

# **DISCLOSURE (SCOTLAND) ACT 2020**

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## **EXPLANATORY NOTES**

### **PROVISION BY PROVISION COMMENTARY**

#### **Part 1: Disclosure of criminal history and other information**

##### **Level 1 disclosures**

##### ***Section 3: Applications by accredited bodies on behalf of individuals***

12. Section 3 allows accredited bodies (as defined in section 46) to make a Level 1 disclosure application on behalf of an individual, but only with the individual's consent. Ministers must refuse to consider such an application if the individual has not given their consent. Ministers must treat an application from an accredited body as if it had been made by the applicant, and must therefore provide the Level 1 disclosure directly to the individual and not the accredited body. The individual may then consent to their disclosure being made available by Ministers to a third party in terms of section 4 if the Level 1 disclosure was provided electronically. If the Level 1 disclosure was provided to the applicant in paper form then the applicant is free to share it with whomever they wish.
13. Ministers can refuse to provide a Level 1 disclosure to an individual where the application has been made by an accredited body and Ministers consider that the accredited body, or its lead signatory or any countersignatory, has not complied with the code of practice published under section 55.