



CODE OF PRACTICE AND EXPLANATORY GUIDE

**For Registered Persons and other recipients of
Disclosure Information**

August 2012

Introduction to Code of Practice and Explanatory Guide

This Code of Practice (the Code) is intended to ensure that information released in AccessNI Standard and Enhanced Disclosures is used fairly, and to provide assurance to applicants that this is the case.

The Code also seeks to ensure that sensitive personal information is handled and stored appropriately and kept for only as long as is necessary.

Guidance to the Code in the form of an Explanatory Guide is contained in this document. Guidance to Registered Persons on other matters will be issued separately.

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This Code of Practice is an important document that sets out obligations that must be met by Registered Persons and other recipients of AccessNI Standard and Enhanced Disclosure Information.

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Section A : Code of Practice

Introduction

This Code of Practice is published under section 122 of the Police Act 1997 (the Act) in connection with the use of information provided to Registered Persons (Disclosure Information) under Part V of the Act.

Disclosure Information is information:

-  contained in criminal record certificates under section 113 of the Act (Standard Disclosures); or
-  contained in Enhanced Criminal Record Certificates under section 113B of the Act (Enhanced Disclosures); or
-  provided by the police under section 113B(4) of the Act.

-  voluntary organisations, and others engaging or using the services of volunteers; and
-  regulatory and licensing bodies.

Further information in relation to the Code and other matters relating to Registered Persons and others having an involvement with Disclosure Information, is contained in the Explanatory Guide.

Except where indicated otherwise, the Code applies to all recipients of Disclosure information, namely:

-  Registered Persons;
-  those countersigning disclosure applications on behalf of Registered Persons; and
-  others receiving such information.

Where reference is made to “Employers” this should be read as including any person at whose request a Registered Person has countersigned an application, including:

SECTION A : Code of Practice

Obligations of the Code

These are as follows:

1. Fair Use of Disclosure Information

Recipients of Disclosure information shall:

observe all guidance issued or supported by AccessNI (ANI) on the use of Disclosure Information and, in particular, recipients of Disclosure Information shall not unfairly discriminate against the subject of Disclosure Information on the basis of conviction or other details revealed.

In the interests of proper use of Disclosure Information, and for reassurance of persons who are the subject of Disclosure Information, Registered Persons shall:

have a written policy on the recruitment of ex-offenders, so that a copy can be given to all applicants for positions where a Disclosure will be requested; and

ensure that a body or individual at whose request applications for Disclosures are countersigned has such a written policy and, if necessary, provide a model for that body or individual to use.

In order that persons who are, or who may be, the subject of Disclosure Information are made aware of the use of such information and be reassured, employers shall:

ensure that application forms for positions where Disclosures will be requested contain a statement that a Disclosure will be requested in the event of a successful application, so that applicants are aware of the situation;

include in application forms, or accompanying material, a statement to the effect that a criminal record will not necessarily be a bar to obtaining a position, in order to reassure applicants that Disclosure Information will not be used unfairly;

make every subject of a Disclosure aware of the existence of this Code, and make a copy available on demand; and

in order to assist staff to make appropriate use of Disclosure Information in reaching a decision, make available guidance in relation to the employment and fair treatment of ex-offenders and the Rehabilitation of Offenders (Northern Ireland) Order 1978 (SI 1978/1908 (NI 27)).

2. Handling of Disclosure Information

Recipients of Disclosure Information:

-  must ensure that Disclosure Information is not passed to persons not authorised to receive it under section 124 of the Act. Under Section 124, unauthorised disclosure is an offence;
-  must ensure that Disclosures and the information they contain are available only to those who need to have access in the course of their duties;
-  must securely store Disclosures and the information they contain; and
-  should retain neither Disclosures nor a record of Disclosure Information contained within them for longer than is required for the particular purpose. In general, this should be no later than six months after the date on which recruitment or other relevant decisions have been taken or after the date on which any dispute has been resolved. This period should only be exceeded in very exceptional circumstances which justify retention for a longer period.

Registered persons shall:

-  have a written security policy covering the correct handling and safekeeping of Disclosure information; and
-  ensure that a body or individual at whose request applications for disclosures are countersigned, has such a written policy and if necessary, provide a model for that body or individual to adopt.

3. Assurance

Registered persons shall:

-  co-operate with requests from AccessNI to undertake assurance checks as to the proper use and safekeeping of Disclosure Information; and
-  report to AccessNI any suspected malpractice in relation to this code or any suspected offences in relation to the misuse of Disclosures.

4. Umbrella Bodies

- (a)** An Umbrella Body is one which has registered with AccessNI on the basis that it will countersign applications on behalf of others who are not registered.
- (b)** Umbrella Bodies must satisfy themselves that those on whose behalf they intend to countersign applications, are likely to ask exempted questions under the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979.
- (c)** Umbrella Bodies must take reasonable steps to ensure that those to whom they pass Disclosure Information observe this Code.

5. Failure to comply with the Code of Practice

ANI is empowered to refuse to issue a disclosure if it believes that a Registered Person, or someone on whose behalf a Registered Person has acted, has failed to comply with this Code.

SECTION B : Explanatory Guide

This Explanatory Guide should be read in conjunction with the Code.

1. INTRODUCTION

Purpose of this Guide

This guidance (referred to as the Guide) supplements the information in the Code published by the Minister of Justice under section 122 of the Act.

Background and types of certificates (Disclosures)

AccessNI (ANI) is a branch within of the Department of Justice in the Northern Ireland Executive which exercises the powers and fulfils the responsibilities of the Minister of Justice under the Act.

AccessNI issue **three** types of document:

 **criminal conviction certificates under section 112 of the Act** - referred to in this Guide as **Basic Disclosures (BDs)**

These will be issued to individuals on request, subject to confirmation of identity.

A **Basic Disclosure** will contain details of convictions held in central police records which are not spent under the terms of the Rehabilitation of Offenders (Northern Ireland) Order

1978 or it will state there are no such convictions. Any employer will be able to request a potential employee to apply for a BD.

 **Criminal record certificates under section 113 of the Act** - referred to in this Guide as **Standard Disclosures (SDs)**.

These will be available in respect of positions and professions within the terms of the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979.

A SD will contain details of any spent and unspent convictions as well as cautions, informed warnings and details of diversionary youth conferences, where such information is held on the Police National Computer.

SDs are not suitable for positions working with children or vulnerable adults.

 **Enhanced criminal record certificates under section 113B of the Act** - referred to in this Guide as **Enhanced Disclosures (EDs)**

These will be available in respect of positions and professions within the terms of the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979, provided that the position applied for is also prescribed within the Police Act (Criminal Records) (Disclosure) Regulations (Northern Ireland) 2008, as amended.

An ED will have the same information as a SD and may also have non-conviction information from police records where a chief officer of police believes the information might be relevant and ought to be disclosed. It may also have information from the Independent Safeguarding Authority if the individual is prevented from working with children or vulnerable adults.

Applications for disclosure are made by the person being checked, often at the request of his or her employer, or prospective employer. Part V of the Police Act 1997 does not place any obligation on such persons to apply for a check, but other relevant legislation may require such a check to be made.

Good Recruitment Practice

AccessNI is committed to:

-  encouraging the spread of best practice in recruitment;
-  to ensuring the best possible use of the information it provides; and
-  to encouraging safe recruitment.

The establishment of AccessNI widens the availability of criminal record information. It is crucially important that individuals convicted of criminal offences are treated fairly and are given every opportunity to establish their suitability to work, or volunteer.

The existence of a comprehensive disclosure service should not be regarded as a substitute for any of the full range of existing pre-employment checks, including taking up references and enquiring into the person's previous employment history. Disclosures should be seen as complementary to existing recruitment practice and should only be sought **after** a candidate has been provided with a provisional offer of employment, or a voluntary position.

2. GENERAL PRINCIPLES AND REGISTRATION

Eligibility

Disclosures are designed to help employers make safer recruitment decisions. They are also available to individuals exercising specific regulatory and licensing functions.

All recipients of Disclosure Information, namely:

-  Registered Persons;
-  Those countersigning Disclosure Applications on behalf of Registered Persons; and
-  Others receiving such information

must adhere to the Code of Practice.

If AccessNI believes that a Registered Person has:

-  Failed to comply with the Code; and / or
-  Countersigned an application at the request of a body or individual that has failed to comply with the Code.

AccessNI may refuse to issue a Disclosure.

Sensitivity of Disclosure Information

All information disclosed by AccessNI is sensitive personal information. AccessNI publishes guidance covering the full range of its services. This includes guidance to

employers on how to make best use of the information contained within Disclosures to make sensible and fair decisions about the suitability of individuals for positions.

All recipients of Disclosure Information must treat such information with care and responsibility. Such information may be particularly sensitive and the arrangements made must fully recognise this.

The Register

Applications for Standard and Enhanced Disclosures must be countersigned by a person registered with AccessNI for this purpose. A person, in this context includes a body or organisation.

Persons applying to be registered will undergo a check to assess their suitability to receive information from AccessNI.

For some persons, or bodies, with a legitimate requirement to have access to Standard and Enhanced Disclosures, separate registration may not be appropriate for reasons of practicality or cost. They may, however, be able to gain access to the information they require by asking another registered organisation to countersign applications for Disclosures on their behalf. Such registered organisations are known as **Umbrella Bodies**.

Registration

Basic criteria

A person will be registered if he/she applies in writing (see AccessNI website for appropriate form) providing such information as may be requested by AccessNI, pays the applicable fee and meets the requirements summarised below.

Registered Persons

A person applying for registration must be:

-  A body; or
-  A person appointed to an office by virtue of any enactment; or
-  An individual who employs others in the course of a business.

Applicants must satisfy AccessNI that they are likely to ask exempted questions under the terms of Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979.

Umbrella Bodies

Even if a body is not likely to ask exempted questions, it may apply for registration if it satisfies AccessNI that it is likely to countersign Disclosure Applications at the request of bodies or individuals asking exempted questions. Such an organisation is known as an Umbrella Body.

In turn, the Umbrella body must satisfy itself that those on whose behalf it wishes to countersign applications are likely to ask exempted questions.

Umbrella Bodies should also satisfy themselves that the relevant terms of the Code are observed by those on whose behalf they countersign applications. However, ultimate responsibility for compliance with those parts of the code which relate to all recipients of Disclosure Information rests with each recipient.

When and how to apply for Registration

Applications for registration should be made several weeks before the organisation plans to countersign applications. Applications should be made by completing the Registration Form on the Department of Justice's website.

Identity

Each person applying for registration must provide evidence of identity as requested by AccessNI.

Lead Signatory

Applications for registration are required to nominate a Lead Signatory. The Lead Signatory will be required to countersign the initial application for registration.

The Lead Signatory therefore should be a senior person within the organisation who has a measure of management responsibility for those making recruitment decisions. For example, a Human Resources director could be a suitable nominee. The Lead Signatory will not necessarily be expected to countersign Disclosure applications with the frequency of other Countersignatories.

The Lead Signatory will be AccessNI's principal point of contact on all matters connected with registration and use of the Disclosure service. The exception is that Disclosure certificates will be sent to the individual who countersigned the Disclosure Application.

A Lead Signatory must be assigned at all times. If a Lead Signatory leaves that position, a new Lead Signatory should be nominated as soon as possible, and AccessNI should be informed of this change at the same time.

A person who is the only Countersignatory in an organisation, including an Umbrella Body, may countersign his/her own application for registration. The relevant form allows for this.

Confidentiality

Details of registrations are confidential and are not made public. However those registered may wish to make some contact details available for members of the public or prospective recruits. Umbrella Bodies that charge a fee for their service are required to inform AccessNI of this.

AccessNI may be required to provide information about the names of Registered and Umbrella Bodies, for example in response to requests made under the Freedom of Information Act.

Changes

Registered Persons (Lead Signatories and Countersignatories) shall inform AccessNI promptly of any material changes to the

details of their registration. This should be done by completing the Registration Form on the AccessNI website. AccessNI will make any necessary amendments according to published service standards.

Registered Persons, who consider they are no longer likely to ask exempted questions, or countersign applications, should notify AccessNI so they can be removed from the Register.

Applicability

The Code and the Explanatory Guide apply to those registering with AccessNI in Northern Ireland, or elsewhere in Great Britain. Disclosure Information supplied by AccessNI will include information about convictions and other matters within the different jurisdictions in the UK. Employers offering positions only in Northern Ireland should only need to register with AccessNI. Employers in other parts of the UK offering positions in Northern Ireland may wish to register with AccessNI.

The Criminal Records Bureau (CRB) offer a Disclosure service for England and Wales and Disclosure Scotland (DS) offer a Disclosure service in Scotland. Employers in Northern Ireland offering positions within other parts of the UK may wish to register with either or both CRB and DS.

3. COUNTERSIGNING APPLICATIONS FOR DISCLOSURES

Identity of the Applicant

It is good recruitment practice for employers to satisfy themselves of the identity of those applying for positions of employment. This is especially sensible for sensitive posts, such as working with children and vulnerable adults, for which Enhanced Disclosures are required. Although AccessNI may, in some cases, conduct its own identity checks, these are no substitute for thorough identity checks by employers. Application forms for Disclosures should confirm that employers have undertaken appropriate identity checks.

AccessNI publishes information about acceptable forms of identity on its web-site. Within this, at least one item of photographic evidence would be desirable (such as a passport or driving licence) together with at least one item of address-related evidence, for example a bank statement. In the absence of photographic identity, a full birth certificate (issued at the time of birth) will carry more weight than a certified copy issued at a later date.

Where information in the evidence provided by the applicant is consistent with that on the Application Form this will tend to lead to a greater level of confidence in the applicant's identity.

Where an applicant claims to have changed their name by deed poll or other mechanism (e.g., marriage, adoption, or statutory declaration) the employer should ask to see evidence of such a change.

Registered Persons must ensure that employers seek documentary evidence and indicate on the Disclosure Application Form that checks have been made.

Disclosure Certificates should not be accepted by employers as proof of identity.

Overseas Applicants

Employers are, for certain positions, required to seek Disclosure Information on those with a substantial record of overseas residence, or indeed no record of UK residence.

It may be difficult to obtain satisfactory evidence of identity in respect of such applicants; though many will have passports, immigration and other checks.

Information on Disclosures may have limited information about overseas convictions. AccessNI will offer guidance to employers about the availability of criminal record checks in other jurisdictions and employers may wish to ask applicants to provide as much information as is available from their country of origin.

Employers may therefore wish to place greater weight on other forms of pre-employment checking for those applicants who have lived overseas, such as references.

Policy in relation to those with a criminal record

It is essential; that those who have been convicted of criminal offences are treated fairly. All employers should have available a written policy on recruitment of employees who have convictions.

Individuals and organisations making use of an Umbrella Body should be able to obtain a sample policy from the Umbrella Body. A sample policy will be provided by AccessNI on request.

Each applicant should be offered a copy of this policy at the commencement of the recruitment process. Wherever appropriate, a statement expressing a willingness to consider persons with a criminal record on their merits should be included on the employment / job Application Form. Recruitment applications and other documentation should also carry a statement that a successful applicant will be asked to apply for a Disclosure.

Applicants should also be made aware of this Code, and the employer's commitment to it.

Umbrella Bodies should satisfy themselves that all employers, on whose behalf they obtain Disclosures, are aware of this Code and take reasonable steps to ensure they comply with it.

Staff engaged by employers who use Disclosure Information should receive training and guidance in the following areas:

-  the employment of persons with convictions;
-  the Rehabilitations of Offenders (Northern Ireland) Order 1978 and the Exceptions (NI) Order 1979;
-  Part V of the Police Act 1997; and
-  this Code.

4. CONSIDERATION OF DISCLOSURE INFORMATION

Factors to be taken into account

Employers should take into account a number of factors before reaching a recruitment decision. Other guidance issued by AccessNI will help employers to consider how best to use the information contained in Disclosures. Umbrella Bodies should make such guidance available to those at whose request they countersign Disclosure Applications.

Employers should consider the following:

-  Whether the conviction, or other matter revealed, is relevant to the position in question;
-  The seriousness of any offence, or other matter revealed;
-  The length of time since the offence, or other matter, occurred;
-  Whether the applicant has a pattern of offending behaviour, or other relevant matters;
-  Whether the applicant's circumstances have changed since the offending behaviour, or other relevant matters, took place;
-  The circumstances surrounding the offence, and the explanation offered by the applicant in relation to this.

Ultimately it is the responsibility of the employer to decide whether to offer the applicant a position. However, employers

should be fully aware of their duties under the Safeguarding Vulnerable Groups (NI) Order 2007, and other requirements stipulated in law or by regulatory bodies.

Validity

A Disclosure Certificate carries no absolute guarantee of accuracy. Neither does it carry a pre-determined period of validity (i.e., they have no specific “shelf-life”). This is because a conviction, or other matter, could be recorded against the subject of the Disclosure at any time after the Certificate has been issued. Employers are advised to make recruitment decisions as soon as possible after receiving their copy of a Disclosure Certificate.

Where a prospective employee or volunteer disputes the information in a Disclosure, that dispute will need to be resolved before the employer can reach a recruitment decision. In the final analysis, if it should prove impossible to resolve matters by other means, a fingerprint check may be sought, via AccessNI, in order to determine whether the criminality information record in question relates to the applicant.

Where information has been released by the police to an employer in a separate letter, that information must not be discussed with the applicant.

5. HANDLING INFORMATION

Security

Disclosure Information must be kept securely and only those entitled to see it in the course of their duties should have access to it.

Employers should have available a written security policy for the handling of Disclosure Information. Individuals and organisations making use of an Umbrella Body should be able to obtain a model policy from the Umbrella Body. AccessNI will make available a specimen policy on request. In particular, employers should keep a written record of the names of those – whether in or outside their organisation – to whom Disclosure Information has been revealed.

Storage

All recipients of Disclosure Information must store Disclosures, and other protectively marked documents, issued by AccessNI in secure conditions. Documents should be kept in locked, non-portable storage containers. Keys or combinations for such storage units should be safely held and access restricted to those who need it for business purposes.

Retention of Disclosure Information

Once a recruitment decision (or other regulatory or licensing decision) has been made an employer must not retain Disclosure Information, or any associated correspondence, for longer than is

necessary. In general this should be for a maximum of **six months**. This period allows for any dispute about the accuracy of a Disclosure, or a recruitment decision, to be made and considered.

In the case of a dispute, Disclosure Information may need to be retained for a longer period, but in general this should be for no longer than six months after the resolution of the dispute.

If, *very exceptionally*, it is considered to retain Disclosure Information for a longer period, AccessNI should be consulted. In dealing with such a case, AccessNI will need to give full weight to the rights of the subject under Human Rights as well as Data Protection legislation. The usual conditions in respect of storage and access as detailed above should continue in place during this period.

If an umbrella Body has forwarded a Disclosure Certificate to an employer, on whose behalf it has countersigned an application, the employer should either store the Certificate securely according to this Code, or should return it to the Umbrella Body for storage.

Disclosure Certificates should be destroyed by suitably secure means, i.e., shredding, pulping or burning. They should not be kept in any insecure receptacle (e.g., a waste bin or confidential waste sack) while awaiting destruction.

No photocopy, or other image of the Disclosure Certificate, may be retained, nor

must any copy or representation of the contents be made, or kept. However, it is advisable for recipients of Disclosure Information to retain separately details pertaining to:

-  the type of Disclosure;
-  a record of the date of a Disclosure;
-  the name of the subject;
-  the position in question;
-  the unique number on the Disclosure; and
-  the recruitment decision taken.

References in this section to Disclosures include relevant non-conviction information supplied by the police but not included on Disclosure Certificates.

6. ASSURANCE

Assurance Checks

AccessNI has a responsibility to check that recipients of Disclosure information act responsibly, and use the information provided in an appropriate manner. Accordingly, AccessNI will monitor compliance with the Code by recipients of Disclosure Information. All such recipients should co-operate with AccessNI in respect of any compliance enquiries, and related matters.

AccessNI will, through its compliance work, identify any breaches of this Code and provide for remedial action. In particular AccessNI will:

-  identify those no longer likely to ask exempted questions;
-  ensure that requirements in respect of security and retention of Disclosure Certificates, and other information, are being met;
-  ensure that requirements in respect of identity checking are being met;
-  confirm that those registered are seeking the appropriate level of Disclosure in respect of those to be recruited;
-  ensure that information provided is being used fairly, and not unjustly to the detriment of persons with a criminal record; and

-  advise those registered on good practice in the use of Disclosure Information.

Complaints and Audits

Compliance checking might be instigated by AccessNI for one of the following reasons.

(a) Complaints

A compliance check might be made following complaints from:

- (i) members of the public;
- (ii) any authority or organisation; or
- (iii) countersignatories, if one reports that the organisation of which he/she is a member or to which he/she may be passing information as an Umbrella Body is in breach of this Code, or using information provided by AccessNI inappropriately.

(b) Audits

AccessNI will conduct audits of those registered in order to check compliance with this Code and to provide advice on good practice where that would be helpful. Audits may also be undertaken at the request of employers.

AccessNI will provide written reports of each audit to the audited organisation, with

recommendations where this would be considered helpful. AccessNI may undertake further audits to check that any recommendations made as a result of an earlier audit have been implemented.

All recipients of Disclosure Information must co-operate with audits.

Lost Disclosures

If Disclosure Information (or information contained within a Disclosure Certificate) is lost, the Registered Person should inform AccessNI immediately. AccessNI will consider whether to issue a replacement, if this is requested.

Where an individual or body using the services of an Umbrella Body loses Disclosure Information (or information from a Disclosure Certificate) the individual or body must immediately inform the Umbrella Body so that the loss can be reported to AccessNI.

Offences

Where AccessNI has reason to believe that a criminal offence may have been committed in respect of some aspect of the Disclosure process, it will consider passing details to the police.

Offences relating to the misuse of Disclosure Information are summarised in the Appendix to this Code.

The Safeguarding Vulnerable Groups (NI) Order 2007 makes a criminal offence for **barred individuals** to work, or apply to work, with children or vulnerable adults in a

wide range of posts. **Employers** also face criminal sanctions for **knowingly employing a barred individual** across a wide range of work. Individuals are barred by the Independent Safeguarding Authority (ISA) and the names of those barred are held in either the ISA Children and/or Adults list.

Referrals are made to the ISA when an employer or an organisation, for example, a regulatory body, has concerns that a person has caused harm or poses a future risk of harm to children or vulnerable adults. In these circumstances the employer or regulatory body **must** make a referral to the ISA.

In addition, the courts can disqualify those convicted of serious offences of a sexual or violent nature from working with children by imposition of a **Disqualification Order**. It is an offence to knowingly offer a disqualified person work with children, or to allow them to continue in work.

There may be circumstances where a recipient of Disclosure Information is asked to reveal details of a Disclosure to a third party in connection with legal proceedings, for example, a case submitted to an Employment Tribunal. In such circumstances the recipient of Disclosure Information should inform AccessNI of any such request immediately and, where appropriate, prior to the release of such information.

7. TERMINATING REGISTRATION

Withdrawal from the Register

A person who no longer considers he/she is no longer likely to wish to countersign applications for Disclosure should ask to be removed from the Register. Any such request should be made to AccessNI in writing. Anyone removing themselves from the Register may apply to rejoin in the future on payment of the set fee.

Removal from the Register

The following summarises the provisions set out in the Police Act 1997 (Criminal Record) (Registration) Northern Ireland Regulations 2007.

Where AccessNI considers that a Registered Person is no longer likely to wish to countersign Disclosure Applications it may remove that person from the Register.

In such cases, AccessNI will write giving notification of the intention to remove the person from the Register, and the reasons for this decision. The person shall be informed of his/her right to make representations as to why he/she should not be removed from the Register.

The Registered Person may make representations within 28 days.

Having considered such representations, AccessNI will inform the Registered Person either:

-  that AccessNI remains of the view that the person is unlikely to wish to countersign applications, giving reasons for this view and that the person will be removed from the Register at the end of a further period of 28 days; or
-  that AccessNI proposes to take no further action.

If AccessNI advises the Registered Person that he/she will be removed from the Register, and no further representations are received within the period of 28 days, AccessNI will remove the person from the Register at the end of that period.

The procedure described above will not apply where;

-  AccessNI is satisfied, in the case of a Registered Person (other than a body), that the person has died, or is incapable due to physical or mental impairment of countersigning applications; or
-  The Registered Person has requested AccessNI to remove that person from the Register.

APPENDIX

Offences relating to Disclosure

This Appendix is not a definitive guide to the provisions of the Police Act. For an authoritative statement of the law AccessNI recommends that professional legal advice is sought. However passing information in circumstances other than outlined below may be a criminal offence.

Registered Bodies acting on their own behalf

A member, officer or employee of a body that is registered may only share Disclosure Information:

-  in the course of his/her duties; and
-  to another member, officer or employee of that body.

Umbrella Bodies

A member, officer or employee of an Umbrella Body may only share Disclosure Information:

-  in the course of his/her duties;
-  to another member, officer or employee within the Umbrella body;
-  to a member officer or employee of the body at whose request the Umbrella Body countersigned the application; or

-  to the individual at whose request the Umbrella Body countersigned the application.

Unregistered Bodies receiving Disclosure Information from Umbrella Bodies

A member, officer or employee of an unregistered body who requested an Umbrella Body to countersign an application, may only share Disclosure Information:

-  in the course of his/her duties; and
-  to another member, officer or employee of the unregistered body.

An individual who is Registered

An individual who is a Registered Person may only share Disclosure Information;

-  in the course of his/her duties; and
-  to another employee of the same individual.

Likewise an employee of a registered individual may only share Disclosure Information:

-  in the course of his/her duties; and
-  to another employee of the same individual.

consent of the Chief Officer of the Police Service who provided the information.

Subsequent use of Information

If disclosure information is shared with a person, and this constitutes an offence under the Police Act, that person commits an offence if he/she then divulges the information to any other person.

Other circumstances in which sharing Disclosure Information would not be an offence

In addition to the circumstances set out above, information in a Disclosure may also be shared in other specified exceptional circumstances, including:

-  with the written consent of the subject of the Disclosure;
-  to a Government Department;
-  to a person appointed to an office by virtue of an enactment; or
-  in accordance with an obligation to provide information under or by virtue of any enactment.

Disclosure Information conveyed by the police separately from a Disclosure under section 113B (4) of Part V of the Police Act 1997 may also be shared with the written