

**Disregarding Certain Criminal Convictions**

**Chapter 5 Part 5 Protection of Freedoms Act 2012**

**Application Form and Guidance Notes for Applications**

**GUIDANCE FOR APPLICANTS**

This application form is for use by anyone seeking to make an application to the Department of Justice to have one or more of their convictions for offences, as listed in Chapter 5, Part 5 of the Protection of Freedoms Act 2012, formally disregarded.

The word “conviction” includes a conviction or caution unless otherwise specified.

**AM I ELIGIBLE TO APPLY TO HAVE MY CONVICTION DISREGARDED?**

You may only apply to have **your** conviction(s) disregarded. Applications made on behalf of a third party will not be accepted. Where you ask someone to help you to complete the application form, you must still sign to confirm that the details contained therein are accurate and complete to the best of your knowledge.

Convictions under the following provisions may be eligible to be disregarded:

• Article 19 of the Criminal Justice (Northern Ireland) Order 2003

• Article 7 of the Homosexual Offences (Northern Ireland) Order 1982

• Section 61 of the Offences against the Person Act 1861

• Section 11 of the Criminal Law Amendment Act 1885

Applications relating to any other convictions will **not** be accepted.

In order for an eligible conviction to be disregarded it must appear to the Department of Justice that (a) all parties involved in the conduct constituting the offence consented to it and were aged 17 or over at the time the offence was committed, and (b) any such conduct now would not be an offence under section 75 of the Sexual Offences (Northern Ireland) Order 2008.

**HOW DO I OBTAIN AN APPLICATION FORM?**

* You can download an application form from: [www.nidirect.gov.uk/articles/pardons-and-disregards-homosexual-offences](http://www.nidirect.gov.uk/articles/pardons-and-disregards-homosexual-offences)
* You can request an application form by emailing: CPU@justice-ni.gov.uk or by writing to:

Criminal Policy Unit, Department of Justice, Massey House, Stormont Estate, Belfast, BT4 3SX

**COMPLETING THE APPLICATION FORM:**

There are two sections to the application form:

**Section A** relates to your current personal details and **must** be completed in full in order for an application to be accepted. Failure to provide the information requested in section A will result in your application being rejected.

**Section B** relates to your personal details at the time the offence was committed and the details of the offence itself. This section should be completed as fully as possible. If you are applying to have more than one conviction disregarded, please complete a separate box for each conviction. This includes where you were convicted on the same occasion for more than one offence. The more information you provide, the easier it will be to locate relevant records and progress your application quickly.

The application form includes further guidance on how to complete each section. When complete, you should sign and date the application form at the bottom of section B. Please ensure that you have included copies of any materials or documents that you wish to submit in support of your application, along with evidence of your identity and current address, and return it to:

**Criminal Policy Unit, Department of Justice, Massey House, Stormont Estate,**

**Belfast BT4 3SX**

 Or by e-mail to: **CPU@justice-ni.gov.uk**

**CONFIRMING YOUR IDENTITY AND ADDRESS:**

Criminal record information is sensitive personal information and its management is strictly governed. In order to safeguard the information and ensure that it is only disclosed to the person that it relates to, and processed only as far as necessary to progress your application, we require you to provide **copies** of two documents to confirm (a) your identity, and (b) your current address. Please **do not** send original documents as we are unable to return them to you. Further guidance on which documents are acceptable as evidence of your identity and address can be found in section A of the application form.

**PROTECTING YOUR PERSONAL INFORMATION:**

All information that you provide will be treated in the strictest confidence. We will never disclose the information to any person or organisation not involved in the process without your express consent to do so. If you would like us to contact someone else acting on your behalf in respect of this application, you should enclose a signed letter along with your application setting out the contact details of the person acting on your behalf and stating that you consent to us discussing your application with that individual/organisation.

We will only retain details of your application for as long as necessary to process the application and will not be accessed for any other purpose. Retention will be in accordance with Schedule 8 of the [DOJ Records and Information Retention & Disposal Schedules](https://www.justice-ni.gov.uk/sites/default/files/publications/doj/retention-and-disposal-schedule-final-signed-copy.pdf).

In accordance with the General Data Protection Regulation, a Privacy Notice is enclosed for your information.

It is **strongly recommended** that you keep all the official correspondence you receive in relation to this application, as a record of what has happened. Please note that it will not be possible to provide further copies of correspondence after your application has been completed and your personal details deleted.

**WHAT HAPPENS NEXT?**

On receipt of your completed application relevant details will be processed. If the matters raised in your application are not eligible to be disregarded you will receive a letter to that effect. In all other cases you will receive an acknowledgement that your application has been received and is being processed.

In order to process your application, the Department of Justice will contact all relevant data controllers (the PSNI and the Northern Ireland Courts & Tribunals Service) and request them to review their records and provide copies of any relevant documents to the Department of Justice to enable a decision to be made. Where an application raises complex issues, or where the available evidence is unclear or contradictory, it may be passed to an independent advisory panel which will consider the application carefully and make recommendations to the Department of Justice.

Once the Department of Justice has made a decision, you will be informed of the outcome. If your application is successful, the Department of Justice will write to the relevant data controllers and require them to delete or annotate their records accordingly.

**EFFECT OF DISREGARD:**

Once the Department of Justice has given notice that a conviction has been disregarded and a period of 14 days thereafter has elapsed, a successful applicant will be treated in all circumstances as though the offence had never occurred and need not disclose it for any purpose. Official records relating to the conviction that are held by the relevant data controller will be deleted or, where appropriate, annotated to this effect as soon as possible thereafter. Each data controller will write to you to confirm that this has been done.

**WHAT IF I DISAGREE WITH THE DEPARTMENT OF JUSTICE DECISION?**

If you disagree with the decision reached by the Department of Justice and either have further evidence to submit or consider that an error was made on your initial application form, you should contact the Department of Justice so that your application can be reviewed. If you consider that the final decision reached in relation to your application is wrong, you have the right under the provisions of the Protection of Freedoms Act 2012 to seek leave to appeal the decision to the High Court.

**PRIVACY NOTICE**

Criminal Policy Unit, Department of Justice in Northern Ireland

Address: Massey House

 Stormont Estate

 Belfast

 BT4 3SX

Email: CPU@justice-ni.gov.uk

Data Protection Officer

Email: DataProtectionOfficer@justice-ni.x.gsi.gov.uk

Telephone: 028 9037 8617

**Why are you processing my personal information?**

The processing of personal information enables the Department of Justice to process applications to have convictions or cautions for specified offences disregarded.

The provisions of Chapter 5 of Part 5 of the Protection of Freedoms Act 2012 and the Protection of Freedoms Act 2012 (Relevant Official Records) Order (Northern Ireland) 2018 provide the Department with a legal basis for processing this information.

**What categories of personal data are you processing?**

The Department processes the personal data provided by individuals who apply to the Department to have relevant convictions disregarded. The application form asks for the following personal data:

* Name
* Date of birth
* Place of birth
* Current address
* Copies of documents verifying personal details
* Alternative contact address, if this is a preferred method of communication by applicant
* Email address, if this is a preferred method of communication by applicant
* Details of convictions which applicant is applying to have disregarded
* Personal details at time of conviction – name, address

**Where do you get my personal data from?**

The Department receives personal data from the individual through the application form used for applying to have a conviction or caution disregarded.

The Department receives verifying details of relevant convictions from the PSNI or the Northern Ireland Courts and Tribunal Service (NICTS)

**Do you share my personal data with anyone else?**

Personal data is shared with the relevant data controllers, specified in the Protection of Freedoms Act 2012 (Relevant Official Records) Order (Northern Ireland) 2018 as the PSNI and the Northern Ireland Courts and Tribunal Service.

Personal data received from the applicant is shared with the relevant data controllers only as far as necessary to identify relevant convictions and verify that they meet the criteria as set out in Chapter 5 of Part 5 of the Protection of Freedoms Act 2012.

**Do you transfer my personal data to other countries?**

No.

**How long do you keep my personal data?**

We will only retain personal data for as long as necessary to process the application and in line with Schedule 8 of the [DOJ Records and Information Retention & Disposal Schedules](https://www.justice-ni.gov.uk/sites/default/files/publications/doj/retention-and-disposal-schedule-final-signed-copy.pdf).

**What rights do I have?**

* You have the right to obtain confirmation that your data is being [processed, and access to your personal data](https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/individuals-rights/the-right-of-access/)
* You are entitled to have personal data [rectified if it is inaccurate or incomplete](https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/individuals-rights/the-right-to-rectification/)
* You have a right to have personal data erased and to prevent processing, [in specific circumstances](https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/individuals-rights/the-right-to-erasure/)
* You have the right to ‘block’ or suppress processing of personal data, [in specific circumstances](https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/individuals-rights/the-right-to-restrict-processing/)
* You have the right to data portability, [in specific circumstances](https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/individuals-rights/the-right-to-data-portability/)
* **You have the right to object to the processing,** [in specific circumstances](https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/individuals-rights/the-right-to-object/)
* **You have rights in relation to** [automated decision making and profiling](https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/individuals-rights/rights-related-to-automated-decision-making-and-profiling/)

**How do I complain if I am not happy?**

**If you are unhappy with how any aspect of this privacy notice, or how your personal information is being processed, please contact *Department Data Protection Officer at:***

DataProtectionOfficer@justice-ni.x.gsi.gov.uk

**If you are still not happy, you have the right to lodge a complaint with the Information Commissioner’s Office (ICO):**

**Information Commissioner’s Office**

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113

Email: casework@ico.org.uk

<https://ico.org.uk/global/contact-us/>

**Section A: Personal Details**

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| **Your current personal details:** **Surname: …………………………………………………………………………………………………………………………………………………………………****Forename(s): ……………………………………………………………………………………………………………………………………………………………****Date of Birth: ……………………………………………………………………………………………………………………………………………………………****Place of Birth: ……………………………………………………………………………………………………………………………………………………………**Please confirm your identity by enclosing a **copy** of one of the following documents:* **Passport (biographical data page)**
* **Driving Licence (photo card and/or paper counterpart)**
* **Birth/Adoption Certificate**
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| **Your current address:** **…………………………………………………………………………………………………………………………………………………………………………….……****………………………………………………………………………………………………………………………………………………………………………………….****County: ………………………………………………………………… Postcode: …………..…………………………………………………………………** Please confirm your current address by enclosing a **recent copy** of one of the following documents:* **Bank/Building Society Statement**
* **Utility or Rates Bill**
* **Credit/Store Card Statement**
* **Benefits Letter/Statement**
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| **Your preferred method of communication:** **⬜ Post (as address above)****⬜ Post (alternative address – please state below)****…………………………………………………………………………………………………………………………………………………………………………….……****………………………………………………………………………………………………………………………………………………………………………………….****County: ………………………………………………………………… Postcode: …………..………………………………………………………………….****⬜ Email (please state e-mail address): ……………………………………………………………………………………………………………………****PLEASE INDICATE HOW YOU WISH TO BE CONTACTED ABOUT THE PROGRESS AND OUTCOME OF YOUR APPLICATION. UNLESS OTHER SPECIFIED WE WILL WRITE TO YOUR CURRENT ADDRESS** |

**Section B: Conviction Details**

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| **Your personal details and address at the time of conviction (if different):** **Surname: …………………………………………………………………………………………………………………………………………………………………****Forename(s): ……………………………………………………………………………………………………………………………………………………………****Address: ……..……………………………………………………………………………………………………………………………………………………………****………… ………………………………………………………………………………………………………………………………………………………………………****County: ………………………………………………………………… Postcode: ..…………………………………………………………………………….** |
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| **HOW MANY CONVICTIONS ARE YOU APPLYING TO HAVE DISREGARDED** **THE WORD “CONVICTION” INCLUDES A CONVICTION OR CAUTION** |
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| **DETAILS OF THE CONVICTION(S) YOU ARE APPLYING TO HAVE DISREGARDED****PLEASE COMPLETE A SEPARATE SECTION FOR EACH CONVICTION** |
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| **Date of Arrest:** …………………………………………………….. **Date of Charge (if different):** ……………………………………………………..**Offence for which Charged:** ………………………………………………………………………………………………………………………………………….**Relevant Police Station:** ………………………………………………………………………………………………………………………………………………..**Type of Disposal:** *Caution\* /Conviction*\*: **(\*Delete as appropriate)****If Cautioned, which Police Station / Date:** …………………………………………………………………………………………………………………….**If Convicted, which Court /Date:** ……………………………………………………………………………………………………………………………………**Court Criminal Record Case No (if known):** …………………………………………………………………………………………………………………. |
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| **Date of Arrest:** …………………………………………………….. **Date of Charge (if different):** ……………………………………………………..**Offence for which Charged:** …………………………………………………………………………………………………………………………………………….**Relevant Police Station:** ………………………………………………………………………………………………………….**Type of Disposal:** *Caution\* /Conviction*\*: **(\*Delete as appropriate)****If Cautioned, which Police Station / Date:** …………………………………………………………………………………………………………………….**If Convicted, which Court /Date:** …………………………………………………………………………………………………………………………………**Court Criminal Record Case No (if known):** …………………………………………………………………………………………………………………. |

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| **Date of Arrest:** …………………………………………………….. **Date of Charge (if different):** ……………………………………………………..**Offence for which charged:** …………………………………………………………………………………………………………………………………………….**Relevant Police Station:** ………………………………………………………………………………………………………….**Type of Disposal:** *Caution\* /Conviction*\*: **(\*Delete as appropriate)****If Cautioned, which Police Station / Date:** …………………………………………………………………………………………………………………….**If Convicted, which Court /Date:** ……………………………………………………………………………………………………………………………………**Court Criminal record Case No (if known):** ……………………………………………………………………………………………………………………. |
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**Section B: Conviction Details**

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| **ADDITIONAL INFORMATION RELATING TO OFFENCE(S) THAT MAY HELP THE DEPARTMENT OF JUSTICE ASSESS THAT YOUR APPLICATION MEETS THE CRITERIA SET OUT IN THE PROTECTION OF FREEDOMS ACT 2012. PLEASE INDICATE THE RELEVANT CONVICTION(S).****………………………………………………………………………………………………………………………………………………………………………………….****………………………………………………………………………………………………………………………………………………………………………………….****………………………………………………………………………………………………………………………………………………………………………………….****………………………………………………………………………………………………………………………………………………………………………………….****………………………………………………………………………………………………………………………………………………………………………………….****………………………………………………………………………………………………………………………………………………………………………………….****………………………………………………………………………………………………………………………………………………………………………………….****………………………………………………………………………………………………………………………………………………………………………………….****………………………………………………………………………………………………………………………………………………………………………………….****………………………………………………………………………………………………………………………………………………………………………………….****………………………………………………………………………………………………………………………………………………………………………………….****………………………………………………………………………………………………………………………………………………………………………………….****………………………………………………………………………………………………………………………………………………………………………………….****………………………………………………………………………………………………………………………………………………………………………………….****………………………………………………………………………………………………………………………………………………………………………………….****………………………………………………………………………………………………………………………………………………………………………………….****………………………………………………………………………………………………………………………………………………………………………………….****………………………………………………………………………………………………………………………………………………………………………………….****………………………………………………………………………………………………………………………………………………………………………………….****………………………………………………………………………………………………………………………………………………………………………………….****………………………………………………………………………………………………………………………………………………………………………………….****………………………………………………………………………………………………………………………………………………………………………………….****………………………………………………………………………………………………………………………………………………………………………………….****………………………………………………………………………………………………………………………………………………………………………………….** |

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| **Declaration:** I confirm that, to the best of my knowledge, the conviction(s) that I am here applying to have disregarded under the provision of Chapter 5 of Part 5 of the Protection of Freedoms Act 2012 related to an offence committed by two or more consenting parties who were, at the time of the offence, aged 17 or over. I also confirm, to the best of my knowlegde, that the conviction(s) that I am here applying to have disregarded does/do not relate to an offence committed in a public lavatory (which continues to be an offence under section 75 of the Sexual Offences (Northern Ireland) Order 2008). I confirm that the information I have provided is correct to the best of my knowledge. I understand that the information I have provided may be stored and shared with relevant data controllers and will be checked against police and other official records, only as far as necessary to process my application.**Name: …………………………………………………………………………………………………………………………………………………………..…..****Signed: ……………………………………………………………………………………………………………………………………………………………..….****Date: …………………………………………………………………………………………………………………………………………………………………...***Thank you for completing this form. Please return it, along with copies of your identity credential and address verification, and any other supporting materials or documentation, to:* ***Criminal Policy Unit*** ***Department of Justice*** ***Massey House*** ***Stormont Estate*** ***Belfast***  ***BT4 3SX****Or by email to:* ***CPU@justice-ni.gov.uk*** |