



**ACCESS  
NORTHERN  
IRELAND**

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## **ANI CIRCULAR : 2/2016**

Date : 23 February 2016

### **Revised Code of Practice**

From 29 February 2016, a revised Code of Practice comes into operation. From that point, the previous Code will cease to have any status. Key changes to the Code include:-

- the impact of the implementation of the Justice Act (NI) 2015;
  - the impact of on-line application process;
  - greater emphasis on compliance with the Data Protection Act 1998; and
  - removal of the Explanatory guide.
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## Background

1. AccessNI is required by law to publish and review a Code of Practice. The Code has recently been revised, approved by the Minister of Justice and laid in the Northern Ireland Assembly. A copy of the new Code, which comes into effect on 29 February 2016 can be found at;

<http://www.nidirect.gov.uk/accessni-code-of-practice.pdf>

2. This Code is issued in connection with the use of information provided to or, the discharge of any function by, registered persons. This includes those Registered Bodies that provide services on behalf of other organisations and are known as Umbrella Bodies. It is therefore an important document and Registered Bodies and individual signatories have a statutory obligation to comply with the Code, as part of their registration with AccessNI. AccessNI will take appropriate steps to check that organisations and signatories are complying with all aspects of the Code. This Code supersedes all previous versions of the Code.

## Detail

3. There have been a number of significant changes in the AccessNI process over the past year. It is therefore important that these changes are reflected in the Code of Practice. In particular;
  - a. The new on-line system means that Registered Bodies no longer automatically receive a copy of an AccessNI check;
  - b. Registered Bodies will however, ask applicants to provide a copy of their check where information is disclosed on it;
  - c. Registered bodies can obtain personal information about applicants via the on-line application process; and
  - d. The case tracking system, especially via the CSV download feature, enables Registered Bodies to retain permanent copies of applicant's personal and other information.
4. The new Code has two sections, an Introduction and a series of Registered Body obligations. The Code has been drafted in such a way there is no longer a requirement for an Explanatory guide. AccessNI considers that the new code is easier to follow and uses more straightforward and direct language.
5. We would draw all signatories' attention to the "disclosures offences" section of the Introduction on page 4 of Code. Please note that should AccessNI suspect that a signatory has committed a criminal offence it will report this to PSNI. In addition, AccessNI would underline that breach of the Code of Practice will lead to a suspension or termination of Registered Body status and should that breach involve the misuse of

sensitive personal information, the Information Commissioner's Office may seek to take enforcement action.

6. From 29 February 2016, compliance visits made by AccessNI staff will review the procedures used by Registered Bodies set against the Obligations section of the Code.
7. As the previous Code of Practice will have no status from 29 February 2016, Registered bodies should make sure that any hard copies they retain should be destroyed.
8. The Stakeholder Forum of Registered Bodies has been consulted as part of the process of revising the Code. AccessNI took on board a number of the suggestions they made, thus improving the final version.
9. Any queries about this circular should be directed to our Call Centre at 0300 200 7888.

**CIRCULAR END**

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