



Via Email

7 May 2013

Dear Mr Griffiths

**FOI reference 1039**

Thank you for your request, received 11 April 2013, made under the Freedom of Information Act 2000.

The functions previously undertaken by the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA) are now carried out by the Disclosure & Barring Service (DBS). The DBS was established under the Protection of Freedoms Act 2012 and provides information to help employers in England and Wales make informed safer recruitment decisions, especially those involving children or vulnerable groups. The DBS also helps prevent unsuitable people from working with vulnerable groups including children. The DBS are now the owners of the information that was previously held by the CRB and the ISA.

I note your request for information was as follows:

Can I ask for a renewal of a FOI Request made to the CRB on 6th October 2011.

'Please can you provide me with the number of applications submitted by each employer name, in the 12 month period ending September 2011, grouped by registered/umbrella body name and then split by the type of application (paper/electronic).

I recognise that this may be a large volume of information, but would ideally like it in Excel format. If any employer names are regarded as personal information (as defined under the Data Protection Act) then please can they be redacted as necessary.'

Above is a copy of that FOI request. Please could this be for the full month of March 2013.

Response

I can confirm that the DBS holds the information that you requested. However, after careful consideration, we have decided that part of the information you request is exempt from

disclosure under section 43 of the Freedom of Information Act. This provides that information can be withheld where disclosure would be likely to prejudice the commercial interests of any person and the public interest falls in favour of applying the exemption.

I am however able to disclose some of the information that you requested, as set out in the attached spreadsheet. This provides a list of the potential employer names and the volumes of paper/online applications submitted in the full month of March 2013.

The following exemption has been applied to the list of Registered Body names.

### **Section 43 (2) (Commercial Interests) Exemption**

Section 43(2) exempts information if its disclosure under this Act would, or would be likely to; prejudice the commercial interests of any person (including the public authority holding it). This is also a prejudice based exemption and therefore the public interest test has been applied to the information requested.

### **Factors in favour of release**

The DBS acknowledges the need for openness and transparency and considers there is strong public interest in knowing which organisations are applying for DBS checks and in what numbers.

### **Factors against release**

There is less public interest in knowing which Registered Bodies have made the applications on their behalf. It would not be in the public interest to disclose information that could prejudice the commercial interests of organisations who are registered with the DBS for the purpose of asking exempted questions. The DBS has a strategic partnership with its Registered Bodies and consider that the release of the Registered Body names alongside the names of employers would be likely to prejudice their commercial interests. This information in its entirety is market-sensitive information and the disclosure would be likely to weaken the Registered Bodies position in a competitive environment since it would be useful to their competitors.

The DBS have a responsibility not to damage the commercial interests of our Registered Bodies unnecessarily, but equally we have a responsibility under the Freedom of Information Act 2000 to provide information about matters of genuine public interest. We therefore consider the factors against release outweigh the factors in favour of release and consider there are reasonable grounds for withholding the names of the Registered Bodies under Section 43(2) but not the list of potential employers and volumes, which, in this context, are of greater public interest.

### **Your right to request an internal review under the Freedom of Information Act**

If you are dissatisfied with our response or our handling of your FOI request you may request an internal review by e-mailing [dbsfai@dbsgsi.gov.uk](mailto:dbsfai@dbsgsi.gov.uk) or by writing to Freedom of Information Manager, Disclosure & Barring Service, PO Box 165, L69 3JD. You should submit any request for review within two months of the date of this letter.

In all possible circumstances the Disclosure & Barring Service will aim to respond to your request for review as soon as practicable and in any case within 40 calendar days.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF [www.ico.gov.uk](http://www.ico.gov.uk).

I hope this information is of assistance.

Yours sincerely

Elise Snelham

**DBS Freedom of Information Officer**

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