

PROTECTION OF VULNERABLE GROUPS (SCOTLAND) ACT 2007

EXPLANATORY NOTES

OVERVIEW

Part 2: Vetting and Disclosure

Sections 62 – 64. Evidence of identity

112. In order to join the scheme or request disclosures, it will be necessary for the Vetting and Disclosure Unit to verify an individual's identity. If sufficient evidence is not provided, the Vetting and Disclosure Unit will not be obliged to consider such requests.
113. [Section 63](#) allows the Scottish Ministers to use fingerprints to check an applicant's identity. This provision builds on current provisions in Part 5 of the Police Act. It does not mean that every applicant will have to submit fingerprints in support of their application.
114. Fingerprints have only been required in around 0.03% of cases in the five years since Disclosure Scotland began in 2002. Disclosure Scotland carry out checks to ensure that the applicant is the person they claim to be. However, there are occasions where somebody might give another person's details when arrested or where the applicant has a very similar name, date of birth and address history as an entry on the Criminal History System. In these circumstances, a criminal record may potentially be attributed to the wrong person during a disclosure check. The Criminal History System uses fingerprints to link a criminal record to the individual. Disclosure Scotland can therefore use fingerprint identification to confirm whether or not the applicant is the same person as the one with the criminal record, thereby ensuring that a criminal record is not wrongly attributed. However, [section 63\(2\)](#) ensures that the taking of fingerprints will only be used as a method of last resort for establishing identity.
115. [Section 63\(3\)](#) ensures that any fingerprints taken for the purposes of confirming the identity of applicants to the scheme, or existing scheme members, must be destroyed as soon as is reasonably practicable after the prints have been used for their intended purpose.
116. [Section 64](#) gives the Scottish Ministers the power to use information held by: the Identity and Passport Service (formerly known as the UK Passport Agency); the Driver and Vehicle Licensing Agency; and the Department for Work and Pensions (National Insurance numbers) for the purposes of checking evidence of identity. [Section 64\(2\)](#) gives the Scottish Ministers the power to prescribe other persons holding data.