

The Disclosure (Scotland) Act 2020 (Disclosure Act) introduced 'regulated roles', which define whether membership of the Protecting Vulnerable Groups scheme ("the PVG scheme") is required for a particular role. This replaces the previous definition of 'regulated work', introduced by the Protection of Vulnerable Groups (Scotland) Act 2007 (PVG Act).

We undertake to treat all applicants for positions fairly and not to discriminate unfairly against the subject of a Disclosure on the basis of conviction or other information revealed. The selection of candidates for interview will be based on skills, qualifications and experience.

We fully comply with the Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information and has a written policy on these matters. This policy is available to anyone who wishes to see it on request.

Level 1 Disclosures and PVG Checks

Level 1 Disclosure

As a policy, Malakoff ask all employees who may be required to access the Sullom Voe Terminal to apply for a Level 1 Disclosure. The Level 1 Disclosure will show any unspent convictions.

PVG Check

Under the definition of Regulated Work, the work that a company conducts must be in a Regulated Role (see below) and have contact with children or protected adults in this role.

While Malakoff does have contact with children and possibly protected adults during our course of work, the work that we do does not come under the definition of a Regulated Role:

Regulated Roles:

- Care ➤ Education ➤ Health ➤ Sport
- Other:
 - Regulated role if contact with children or protected adults
 - Charity trustee (where organisation has one of its main purposes to provide benefits to children or protected adults)
 - Chief social worker of a local authority
 - Elected members (local authorities) where they hold a position of a full or designated substitute member of a committee (or sub committee) concerned with either education, accommodation, social services or healthcare provision
 - Student training for a profession whose members are in regulated roles
 - Regulated role if contact with children only
 - Cadet forces instructor
 - Chaperone
 - Chief education officer of a local authority
 - Commissioner for children and young people in Scotland
 - Duke of Edinburgh helper or volunteer
 - Members of the Children's Panel, Children's Hearings Scotland and the Scottish Children's Reporter Administration
 - Play worker
 - Principal Reporter
 - Reporter of officers appointed under section 8(5) of the Local Government etc. (Scotland) Act 1994 to assist that officer

However, if a client, such as an educational institute, requires an employee to have a PVG check, this will be organised through an umbrella organisation.

Malakoff as a Disclosure Information Recipient**Usage**

Malakoff uses Disclosure information only for the purposes for which it has been requested and provided. The information provided by an individual for a position within Malakoff is not used or disclosed in a manner incompatible with the purpose. We will not share disclosure information with a third party unless the subject has given their written consent and has been made aware of the purpose of the sharing. We will notify the individual of any non-obvious use of the data, including further disclosure to a third party.

Handling

We recognise that, under section 124 (The Serious Organised Crime and Police Act 2005 - Schedule 14, Paragraph 12), it is a criminal offence to disclose Disclosure information to any unauthorised person. Disclosure information is only shared with those authorised to see it in the course of their duties.

Access and Storage

We do not keep Disclosure information on an individual's personnel file. It is kept securely, in a lockable, non-portable storage unit. Access to the storage unit is strictly controlled to authorised and named individuals, who are entitled to see such information in the course of their duties.

Retention

To comply with the Data Protection Act 2018, we do not keep Disclosures or Disclosure information for any longer than is required. So that applications can be made for employees to access the Sullom Voe Terminal, Disclosures shall be stored for a maximum of 3 years. Disclosure information will only be retained for longer than this period in exceptional circumstances that justify retention for a longer period. The same conditions relating to secure storage and access will apply during any such period.

We will not retain any image or photocopy or any other form of the Disclosure information. We will, however, keep a record of the date of issue of the Disclosure, the name of the subject, the Disclosure type, the position for which the Disclosure was requested, the unique reference number of the Disclosure and details of the recruitment decision.

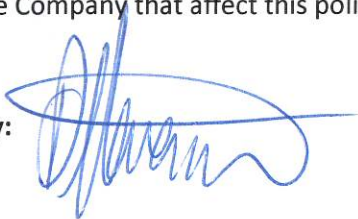
Disposal

Once the retention period has elapsed, we will ensure that Disclosure information is immediately destroyed in a secure manner i.e. by shredding, pulping or burning. Malakoff will ensure that Disclosure information which is awaiting destruction will not be kept in an insecure receptacle.

Review of Policy

This policy will be reviewed every two years as a minimum, or when any new legislation or processes are introduced within the Company that affect this policy.

Signed By:



Managing Director

Date: 23rd May 2025

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