

Privacy Notice

AccessNI, a branch of the Department of Justice in Northern Ireland

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Email: ani@accessni.gov.uk

Data Protection Officer contacts:

Telephone: 02890 526111/526498
Email: dpqueries@accessni.gov.uk

Why are you processing my personal information?

The processing of personal information enables AccessNI to provide a public service to individuals who for the purposes of employment or volunteering, require a certificate setting out details of their criminal record or other relevant information. The certificate can also be used to establish no such information is available about the applicant

AccessNI also processes personal data to enable registration with AccessNI for the purposes of countersigning applications made by individuals.

AccessNI has a legal basis for processing this information in line with the General Data Protection Regulations. This is that the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority. In other words, AccessNI processes personal information in line with the statutory authority it has been given by the Northern Ireland Assembly. The process of application and disclosure of criminal record and other information is set out in Part V of the Police Act 1997 and subsidiary regulations.

<https://www.justice-ni.gov.uk/articles/accessni-legislation-and-guidance>

What categories of personal data are you processing?

For the purpose of creating an account on NIDirect, AccessNI processes the personal data provided by individuals who apply electronically for certificates or want to register with AccessNI. This personal data consists of;

- Name,
- Address,
- E-mail address,
- phone number; and
- Password,;

For the purposes of making an application or registering with AccessNI after opening an account on NI Direct the following information is processed;

- Names, including previously used forenames and surnames;
- Address details for the past 5 years;
- Dates of birth;
- Gender;
- National insurance number.

Applicants and those registering may, but are not obliged to provide details of;

- Passport and driving licence numbers and the country or origin;
- Contact phone numbers and e-mail addresses
- Nationality;

As a result of processing the personal data of an applicant or those registering with AccessNI, sensitive personal information may be held in the form of;

- a criminal record;
- their status in relation to working with children and adults; and/or
- information held by the police that is relevant and ought to be disclosed but does not form part of the criminal record.

In relation to applicants only, any relevant sensitive personal information is also processed and recorded on a certificate issued by AccessNI to the applicant. No additional copies of this certificate are shared with any third party.

The table below sets out the types of certificates issued by AccessNI together with the information contained within them;

Type of certificate	Information processed
Basic	Unspent criminal convictions
Standard	Spent and unspent criminal convictions and non-court disposals including cautions, informed warnings and diversionary youth conferences
Enhanced	As standard, together with any relevant information held by UK police forces and where appropriate, information held by

	the Disclosure and Barring Service or Scottish Government relating to a person's status in relation to working with children/adults
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Where do you get my personal data from?

- AccessNI receives personal data from the individual through the application form used for applying for a certificate or by those wishing to be registered with AccessNI.
- AccessNI obtains details of criminal records from the Police National Computer and/or the Causeway criminal record viewer in Northern Ireland.;
- AccessNI obtains a police intelligence database from the Disclosure and Barring Service; and
- AccessNI receives information from the Disclosure and Barring Service and the Scottish Government about those persons in the UK who are not allowed to work with children and adults

Do you share my personal data with anyone else?

AccessNI has a case tracking system that can be viewed by a person registered with AccessNI that has countersigned the application. The personal information held on this case tracking system is limited to;

- AccessNI certificate number; and
- Name of applicant;

Information is only shared with other organisations where this is required on a statutory basis or where the applicant has sought to challenge the disclosure of information on a certificate. Information is normally shared where the application is for an enhanced certificate only, but may be shared in specific circumstances where the application is for other types of certificates, for example in the case of a dispute about information disclosed in the certificate.

Personal data may be shared with	Purpose
(a) <u>The PSNI and other police forces across the UK</u> where the application is for an enhanced criminal record certificate and personal information is potentially matched to personal information held on a police intelligence database.	To determine if information relevant to the application is held by any police force. This is for the detection and prevention of crime and to safeguard vulnerable groups.

<p><u>(b) The Disclosure and Barring Service and Scottish Government</u>, where the application is for an enhanced criminal record certificate together with a check of the “barred” lists.</p>	<p>To determine if the applicant is on the lists of those persons not allowed to work with vulnerable groups (“barred lists”). This is for the detection and prevention of crime and to safeguard vulnerable groups.</p>
<p><u>(c) The Association of Chief Police Officers Criminal Records Office (ACRO)</u>, where the applicant is a national of one of 9 EU countries and is seeking an enhanced criminal record certificate to work with children in Northern Ireland. ACRO in turn, share the information with the relevant EU Member state. The countries are France, Germany, Italy, Lithuania, Poland, Portugal, Romania, Slovakia and Spain.</p>	<p>To determine if the applicant’s home nation has any record of relevant offences for the applicant. This is for the detection and prevention of crime and to safeguard children.</p>
<p><u>(d) Any UK police force</u> making a legitimate and lawful request to AccessNI about information it holds about an individual as a result of an application being made for one of its services.</p>	<p>This is for the detection and prevention of crime.</p>
<p><u>(e) The Disclosure and Barring Service</u> where they have reason to consider that an individual may no longer able to work with vulnerable groups as a result of a criminal conviction.</p>	<p>This is for the detection and prevention of crime and to safeguard vulnerable groups.</p>
<p><u>(f) The Independent Reviewer for criminal record certificates in Northern Ireland</u>. This can be at the specific request of an applicant who wants to have an independent review of the criminal record information disclosed on a standard or enhanced certificate. In addition, where prior to the issue of a certificate, all of the criminal record information on that certificate relates to a time the applicant was under 18, personal data is automatically shared with the Independent Reviewer to enable him to review the disclosure of</p>	<p>This to comply with Article 8 of the European Convention on Human Rights in order to protect the individual’s right to privacy and to balance this against the requirement to keep vulnerable groups safe.</p>

that information.	
<u>(g) The Independent Monitor.</u> This is at the specific request of an applicant who wants to have an independent review of the police information disclosed on an enhanced certificate.	This to comply with Article 8 of the European Convention on Human Rights in order to protect the individual's right to privacy and to balance this against the requirement to keep vulnerable groups safe.
<u>(h) Departmental Solicitors' Office in NI Civil Service</u>	Where an applicant or their legal representatives have issued legal proceedings, against AccessNI, for example Judicial Reviews

Do you transfer my personal data to other countries?

Yes, as set out at (c) in the table above. Any transfers made will be in full compliance with all aspects of the General Data Protection Regulations.

Where do you keep my personal data?

Depending on the specific purpose for which the data is being processed, it will either be retained on;

- The case management system used by AccessNI when processing disclosure applications; or
- The Department of Justice's Electronic Document and Records Management System.

How long do you keep my personal data?

We retain your data for as long as necessary to process an application for a criminal record check and for the purposes of ensuring that the safeguarding of vulnerable groups is maintained after an application has been processed.

For all applications received between 1 April 2008 and 31 March 2015, AccessNI has retained the following personal data submitted in application forms for all types of certificates issued,

- Forenames and surnames,
- Date of birth
- Current (at that time) address,
- The work or volunteering position the application is related to; and

- An indicator as to whether the individual was matched with Northern Ireland criminal record information, criminal record information held on the Police National Computer, the police intelligence database or the lists of those not allowed to work with vulnerable groups.

For all applications received after 1 April 2015, AccessNI currently retains all the personal data provided by the applicant including;

- Forenames and surnames (including those previously used) and other names known by,
- Date and place of birth,
- Gender,
- Current address and all previous addresses within 5 years of the date of application
- National insurance number.
- The work or volunteering position the application is related to;
- Driving licence number, passport number and country of origin;
- Nationality;
- Contact phone number and e-mail address

Access NI also retains a copy of the disclosure certificate issued to the applicant which details;

- Convictions held on the Police National Computer that can be disclosed in line with legislation;
- Non-court disposals held on the Police National Computer, that can be disclosed in line with legislation;
- Information provided by UK police forces for disclosure on enhanced criminal record certificates; and
- Information provided by the Disclosure and Barring Service and Scottish Government about the applicants status in terms of working with vulnerable groups for enhanced criminal record certificates.
- Information provided by The Association of Chief Police Officers Criminal Records Officer (ACRO) in regard to criminal record information held about the Applicant in their home country.

Where an application is made on a paper application form, the personal information on that application is transferred to the AccessNI IT system and retained as set out above. The paper application form is retained for a period of 3 months and then securely shredded by AccessNI staff.

For all persons registered with AccessNI, personal data supplied on the application form is retained in line with those applications received after 1 April 2015. This information is retained for as long as an individual is registered with AccessNI.

Once a person is no longer registered with AccessNI, the following information is retained;

- Name;
- Date of birth;
- National insurance number; and
- Telephone number and e-mail address

What rights do I have?

- You have the right to obtain confirmation that your data is being [processed, and access to your personal data](#)
- You are entitled to have personal data [rectified if it is inaccurate or incomplete](#)
- You have a right to have personal data erased and to prevent processing, [in specific circumstances](#)
- You have the right to 'block' or suppress processing of personal data, [in specific circumstances](#)
- You have the right to data portability, [in specific circumstances](#)
- You have the right to object to the processing, [in specific circumstances](#)
- You have rights in relation to [automated decision making and profiling](#)

If you wish to exercise these any of these rights you can contact AccessNI at dpqueries@accessni.gov.uk. Please indicate clearly the precise nature of the information you require and/or which right you wish to exercise. Your query will be handled by AccessNI in line with the Department of Justice's policy on Data Protection Response Management which complies with the General Data Protection Regulation.

AccessNI does not use any personal information supplied for the purposes of automated decision making or profiling.

How do I complain if I am not happy?

If you are unhappy with how any aspect of this privacy notice, or how your personal information is being processed, please contact *Department of Justice Data Protection Officer at: DataProtectionOfficer@justice-ni.gov.uk*

If you are still not happy, you have the right to lodge a complaint with the Information Commissioner's Office (ICO):

Information Commissioner's Office

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113

Email: casework@ico.org.uk

<https://ico.org.uk/global/contact-us/>