

# Verifile newsletter

June 2018 / Issue #30

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Welcome to our June 2018 newsletter designed to help you stay up to date.



## Verifile news

### Right to Work in the UK Audits | 1st June 2018

For clients who order or are interested in ordering Right to Work Audits in the UK, we'd like to share some valuable information with you:

**Unlike all of our other services, this is an audit. What does that mean?**

Every employer in the UK has a duty to review and make copies of all new employee's original documents that prove their right to work in the UK.

The Home Office maintains a list of acceptable documents, and so the document(s) seen in this face to face check must match exactly with an option on that list. The check must be carried out on or before the first day of work. Verifile recommends carrying it out at interview stage so there is sufficient time to resolve any issues with documents well ahead of the employee's first day.

If an employer is found to be employing someone without the legal right to work in the UK and the employer cannot prove that they met Home Office requirements regarding Right to Work (UK), then the employer cannot claim 'statutory excuse' against payment of a civil penalty. Employers knowingly employing illegal workers may face up to 2 years imprisonment and/or an unlimited fine.

**How does Verifile help you fulfil your duties as an employer?**

With our expert knowledge of Home Office rules, Verifile can audit the employee's document(s) to verify their right to work in the UK.

Verifile will also:

- Advise you of any work restrictions e.g. student visa which allows only limited hours of work during term time.
- Advise you of any required follow up e.g. checking university term dates.
- Obtain 'Positive Verification Notices' when needed.
- Prompt you a month before the document re-check is due (if required).

#### **How can the service be used?**

Verifile clients use our right to work in the UK service in two main ways:

- To audit all new employee documents (this service tends to be included in the screening package).
- To audit new employee documents that are not British passports (this service tends to be ordered as an 'add on').

#### **What results can I expect?**

Every audit will have a full report statement, confirming whether 'statutory excuse' appears to have been obtained or not. If it has been met, then we will advise you of any work restrictions and if there is a need to re-check documents in the future. If it hasn't, then we will provide guidance on what additional documents are required.

As it is an audit, Verifile won't contact you asking for further documents when statutory excuse has not been obtained. You can review the additional original documents, make copies and add them to the employee's file. If you would like us to review the new documents, then please place a new order.

#### **Change to the service**

When a biometric visa has been presented to prove right to work in the UK, Verifile has previously requested a verification report from the Home Office. Unfortunately, due to a change to the Home Office request process, we will no longer provide this report. Although it isn't a legal requirement to do so, verifying visas can identify fake documents. If you would like to go a step beyond your legal obligations and verify biometric visas presented to you, then your candidates can **generate a security code**. Using the security code and the biometric residence permit (BRP) number, you can access the **verification report online**.

#### **Interested in our Right to Work Audit and want to find out more?**

Please contact your Account Manager or the Client Service Team on +44(0) 1234 339 350

### **Turnaround times for Basic England and Wales Criminal Checks | 1st June 2018**

We are aware of, and have been monitoring, recent delays in completing Basic England and Wales Criminal Checks through the Disclosure and Barring Service (DBS).

The latest update from DBS is that they have plans in place and are fully committed to being back to a 14 calendar day turnaround time (their agreed SLA) by the end of June.

### **New Cifas Principles | 1st June 2018**

To coincide with GDPR, CIFAS has launched a new handbook outlining its eight principles of using Cifas databases and has issued new Terms and Conditions.

Cifas is the UK's largest cross sector fraud sharing organisation, and Verifile can search its database on behalf of Cifas members.

Cifas will issue the new handbook and Terms and Conditions directly to its members.

If you are interested in learning more about Cifas membership and how Verifile can search the database on your behalf, please contact your Account Manager or the Client Service Team on +44(0)1234 339 350.

### **AccessNI and GDPR | 1st June 2018**

AccessNI, the government agency responsible for criminal record certificates in Northern Ireland, has issued an updated Privacy Notice and Code of Practice. We recommend that clients ordering criminal record checks in Northern Ireland read the updated documents which can be found in the Help Guides section after logging in to the Verifile system.

### **Bank Details | 1st June 2018**

We have recently received a number of emails from supposedly genuine organisations asking Verifile to pay an invoice into a new bank account. Please be aware that we will never email our clients asking for payment into a different bank account or ask you to

provide your log in details. If you ever receive an email like this, which is purportedly from Verifile, then please contact our Client Service Team before responding.

## Verifile International product changes

We would like to bring the following changes to our international product offering to your attention. If you would like us to send you current documentation for any of the checks listed, please request via [service@verifile.co.uk](mailto:service@verifile.co.uk).

### **Austria Credit Check**

This search is unavailable at present due to a process change at source which comes as a result of the new European GDPR legislation.

### **Bermuda Criminal Check**

A new instruction and application form is now in place to reflect change in requirements.

### **Bulgaria Directorship Search**

This search is unavailable at present due to a process change at source.

### **Cyprus Credit Check**

Reporting for Cyprus credit check has changed. This change is due to the new European GDPR legislation which affects data protection regulations in Cyprus. Going forward the Cyprus credit check will only report bankruptcy information. Bounced cheques, unpaid bills, and default information are no longer available for third party access.

Please note that we can still obtain directorship and shareholding information which, going forward, will be listed separately on the Directorship pricelist.

### **Ghana Criminal Check**

This search is unavailable at present due to a process change at source.

### **Gibraltar Criminal Check**

Gibraltar Police have now introduced a new 'Vetting Application Form'. It is very similar to the old one, and authorities have stated that for a short while they will accept the old forms.

### **Pakistan Criminal Check**

Recently we have been advised that the Pakistani police have changed their internal processes and therefore the availability of these checks has changed. Currently we are able to offer criminal checks for individuals who have resided or are currently residing in Karachi, Hyderabad or Lahore. A new instruction is now in place to reflect this change.

### **Republic of Ireland Directorship Search**

Going forward, our current and past directorships search will also include a search of disqualified and restricted directors register.

### **Turkey Credit Check**

This search is unavailable at present due to a process change at source which comes as a result of the new European GDPR legislation.

### **Ukraine Directorship Search**

This search is unavailable at present due to a process change at source which comes as a result of the new European GDPR legislation.

## International Price List Update

Our overseas (non-UK) coverage and price list will be updated on 2<sup>nd</sup> July.

Below is a summary of the new checks that have become available to you since our last update, including criminal checks from Singapore and the United Arab Emirates, as well as an add-on search of the current debt enforcement information from Switzerland.

### **New Criminal Records Checks**

Country	Type of check	Report style	Price
UAE*	Police Clearance Certificate	Certificate	£128
UAE*	Courts of First Instance Criminal Records Check	Verifile Report	£283

Singapore	Limited Criminal Court Search	Verifile Report	£55
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\* **Police Clearance Certificate** is an official certificate issued to individuals without a criminal conviction. Fingerprints will be required for candidates who have resided in the UAE before 2009. If an individual has been convicted, instead of the certificate, the police will provide a case number. You will then have a choice of using this number to retrieve case details from the court by running an additional Criminal Records Search.

\* **Criminal Records Check** is a database search using candidates name to establish if there are any court records held in that name by the First Instance Court from all seven emirates (regions). The Verifile Report will be based on this case number if the Police Clearance Certificate has already been completed or name if not.

#### New Credit/Financial Checks

Country	Data included	Price
Switzerland (Add-on search)	Current Debt Enforcement Extract: an additional search of Debt Enforcement Register with up to date information including claims legal opposition, settled protests, seizures, open claims. *This is an add-on check if information on the Initial check is not up to date.	£51 per address per name

#### New Directorship Check

Country	Data included	Price
Cyprus	Directorships / Shareholding	£64

#### Price Changes

Country	Type of Check	Reduction/Increase	Price
Cyprus	Bankruptcy Check	↓	£69
Argentina	Courts of First Instance Criminal Records Check	↓	£58
Pakistan	Limited Criminal Court Search	↑	£52
Serbia	Criminal Records Checks	↑	£96
Ireland, Republic of	Directorships Search	↑	£39

## International news

Below are a selection of international headlines, click the buttons to view the stories in full for your region.

### Worldwide

#### Worldwide

[Read more](#)

What can Employers do with regard to Background Checks and Inquiries?

Most Employers Optimistic about Hiring in Q2 2018, Finds Manpower Group

## Africa

### Africa

[Read more](#)

Business in Africa Prepare for EU General Data Protection Regulation

## Asia Pacific

### Asia Pacific

[Read more](#)

Asian Businesses Anticipate Hiring Spree in 2018

### Australia

[Read more](#)

Australian Government Releases Framework for Digital Identity

Fraudster who Lied about Education on CV to Land £120,000-a-year Oil Exec Job is Jailed

Privacy Laws and Data Breaches: What HR Needs to Know

How the EU General Data Protection Regulation (GDPR) will Impact Australian Business?

### China

[Read more](#)

China Nearly Half of Employees are Planning to Change Jobs Within the Year

### Hong Kong

[Read more](#)

Hong Kong Issues EU Data Privacy Law Guidance on the Upcoming GDPR

### New Zealand

[Read more](#)

New Zealand Privacy Laws Strengthened, Commissioner Given More Power

### Singapore

[Read more](#)

Singapore Joins the APEC CBPR and Systems

### Vietnam

[Read more](#)

Vietnam's New Internet Law will make the Economy Lag

## Europe

## Europe

[Read more](#)

How Should HR Address "GDPR" Training?

It's Not too Late to Get Ready for the GDPR?

Top 10 Resources a GDPR Primer for Employees from the Front Line to the C-Suite

An Employee's Right of Erasure Under the GDPR

GDPR HR Series Employee Information Notices About Personal Data - Your Key Questions Answered

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## Germany

[Read more](#)

German DPA's Publish Model GDPR Processing Records

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## The Netherlands

[Read more](#)

GDPR Update: The Processing of Personal Data in the Employment Context

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## Turkey

[Read more](#)

Turkey KVKK Regulation Consolidates SAR Procedure

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## United Kingdom

[Read more](#)

Why Local Authorities Employing Ex-Offenders is Good for Everyone

## North America

### Canada

[Read more](#)

Canada: SCC in Stewart v. Elk Valley, Upholds Employer's 'No Free Accident' Alcohol and Drug Policy

Ontario, Canada Introduces New Legislation Banning Compensation Questions

British Columbia Landlords Collect Unreasonable Amount of Personal Information from Tenants

Dave's Not Here, Man: Termination for Smoking Dope at Work Upheld

Canada Adds 32,300 Full-Time Jobs as Jobless Rate Stays at Record Low

Employer Provided a Negative Employment Reference - Is It Defamation?

Batten Down the Hatches: The GDPR is About to Blow

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## Bermuda & Cayman Islands

[Read more](#)

Protecting Personal Data in Bermuda and the Cayman Islands

A Paradise for Data Privacy Advocates - Bermuda's Privacy Law Now in Full Effect

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## LEGAL

PETCO Job Applicants Reach \$1.2M Background Back Check Class Action

When a Disclosure Form Must “Stand Alone”: Recent Cases Hold Companies Liable for Including Too Much on FCRA Disclosures

Target Agrees to Review Screening of Job Applicants Amid Claims of Bias

Woman Steals ID to Get Six-Figure Job, But Can't Do the Work

Budding Development: States Requiring Employers to Tolerate Medical Cannabis Use

Criminal Record Screening Policies Continue to Raise Important Compliance Issues

The Truth Brings Relief Under FCRA

Vitas Healthcare Corp. Employees Alleges Form Violates Fair Credit Reporting Act

Illinois District Court Finds Job Applicant Has No Standing to Bring FCRA Adverse Action Claim Because Background Check was Accurate

9<sup>th</sup> Circuit Affirms Dismissal of FCRA Putative Class Action for Lack of Standing

Employers Prevail in FCRA Class Actions

Wisconsin Commission Finds Employers Cannot Consider Expunged Convictions – Even if Substantially Related to the Job

Federal Court Rules That the EEOC Can Mess with Texas in Felon Hiring Lawsuit

## BAN THE BOX

Washington Ban the Box Law Limits Criminal Background Inquiries

San Francisco Amends Fair Chance Ordinance to Align with Portions of California's New Statewide Ban the Box Law

Westchester County Executive George Latimer Signs Fair Chance to Work Executive Order

Impending Necessary Ban-the-Box Updates for Criminal Record Inquiries in Massachusetts and San Francisco

Washington State Enacts Fair Chance Act

## DATA PROTECTION

Data Exposure by Vendor Leads to Two Million Dollar NERC Penalty for Utility

## DRUG SCREENING

New Vermont Pot Law: What Employers Need to Know

Pennsylvania Medical Marijuana Statute Raises New Questions for Employers

Iowa Drug Testing Law Amended: Lawsuits on the Rise

California Cities Drop Thousands of Marijuana Convictions

Changing Marijuana Laws and the Opioid Crisis are Prompting Employer Action

Fake Urine Ban Being Considered in Mississippi

Maine Recreational Marijuana Law Limits Drug Testing, Disciplinary Consequences Imposed by Employers

The Americans with Disabilities Act and Medical Marijuana

Will California Employment Law Protect Medical Marijuana Users?

Employers Can Maintain a Drug Free Workplace in California Despite State Legalization of Recreational Marijuana

## SALARY HISTORY

Swimming Against the Tide, Michigan Forbids Salary History Bans Statewide

Appeals Court Says Prior Salary Doesn't Justify Pay Differences

To Boost Gender Pay Equity, Chicago's Emanuel Bans City Departments from Asking Job Applicants for Salary History

**SOCIAL MEDIA**

New Social Media Background Check Bill for Federal Workers and New Hatch Act Guidance

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