

Disclosure Scotland Information Handling Policy

December 2024

Introduction

The Scottish Social Services Council ("**SSSC**") complies fully with the [Disclosure Scotland Code of Practice](#) (the "**Code**"), published by Scottish Ministers under section 55 of the Disclosure (Scotland) Act 2020 (the "**Disclosure Act**") in connection with the use of disclosure information provided to, and the exercise of functions by, Accredited bodies under the Disclosure Act.

The Code sets out obligations which Accredited bodies are required to meet.

Contents

| | |
|--|----------|
| Introduction | 2 |
| 1. Policy details | 4 |
| 1.1 Principles | 4 |
| 1.2 Usage | 4 |
| 1.3 Handling | 4 |
| 1.4 Access and Storage..... | 5 |
| 1.5 Retention | 5 |
| 1.6 Disposal | 5 |
| 1.7 Umbrella Bodies | 5 |
| 2. Values | 6 |
| 3. Roles and responsibilities | 6 |
| 4. Further information | 7 |
| 4.1 Legislation and guidance..... | 7 |
| 5. Document governance | 8 |

1. Policy details

1.1 Principles

The SSSC complies with the Code, the Disclosure Act, and the Protection of Vulnerable Groups (Scotland) Act 2007 (the "**2007 Act**") regarding the handling, use, storage, destruction, and retention of disclosure information provided by Disclosure Scotland. The SSSC also complies with the United Kingdom General Data Protection Regulation ("**UK GDPR**"), the Data Protection Act 2018 (the "**2018 Act**") and other relevant legislation pertaining to the safe handling, use, storage, retention, and disposal of disclosure information. This policy is available to anyone who requests to see it.

This policy covers disclosure information received in Level 1 disclosures and Level 2 disclosures, including PVG scheme disclosures. Level 2 disclosures replace the previously named Standard and Enhanced disclosures, and the PVG scheme disclosure replaces the previously named scheme record and short scheme record.

The Policy is a high-level statement of the SSSC's compliance with the Code, and there are internal processes and guidance which sit below it for departments who handle Disclosure information, which cover the requirements of this Policy. The processes available include guidance for staff in human resources, which set out the SSSC's approach to employing individuals who have a criminal record and the processing of criminal records data in recruitment.

1.2 Usage

Disclosure information is used by the SSSC, for the purposes of assessing applicants' and registrants' suitability for registration and other relevant purposes including recruitment and appointment decisions for staff, and Council and Panel members. The SSSC will use disclosure information only for the purpose for which it was requested and provided. We will not use or disclose disclosure information in a manner incompatible with the purpose. The SSSC will not share disclosure information with a third party unless the subject has given their written consent and we have made them aware of the purpose of the sharing, or if it is permitted to do so under the Disclosure Act or the 2007 Act. We do not consider a member of staff from our internal shared service to be a third party.

Information can be shared internally with those who need access to it in the course of their duties. If a member of staff is asked to reveal, share, or disclose any disclosure information to any third party, they must inform and seek advice from the Information Governance Team about the request **before** releasing any information.

1.3 Handling

The SSSC recognises that it is a criminal offence to disclose information in contravention of sections 42 and 43 of the Disclosure Act (and sections 66 and 67 of the 2007 Act). Disclosure information is only shared with those who are authorised to see it in the course of their duties, and in accordance with the Disclosure Act or the 2007 Act. If a member of staff is asked to reveal, share or disclose any disclosure information to any third party, they must inform and seek advice from the Information Governance Team about the request **before** releasing any information.

1.4 Access and Storage

The SSSC does not keep disclosure information relating to its staff on individual personnel files. We keep all hard copy disclosure information securely, in lockable, non-portable storage containers. We store all electronic disclosure information securely on the SSSC's servers. We restrict access to disclosure information (whether electronic or hard copy) to authorised and named individuals, who are entitled to see such information in the course of their duties.

1.5 Retention

To comply with the UK GDPR, the SSSC does not keep disclosure information for longer than necessary to support our statutory functions and to satisfy any legal or reporting requirements. The SSSC will not retain any paper or electronic image of the disclosure information unless this is required for any regulatory or legal reason. Where we don't retain the paper or electronic image of the disclosure information, the SSSC will record the date of issue, the individual's name, the disclosure type and the purpose for which it was requested or provided, the unique reference number of the disclosure and details of our decision. The same conditions relating to secure storage and access apply irrespective of the period of retention.

Please see our [Retention and Disposal Schedule](#) for further information.

1.6 Disposal

The SSSC will make sure that disclosure information is destroyed in a secure manner ie by shredding, pulping or burning. The SSSC will make sure that we don't keep disclosure information which is awaiting destruction in any insecure receptacle (eg a waste bin or confidential waste sack). The SSSC will not retain any image or photocopy or any other form of the disclosure information and we will delete any electronic disclosure information from the SSSC's systems.

1.7 Umbrella Bodies

Before acting as an umbrella body (a body which countersigns applications for Level 2 disclosures or makes declarations in relation to PVG disclosure requests on behalf of other organisations) we will take the following steps. We will ensure that the organisation on whose behalf we are acting complies with the Code and the Disclosure Act and 2007 Act and is entitled to ask exempted questions and receive disclosure information. We will take

all reasonable steps to satisfy ourselves that they will handle, use, store, retain and dispose of disclosure information in full accordance with this policy. We will also make sure that any body or individual for whom applications or requests are countersigned, has a written privacy policy. If necessary, we will provide a model policy for that body or individual to use or adapt for this purpose. We will also remind any organisations on whose behalf we may act for PVG disclosure requests of the importance of having a referral policy.

We will ensure that any disclosure information obtained by us in our umbrella body capacity is passed between organisations by secure means and that we do not retain disclosure information after it has been disclosed.

2. Values

[Our Values](#) guide everything we do. We listen, learn and do the right thing. When applying this policy we require our staff and our managers to treat each other with dignity and respect by acting in accordance with our values.

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| Recognise and respect others | <p>We treat others with kindness and respect, and value the contribution every member of staff makes.</p> <p>At every stage of the process there will be no discrimination on the grounds of protected characteristics as listed in the Equality Act 2021.</p> <p>All employees will be treated fairly and consistently under this process and in particular if any employee requires specific support and assistance due to them having a protected characteristic under the Equality Act 2010, they will be accommodated appropriately.</p> |
| Accept responsibility and accountability | <p>Respecting confidentiality and only sharing information, as appropriate, with relevant people.</p> <p>We deal with issues kindly, sensitively and showing compassion.</p> |

3. Roles and responsibilities

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| Executive Management Team | Approves this policy and creates a culture in which employees can flourish through interesting and rewarding work. |
| | Delegates responsibilities related to the policy to the Operational Management Team (OMT) and line managers. |

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| | <p>Makes sure that managers and staff receive appropriate development, support, and training to implement the policy appropriately.</p> <p>Makes sure this policy complies with legislation and does not breach any other statutory requirement placed upon the SSSC.</p> |
| Head of Legal and Corporate Governance | <p>Makes provision for a regular review of the SSSC's Disclosure Scotland Information Handling Policy and instigate modifications when necessary, to make sure it is in line with Disclosure Scotland's Code of Practice and the use of Disclosure information provided to registered persons and countersignatories.</p> |
| Operational Management Team | <p>Makes sure that their managers and staff observe the appropriate security measures for maintaining records containing disclosure information.</p> |
| Staff | <p>Comply with our Code of Conduct for Employees. We expect the highest standards of integrity and conduct from all employees.</p> <p>Comply with this policy when handling disclosure information.</p> <p>Contact the Information Governance team if they have any queries about the use of disclosure information.</p> |

4. Further information

4.1 Legislation and guidance

- Code of Practice (the Code), published by Scottish Ministers under section 55 of the Disclosure (Scotland) Act 2020.
- Disclosure (Scotland) Act 2020
- Protection of Vulnerable Groups (Scotland) Act 2007.
- United Kingdom General Data Protection Regulation (UK GDPR).

- Data Protection Act 2018.

5. Document governance

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| Document owner/author/lead | Head of Legal and Corporate Governance |
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| Approved by | EMT |
| Date of next review | December 2027 |
| Date of impact assessment (IA) (mandatory) | 7 November 2024 |
| Date of data protection impact assessment (DPIA) (if required) | N/A |
| Commencement date | |
| This policy replaces | |

Change log – for minor changes to spellings, sentences etc. Use when policy is not being put forward for approval.

| Officer name | Date of change | Description of change | Confirm upload of revised document |
|-----------------|-------------------|--|------------------------------------|
| Caroline Gowans | 26 September 2025 | Disclosure levels updated to reflect change to legislation. Disclosure (Scotland) Act 2020 added to list of legislation and guidance. | Yes |
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