

SPSO decision report

Case: 201604017, Disclosure Scotland
Sector: Scottish Government and devolved administration
Subject: handling of application
Decision: not upheld, no recommendations

Summary

Mr C complained about Disclosure Scotland after they issued a disclosure certificate showing him to have a criminal conviction. He complained that Disclosure Scotland unreasonably associated his details with those of another person with a conviction.

Disclosure Scotland apologised and rectified the certificate, but the error had resulted in Mr C losing his job and struggling to find employment. They maintained that they had followed their procedures correctly and had not made any error in processing his application.

We found that Disclosure Scotland had correctly checked the information provided by Mr C against the Police National Computer, and that his details had been correctly associated with someone with a criminal conviction. Their disputes process is set out in the Police Act 1997, and requires applicants to provide fingerprints to dissociate themselves from the person with a conviction where there is a dispute regarding identity. Mr C refused to provide his fingerprints, which meant the dispute was unnecessarily protracted.

We found there had been no maladministration by Disclosure Scotland and did not uphold the complaints.