

## **WITHDRAWAL AT CMP – Errors or Omissions in Applicant Personal Information**

### **FAQ's**

#### **Q: What is the reason for the change?**

It is stipulated within the Code of Practice that Registered Bodies/Umbrella Bodies must ensure that applications for a DBS product are completed accurately. The RB/UB identity checker must vigorously check the identity of the applicant and ensure extreme diligence in recording the applicant's personal information on the application form. This step is vital to the application process and the integrity of the checks carried out by the DBS.

DBS introduced a withdrawal policy in August 2019 concerning inaccuracies in the data submitted in Section X of the Enhanced application form, where errors identified at Stage 4 of the checking process for Enhanced applications, will result in the application being withdrawn. This policy will now be extended to inaccuracies occurring in the applicant's personal information.

From a GDPR perspective we have a duty to ensure that the data we are processing is accurate. The minute we know it isn't then we must stop processing. Given the nature of the service we offer in the matching of personal data for safe guarding purposes it is imperative that we process correctly validated information and it is the duty of the RB to ensure that the information submitted is correct. It is not up to DBS to change data as it then presents risks.

#### **Q: GDPR gives data subjects the right to rectification. Has the implication of that right been considered?**

We allow applicants to rectify information at the processing stage by completing a new application if it is an error on their part, or the RB's part.

The right to rectification is to ensure we as a data controller do not continue to process information that we know is incorrect. The reason for this is that applicants and RB's both have an obligation to ensure that the information provided to us is correct and they sign a statement to that effect on the application form prior to submission.

Once we are informed that information is incorrect, we stop processing via the withdrawal process and the applicant has an opportunity to rectify the error by submitting a new application. For inaccuracies identified after the certificate is issued, the disputes process allows applicants to request rectification.

#### **Q: Are you able to provide some examples of the errors that you have been correcting, so that we can provide clear guidance and examples of what not to do for our clients?**

We are not able to examine individual organisation's past applications for specific instances; however, we can provide some general examples which demonstrate the nature of the inaccuracies identified.

**Q: Does the applicant, employer or RB have a right to appeal against the decision to withdraw an application?**

DBS communication will be clear, and we will fully engage with the RB to investigate the circumstances surrounding any error or omission. The data belongs to the applicant and if, during the investigation process, the applicant has confirmed that the data is incorrect there shouldn't be a need for an appeal.

The formal complaint procedure is available for any applicant who believes that they have a valid reason to appeal against the withdrawal of any application.

**Q: We can't possibly know what names an applicant might have declared on other applications. What information will we receive to help us with this query?**

This part of the process has not changed. We will contact you with details of the potential omission/error, ask you to review this with the applicant and advise us of your findings.

We will not withdraw an application for an error or omission in the applicant's name or address without referring it to yourselves for investigation.

**Q: What if the applicant has changed their name since submitting the application?**

A change of circumstances is not the same as an error and we will be able to add the applicant's new name to the application. You must provide us with the date of the name change.

**Q: Will you be providing written notification when you withdraw an application, along with the reasons?**

When an application is withdrawn due to incorrect or undisclosed personal information, we will issue a standard letter to you, the RB/UB, to confirm this. We expect you to advise the applicant.

In all cases we will have previously engaged with you regarding the query leading up to the withdrawal of the application pass the details of the police query to yourselves and ask you to clarify the information already provided, or to provide supplementary information to support the application.

**Q: If an application is withdrawn will a refund be given?**

At the point at which an application is queried by a police force force it has already passed through a significant part of the overall process, resulting in administration costs. For this reason, a refund of the application fee will not be given.

**Q: Do we have to pay again for the replacement application?**

As an RB/UB it is expected that you are familiar with the Disclosure application process and the requirements of the application form, including the accurate completion of personal information.

If an error or omission has occurred in the applicant's personal information which leads to the application being withdrawn, and a certificate is still required for the applicant, then a replacement application must be submitted, and the appropriate fee paid.

**Q: What happens if the applicant has joined the Update Service prior to their application being withdrawn?**

You cannot join the Update Service without a correct certificate, so there will be no Update Service subscription, and the fee for this will be refunded.

**Q: Who can I contact for more information?**

The DBS on 03000 200190.