders notification requirements; other relevant information relating to suitability to work with vulnerable groups; vetting information considered to be 'unspent' under the Rehabilitation of Offenders Act 1974.

Individuals working on behalf of organisations registered with VSIDS

- Contact details such as name, title, addresses, telephone numbers, and email addresses and signatures.

HOW IS YOUR PERSONAL INFORMATION COLLECTED?

We typically obtain personal information about PVG scheme and Police Act Disclosure applicants from the organisation that they are making the application through. We obtain information about signatories from the organisation they are a signatory for. We receive additional information from third parties - Disclosure Scotland.

HOW WE WILL USE INFORMATION ABOUT YOU

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

1. Where we need to perform the contract we have entered into with you.
2. Where we need to comply with a legal obligation.
3. Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

We may also use your personal information in the following situations, which are likely to be rare:

1. Where we need to protect your interests (or someone else's interests).
2. Where it is needed in the public interest [or for official purposes].

Please see appendix one for further detail.

Situations in which we will use your personal information

We need all the categories of information in the list above (see *The kind of information we hold about you*) primarily to enable us to comply with legal obligations. In some cases we may use your personal information to pursue legitimate interests of our own or those of third parties, provided your interests and fundamental rights do not override those interests. The situations in which we will process your personal information are listed below.

For PVG and Police Act Disclosure Applicants:

- Obtaining a PVG scheme record, PVG scheme record update or Police Act Disclosure without cost
- Contacting you about a PVG scheme record, PVG scheme record update or Police Act Disclosure application or certificate
- Keeping a record of the fact that a check was undertaken on our database (STRAKER)

For signatories/organisations:

- Register you as a signatory with Volunteer Scotland Disclosure Services
- Contact you about changes to legislation, the PVG and Disclosure Process, or other changes which may have a bearing on the service that we provide or your requirements as a signatory
- Store your details on our customer database (CRM - Salesforce) to enable us to contact you as above
- To contact you to request consent to opt in to our Marketing communications

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

If you fail to provide personal information

If you fail to provide certain information when requested we may be prevented from complying with our legal obligations.

Change of purpose

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

HOW WE USE PARTICULARLY SENSITIVE PERSONAL INFORMATION

"Special categories" of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:

1. processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

Our obligations as a data processor

We will use your particularly sensitive personal information in the following ways:

- We will use information provided detailing country of birth or nationality on PVG and Police Act Disclosure forms to obtain the required background check in accordance with Disclosure Scotland's requirements.
- We will obtain information on criminal convictions and offences (including information confirming whether an individual is 'under consideration' or unsuitable for regulated work; convictions and alternatives to prosecution; cautions; prescribed court orders; sex offenders notification requirements; other relevant information relating to suitability to work with vulnerable groups; vetting information considered to be 'unspent' under the Rehabilitation of Offenders Act 1974) for the purpose of providing a background check service and providing you with a PVG scheme record, PVG scheme record update or Police Act Disclosure certificate .

Do we need your consent?

We do not need your consent if we use special categories of your personal information in accordance with our written policy to carry out our legal obligations.

INFORMATION ABOUT CRIMINAL CONVICTIONS

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy.

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

AUTOMATED DECISION-MAKING

We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

DATA SHARING

We may have to share your data with third parties. We require third parties to respect the security of your data and to treat it in accordance with the law.

It is not anticipated that we will share your data outside of the EU. We will notify you if this position changes.

Why might you share my personal information with third parties?

We may share your personal information with third parties where required by law, where it is necessary to administer the service we provide to you or where we have another legitimate interest in doing so.

Which third-party service providers process my personal information?

"Third parties" includes third-party service providers (including contractors and designated agents) and other entities within our group. The following third-party service providers process personal information about you for the following purposes: STRAKER - IT/Database management (STRAKER do not access special category data); Disclosure Scotland - to obtain a background check; SCOTS - Scottish Government IT network

How secure is my information with third-party service providers and other entities in our group?

All our third-party service providers and other entities in the group are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

What about other third parties?

We may share your personal information with other third parties, for example in the context of a possible restructuring of the organisation. We may also need to share your personal information with a regulator or to otherwise comply with the law.

Transferring information outside the EU

We do not envisage that your personal data will be transferred outside of the EU. We will notify you if this position changes.

DATA SECURITY

We have put in place measures to protect the security of your information. Details of these measures are available on request.

Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties

who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality. Details of these measures may be obtained from the Disclosure Services Manager.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

DATA RETENTION

How long will you use my information for?

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. [Details of retention periods for different aspects of your personal information are available in appendix I. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Otherwise, once you are no longer a customer we will retain and securely destroy your personal information in accordance with our data retention schedule in appendix I.

RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION

Your duty to inform us of changes

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

Your rights in connection with personal information

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the Disclosure Services Manager in writing.

No fee usually required

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

DATA PROTECTION QUERIES

If you have any questions about this privacy notice or how we handle your personal information, please contact the Disclosure Services Manager. You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

CHANGES TO THIS PRIVACY NOTICE

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

If you have any questions about this privacy notice, please contact the Disclosure Services Manager.

ID No.	Name of Information Group	What is the information	What is the source for this information	Personal or Personal Sensitive data	Grounds for processing sensitive personal data	Who is it shared with externally?	Retention	Legal - what is our lawful basis for processing?
Example	Registered Body, Removal, Refusal or Withdrawal of Registration	Has data that relates to bodies that for some reason have not been or are refused registration.	EG telephone call notes	Includes PS data		Information is shared with P,Q and R	20 years	The PVG legislation sets out what information is required.
1.1	PVG Application to Join Form	Personal information about the applicant. Contains Name, address, DoB, previous addresses and can include passport number, driving licence number, National Insurance number and the applicants signature. Some forms will have payment information completed on them.	Applicant - completing form.	Includes PS data	Legal obligation	Originating organisation. Disclosure Scotland	Until form is processed - between 1 and 15 days. Forms are then sent to Disclosure Scotland or returned to submitting organisation	Legal obligation/legitimate interests
1.2	PVG Existing Member Form	Personal information about the applicant. Contains Name, DoB, PVG membership number and the applicants signature. Some forms will have payment information completed on them.	Applicant - completing form.	Includes PS data	Legal obligation	Originating organisation. Disclosure Scotland	Until form is processed - between 1 and 15 days. Forms are then sent to Disclosure Scotland or returned to submitting organisation	Legal obligation/legitimate interests
1.3	Police Act Application Form	Personal information about the applicant. Contains Name, address, DoB, previous addresses and can include passport number, driving licence number, National Insurance number and the applicants signature. Some forms will have payment information completed on them.	Applicant - completing form.	Includes PS data	Legal obligation	Originating organisation. Disclosure Scotland	Until form is processed - between 1 and 15 days. Forms are then sent to Disclosure Scotland or returned to submitting organisation	Legal obligation/legitimate interests
1.4	Covering Letter	Additional information about the applicant - may be notification of a name change or an address change.	Applicant - attaching additional information	Includes PS data	Legal obligation	Originating organisation. Disclosure Scotland	Until form is processed - between 1 and 15 days. Forms are then sent to Disclosure Scotland or returned to submitting organisation	Legal obligation/legitimate interests
1.5	Returned Application Form	The same as 1.1, 1.2 and 1.3 but where the form has been returned to the organisation for amending and then re-submitted.	Applicant - completing form.	Includes PS data	Legal obligation	Originating organisation. Disclosure Scotland	Until form is processed - between 1 and 15 days. Forms are then sent to Disclosure Scotland or returned to submitting organisation	Legal obligation/legitimate interests
1.6	Cover Sheet	Signature and signatory code of the person who is submitting the application to ourselves for processing.	Registered signatory completing the form.		Legal obligation	Originating organisation.	Until the form is processed - between 1 and 15 days. Cover sheet is then placed in confidential waste sack and shredded in secure conditions.	Legal obligation/legitimate interests
2.1	Scheme Record Certificate	Name, date of birth, address, PVG membership number, what parts of the PVG scheme they are a member for, whether they are under consideration or listed as being unsuitable to do regulated work. Convictions and alternatives to prosecution, cautions, prescribed court orders, sex offenders notification requirements and other relevant information. The information from convictions onwards is released if allowed under the PVG scheme and the ORI is released by the police.	Disclosure Scotland produce the certificate based on information held by themselves, the police, the courts, regulatory bodies and other parties.	Includes PS data	Legal obligation	Originating organisation.	Until the certificate is processed, between 1 and 5 days - the nominated signatory is selected from the application record and the certificate is then sent to them.	Legal obligation/legitimate interests

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2.2	Short Scheme Record Certificate	Name, date of birth, address, PVG membership number, what parts of the PVG scheme they are a member for, whether they are under consideration or listed as being unsuitable to do regulated work.	Disclosure Scotland produce the certificate based on information held by themselves, the police, the courts, regulatory bodies and other parties.	Includes PS data	Legal obligation	Originating organisation.	Until the certificate is processed, between 1 and 5 days - the nominated signatory is selected from the application record and the certificate is then send to them.	Legal obligation/legitimate interests
2.3	Police Act Certificate	Name, date of birth and address of the applicant. Also vetting information which is considered to be unspent under the Rehabilitation of Offenders Act.	Disclosure Scotland produce the certificate based on information held by themselves, the police and the courts.	Includes PS data	Legal obligation	Originating organisation.	Until the certificate is processed, between 1 and 5 days - the nominated signatory is selected from the application record and the certificate is then send to them.	Legal obligation/legitimate interests
2.4	Telephone Results	As per 2.1, 2.2 and 2.3 these are certificates that are stored for a longer period of time as the organisation has requested that they be given the information over the telephone instead.	Disclosure Scotland produce the certificate based on information held by themselves, the police and the courts.	Includes PS data	Legal obligation	Originating organisation.	Three attempts are made to contact the signatory and pass on the information. If this is not able to be completed then a letter is sent to the signatory and the certificate is stored within the lockable filing cabinet in the telephone results book for a period of 60 days from the letter being sent.	Legal obligation/legitimate interests
3.1	Organisational Details	We hold the name of the organisation, address, postcode, telephone number, email address, contact history, copies of letters sent to the group and also initial contact details from their enrolment	Originating organisation.		Legal obligation	Originating organisation.	Until VSDS are informed that the information is no longer required - then it is marked for deletion. This removes it from the front end of Straker and the information will be fully deleted when a yearly clean up of the system is undertaken.	Legal obligation/legitimate interests
3.2	Lead Signatory Details	We hold the name of the signatory, telephone number, email address, answers to security questions (such as middle name, mothers maiden name) and a copy of their signature. Note that older records may also have address and date of birth information.	Originating organisation - see 5.1	Includes PS data	Legal obligation	Originating organisation, if requested. Disclosure Scotland are also given a copy of the current list of signatories to assist with removal of people no longer in regulated work.	Until VSDS are informed that the signatory is no longer acting on behalf of the enrolled group - then it is marked for deletion. This removes it from the front end of Straker and the information will be fully deleted when a yearly clean up of the system is undertaken.	Legal obligation/legitimate interests
3.3	Additional Signatory Details	We hold the name of the signatory, telephone number, email address, answers to security questions (such as middle name, mothers maiden name) and a copy of their signature. Note that older records may also have address and date of birth information.	Originating organisation - see 5.2	Includes PS data	Legal obligation	Originating organisation, if requested. Disclosure Scotland are also given a copy of the current list of signatories to assist with removal of people no longer in regulated work.	Until VSDS are informed that the signatory is no longer acting on behalf of the enrolled group - then it is marked for deletion. This removes it from the front end of Straker and the information will be fully deleted when a yearly clean up of the system is undertaken.	Legal obligation/legitimate interests

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3.4	Secondary Information	Organisation name. Name, address, telephone number and email address of the main contact for the secondary group.	Originating organisation and the secondary body		Legal obligation	Originating organisation if requested. Disclosure Scotland if there is a query on an applicant that the secondary body have submitted for.	Until VSDS are informed that the group is no longer accessing disclosures through the intermediary body. If the main point of contact changes then that would also be updated, there we would just overwrite the existing information with the new details. - then it is marked for deletion. This removes it from the front end of Straker and the information will be fully deleted when a yearly clean up of the system is undertaken.	Legal obligation/legitimate interests
4.1	Applicant Information	Name, date of birth, gender, position applied for, level of check and identification seen by originating organisation.	Information taken directly from the application form (as set out in 1.1, 1.2 and 1.3).	Includes PS data	Legal obligation	Information is passed to Disclosure Scotland. Information can also be requested by Police Scotland if they are investigating offences committed under the disclosure legislation.	Record is stored on the system - at present we have no automatic deletion process. Information is stored to allow DS access to organisation information or applicant information.	Legal obligation/legitimate interests
5.1	Add a new Lead Signatory	Name, town of birth, mothers family name and signature of new signatory. Also signature and signatory code of the countersigning signatory	Enrolled organisation.	Includes PS data	Legal obligation	Originating Organisation	Until the end of the signatory enrolment process - then the form is placed in the confidential waste bag until destruction.	Legal obligation/legitimate interests
5.2	Add a new additional signatory	Name, town of birth, mothers family name and signature of new signatory. Also signature and signatory code of the countersigning signatory	Enrolled organisation.	Includes PS data	Legal obligation	Originating Organisation	Until the end of the signatory enrolment process - then the form is placed in the confidential waste bag until destruction.	Legal obligation/legitimate interests
6.1	Organisational Enrolment	Paper copy of organisational information - name, address etc but may also be copies of financial statements and similar to show that they are a QVO.	VSDS create the form, the organisation completes the form and attaches additional information - they then return the form to VSDS.		Legal obligation	Originating Organisation	Until the end of the organisational enrolment process - then the form is placed in the confidential waste bag until destruction.	Legal obligation/legitimate interests
6.2	Secondary Organisation Enrolment	Paper copy of organisational information - name, address and signatory information	Originating organisation and the secondary body		Legal obligation	Originating organisation.	Until the end of the secondary enrolment process - then the form is placed in the confidential waste bag until destruction.	Legal obligation/legitimate interests