



**DRAFT GUIDANCE FOR THE
OPERATION OF THE
CRIMINAL RECORDS FILTERING REVIEW
MECHANISM**

**(regarding information that has not been filtered from the standard
and enhanced criminal record certificates issued by AccessNI)**

18 June 2015

Contents

Section		Page
1.	Introduction	3
2.	Background	3
3.	The Independent Reviewer	5
4.	The review mechanism – scope and eligibility	6
5.	The review process	8
6.	Availability of the guidance	12
Annexes		
A	AccessNI	13
B	The Filtering Scheme	15
C	Terms and Conditions of the Independent Reviewer's appointment	17
D	Filtering review process – where there is adult information	18
E	Filtering review process – where there is under 18 information only	20
F	Glossary/interpretation	22

1. Introduction

1.1 This guidance provides information on the operation of the independent review mechanism in relation to information disclosed on the standard and enhanced criminal record certificates issued by AccessNI¹ after the filtering process has been applied. The guidance has been developed by the Department of Justice (DOJ/the Department), under the provisions of section 117B and Schedule 8A of the Police Act 1997² (the 1997 Act), as amended.³

1.2 Certain convictions or disposals are filtered off criminal record certificates by AccessNI. This is provided for by section 113A (6) of the 1997 Act. The review mechanism enables an individual, in certain circumstances, to seek a review of their case where a conviction or disposal has not been filtered from their standard or enhanced criminal record certificate. The Act creates a position of independent reviewer; paragraph 3 of Schedule 8A of the 1997 Act, provides that the independent reviewer must have regard to this guidance in exercising his or her functions under the Schedule.

1.3 The review mechanism will commence on 1 January 2016⁴.

2. Background

2.1 The DOJ has a statutory duty under sections 113A, 113B, 114 and 116 of Part 5 of the 1997 Act to provide standard and enhanced criminal record certificates on application. This function is undertaken by AccessNI. These certificates are mainly, but not exclusively, used by employers and voluntary organisations to assess the suitability of individuals to work or volunteer for positions with children and/or adults in situations where the children and/or adults could be regarded as vulnerable. The certificates form an important part of the Northern Ireland Executive's framework for the protection of children and such adults. Further information on AccessNI, the

¹ Northern Ireland's criminal history disclosure service

² <http://www.legislation.gov.uk/ukpga/1997/50/contents>

³ Drafting Note - All of the references in this document to the Justice Act (NI) 2015 and amendments to the Police Act 1997 assume Royal Assent to the Justice Bill (Northern Ireland).

⁴ Drafting Note - This assumes Royal Assent to the Justice Bill by the end of 2015.

types of checks it carries out and what is involved in a check can be found at Annex A.

2.2 In 2011, Sunita Mason (the independent Government Advisor on the management of criminality information for England and Wales), examined the Department's approach to criminal record disclosure in detail. This included looking at the balance between the necessary levels of public protection and personal freedoms, and how employers can be helped, through access to criminality information, to take informed decisions on an applicant's suitability to take on certain roles. Mrs Mason made a number of recommendations⁵ aimed at improving the arrangements in Northern Ireland.

2.3 These recommendations, and a number of court decisions in recent years, have highlighted the human rights issues that must be considered in developing a proportionate system of disclosure. The Department has also received representations from key stakeholders on proportionality. These have helped to inform improvements to the arrangements for the disclosure of the criminal record checks carried out by AccessNI.

The Filtering Scheme

2.4 The improvements include the introduction of a statutory filtering scheme for criminal record disclosures in Northern Ireland, which came into effect on 14 April 2014 through amendments to the 1997 Act.⁶ The provisions of the legislation in relation to filtering are similar to those in England and Wales. They allow for the removal of certain convictions which are both old and minor, and of other non-conviction disposals (such as cautions and informed warnings) from disclosure on standard and enhanced criminal record certificates. The scheme incorporates a

⁵ A Managed Approach – A Review of the Criminal Records Regime in Northern Ireland, Part 1, 2011 See: http://www.dojni.gov.uk/index/public-consultations/current-consultations/a-managed-approach-report_sunita_mason.pdf

⁶ The Police Act 1997 was amended by two statutory rules, available at these links: http://www.legislation.gov.uk/nisr/2014/100/pdfs/nisr_20140100_en.pdf; and http://www.legislation.gov.uk/nisr/2014/207/pdfs/nisr_20140207_en.pdf

The press release announcing the legislative amendments made is available here:

<http://www.dojni.gov.uk/index/media-centre/ford-introduces-filtering-scheme-for-accessni-checks.htm>

graduated approach for younger people, with significantly shorter time frames applying to the disclosure of information relating to those under 18 when they offend.

2.5 An outline of the main provisions of the Filtering Scheme are set out at Annex B. In broad terms, the amendments to the Police Act 1997 specify, as a safeguarding measure, certain offences which are always disclosed. These are referred to as specified offences. Otherwise, convictions (provided there is not more than one, and a custodial sentence was not received) are filtered from standard and enhanced criminal record certificates after eleven years for those who were adults at the time of the conviction; and after five and a half years for those who were aged under 18 (and who have not further offended). Adult cautions are filtered after six years (after two for those aged under 18); diversionary youth conferences after two years; and informed warnings after one (for both adults and those aged under 18).

2.6 The 1997 Act has been further amended by the Justice Act (NI) 2015 to include additional measures designed to modernise and improve the arrangements for the disclosure of the criminal record checks carried out by AccessNI. These new provisions include the introduction of a review mechanism, as part of the filtering scheme, so that an individual, in certain circumstances, may seek a review of his or her case where a conviction or other disposal has not been filtered from their standard or enhanced criminal record certificate. This document provides guidance on the operation of the review mechanism. The mechanism is enacted to recognise that the filtering scheme is, of necessity, a broad brush approach, and that a review will enable closer scrutiny in some cases.

3. The Independent Reviewer

3.1 The legislation provides that the review process should be carried out by an independent person, appointed by the Department of Justice. See section 117B and Schedule 8A of the Police Act 1997 (the 1997 Act), as amended. In carrying out his or her functions, the Independent Reviewer (IR) must have regard to this guidance.

Terms and conditions

3.2 Paragraph 2 of Schedule 8A of the 1997 Act sets out the terms and conditions of the IR's appointment (see Annex C). In summary, the IR will be appointed by the

Department, for a period not exceeding 3 years, to consider any request for a review. The Department will provide administrative or other assistance to the IR in carrying out his or her role, and he/she will report to the Department each year about the exercise of his or her functions. The IR may make recommendations to the Department regarding this guidance, or any guidance which he/she thinks it would be appropriate for the Department to issue, as well as in relation to any changes to any statutory provision which he/she thinks may be appropriate.

Relationship with the Independent Monitor

3.3 Under section 117B of the 1997 Act, as amended, the IR may also hold office as the Independent Monitor (IM). This is the Department's preference to simplify the arrangements. However, where the two roles are undertaken separately, the IR will liaise closely with the IM to ensure a consistency in their approach. The IM is appointed under the 1997 Act to review a sample of the enhanced criminal record certificates issued by the Disclosure and Barring Service (DBS) for quality assurance purposes. He/she also carries out this function in relation to certificates issued by AccessNI in Northern Ireland. Under the Protection of Freedoms Act 2012 the IM's functions were extended in England and Wales to enable an individual to apply to the IM to determine whether any information provided by the police under section 113B(4) of the 1997 Act is relevant and/or ought to be included in an enhanced criminal record certificate. The 1997 Act has now been amended (see section 117A) to allow individuals in Northern Ireland to apply to the IM about such information.

4. The review mechanism – scope and eligibility

Scope of the review

4.1 The over-riding purpose of criminal record disclosure is to provide a proportionate, efficient scheme which balances the need to safeguard the public with ensuring that disclosure is relevant to the purpose for which it is sought and respects the rights of the applicant. Information will be removed where the independent reviewer is satisfied that disclosure would be disproportionate and he/she is satisfied

that the removal of information would not undermine the safeguarding or protection of children and vulnerable adults, or pose a risk of harm to the public.

Eligibility

4.2 Two fundamental principles govern the operation of the review mechanism. They are that:

- a conviction which would never be spent under the Rehabilitation of Offenders (Northern Ireland) Order 1978⁷ (the 1978 Order) would not be eligible for review; and
- the earliest that a conviction will be reviewed will be after the period set out in the 1978 Order has passed.

These principles are necessary as convictions which are never spent are included on a basic certificate; and other convictions appear on such certificates until they become spent. It would not, therefore, be sensible or appropriate to allow these to be removed on review from a standard or enhanced certificate.

Specified offences

4.3 Offences specified under section 113A(6D) of the 1997 Act are eligible for review (provided they are spent), and may be removed from a certificate, provided the independent reviewer is satisfied that it is reasonable to believe that their removal would not undermine the safeguarding or protection of children and vulnerable adults; or pose a risk of harm to the public.

Custodial sentences and other disposals

4.4 The principles in paragraph 4.2 mean that cases involving custodial sentences of up to 30 months are eligible for review after the statutory period in

⁷ <http://www.legislation.gov.uk/nisi/1978/1908/article/6>

Article 6(1) (b) of the 1978 Order has elapsed. Some disposals, such as cautions, lie outside the rehabilitation of offenders' regime; these are not disclosed on basic certificates. Non-conviction disposals are, therefore, eligible for review as soon as a certificate is issued.

Cases involving more than one conviction

4.5 Under the filtering scheme, where an individual has more than one conviction, all convictions appear on the certificate – i.e. filtering does not apply. Such cases are, however, eligible for review.

Disclosure in relation to young people

4.6 The Department recognises the need for special consideration in relation to the disclosure of information about young people. In those cases where the information to be disclosed relates only to the period when the applicant was under 18, and there is no unspent conviction information, there will be an automatic referral to the independent reviewer, so that he or she can consider whether or not it is appropriate to remove information prior to the certificate being issued.

5. The review process

5.1 Unless the circumstances are as set out in paragraph 4.6, individuals are permitted to seek a review of their case by the independent reviewer, following receipt of their standard or enhanced certificate from AccessNI (so long as the information to be disclosed does not relate only to unspent convictions). There will be no charge for a review. Applicants must apply in writing - information on how to do this will be included with the certificate when it is issued. A step by step summary of the process involved in both types of cases is set out at Annexes D and E.

5.2 On receiving an application from an individual, AccessNI will refer it to the IR, together with any information supplied by the applicant in connection with the case, and any other information relevant to the application (Schedule 8A of the 1997 Act,

as amended, requires the Chief Constable, the Department and the Probation Board of Northern Ireland to provide to the IR such information as the IR reasonably requires in connection with the exercise of his or her functions under the Schedule).

5.3 In those cases eligible for automatic referral (i.e. those relating to young people – see paragraph 4.6), AccessNI will provide available relevant information. If, following review, the IR decides not to remove information, AccessNI will ask the applicant if they wish to make representations for consideration by the IR, before they proceed with issuing a certificate. Representations must be made in writing, but may be made by a third party on behalf of the applicant, with the applicant's consent. If such representations are received, this will enable the IR to reconsider the case, before coming to a final decision in relation to the removal of information.

Timeliness

5.4 The IR should ensure that he or she undertakes a review as quickly as is reasonably possible on receipt of an application. In order to ensure that any delay is kept to a minimum, time limits have been set in relation to the review process. These may be summarised, as follows:

- An individual seeking a review must apply to AccessNI within 90 days of the certificate being issued.
- The IR will review the case and, where practicable, inform AccessNI of his/her determination within 28 calendar days of receiving the application from AccessNI.
- In those cases subject to automatic referral, where the IR decides to disclose information, AccessNI will respond to the applicant within 5 working days of being informed by the IR, and will seek representations within 10 working days.

Factors to be considered by the independent reviewer

5.5 In carrying out the review, the IR will consider all of the information made available to him/her and, taking account of the human rights of the individual under Article 8 of the Convention (i.e. the impact on the applicant of disclosure of the information), he/she will decide whether or not disclosure of the information, in all the circumstances of the individual case, is proportionate. In coming to a decision on whether or not information should be included on a certificate, he/she will consider issues such as:

- the nature of the position being applied for;
- whether or not the offence(s) is specified;
- how long ago the offence(s) occurred;
- how many offences are being disclosed and, if more than one, whether or not they arose out of a single court hearing;
- if applicable, when the information would fall to be considered for filtering; and
- the age of the applicant at the time of the offence(s), including, in those cases where the applicant is under the age of 18 years, the need to have the best interests of children as a primary consideration.

Police information

5.6 If the independent reviewer concludes that information should be removed from an enhanced certificate, he/she must inform the police so that they can assess whether or not they would wish to include in the certificate, the information he/she proposes to remove, using the powers available to them under Section 113B(4) of the 1996 Act.

5.7 The 1997 Act, as amended, requires that, when adding information, the chief officer must reasonably believe it to be relevant for the purpose for which the certificate is sought, and that it ought to be included in the certificate. Where the IR has concluded that information should be removed from an enhanced criminal record certificate, the police should take that into account, and should not normally consider including that information, unless there is a very specific purpose for doing

so. Where police do disclose this information, the chief officer must ensure that there is a clear and specific explanation as to why this information is being disclosed.

5.8 A statutory code of practice⁸ is being [has been] introduced for police to use when disclosing police information within the criminal records process. This guidance will be [was] issued under section 113B(4A) of the 1997 Act in order to assist chief officers when providing information from local police records for inclusion in enhanced criminal record certificates. Police must also have regard to the Quality Assurance Framework (QAF) which is a set of processes and more detailed guidance covering the disclosure of local police information under the Act. The QAF is available on line.⁹ Further information on police information is available on the AccessNI website.

Issuing a new certificate

5.9 Once the review process is complete, the IR must inform AccessNI of his/her decision, and they will inform the applicant that either the original certificate remains unchanged or, where the IR has concluded that information should be removed, issue a new certificate with that information removed. There will be no charge for this.

5.10 In those cases that have been automatically referred to the IR, prior to a certificate being issued by AccessNI, the process will be as set out at paragraph 5.3 of this guidance. AccessNI will issue a certificate to the applicant only after the information has been reviewed by the IR, including, where appropriate, consideration of any representations received from the applicant.

Further consideration

5.11 At the end of the independent review process, on receipt of their certificate an individual may still be of the view that information on the certificate should be

⁸ Link to Guidance for Chief Officers will be inserted when published

⁹

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/353036/QAF_v9_OV1_Overview_of_QAF_Process_September_2014.pdf

removed. There will, however, be no further consideration of the case, save in the most exceptional circumstances - for example, the availability of significant new information. It is, of course, open to an applicant to seek a Judicial Review of his/her case if they wish to do so.

6. Availability of the guidance

6.1 If you would like further copies of the guidance, or if you have any queries about its content, please contact:

POCD Divisional Support Unit
Department of Justice
Room 4.17
Block B
Castle Buildings
Stormont Estate
Belfast, BT4 3SG

E-mail: POCD.DivisionalSupportUnit@dojni.x.gsi.gov.uk

Further copies of the guidance are also available on the DOJ website at:
www.dojni.gov.uk

ACCESSNI

AccessNI is Northern Ireland's criminal history disclosure service, and operates under Part 5 of the Police Act 1997. Its services can be used by individuals or organisations in situations where an employer requires a job applicant to supply criminal history information. It receives around 125,000 applications for checks each year, about 80% of which are for enhanced checks.

AccessNI provides **three types of checks**:

- a **basic** check - provides information on unspent convictions only. Individuals can apply directly for basic checks to AccessNI or through an employer known as a Responsible Body. These are normally required for Civil Service posts and posts with other public bodies, or contracts with Government.
- a **standard** check - provides information on both spent and unspent convictions and cautions and other eligible non-court disposals such as an informed warning or a diversionary youth conference. Where a standard check is made, the position must be exempt from the provisions of the Rehabilitation of Offenders Order (NI) 1978. A standard check would be required, for example, when applying for a licence with the Security Industry Authority.
- an **enhanced check** - like a standard check, provides details of spent and unspent convictions, cautions and so on, but it may also contain relevant police information, such as an impending prosecution. In addition, many enhanced checks also include a check of the lists of those people in the UK who are not permitted to work with children or adults. Enhanced checks are required for those working in what is known as "regulated" activity; working very closely with children or adults in vulnerable situations.

What does a check involve?

On receipt of an application for disclosure, AccessNI checks a number of data sources for information. These include the Police National Computer (PNC) which contains details of individual criminal records from across the United Kingdom. This database is used for all types of checks.

Where the application is for an **enhanced check**, AccessNI also searches a police intelligence database to determine whether the applicant's details are recorded on this. Where an individual is matched to a criminal record or their details are found on the police intelligence database, their application is referred to a relevant police force to determine whether the information held by that force should be disclosed on the check. Where the application is for work to be carried out at an applicant's home address, as, for example, in the case of child-minding, this too is referred to a police force.

In addition, where a request is made to AccessNI for a "barred list" check, AccessNI will search the lists of those who are not permitted to work with children or adults. These lists are held by the Disclosure and Barring Service and the Scottish Government.

Having acquired all of the relevant information, AccessNI then print and issue a certificate to the applicant.¹⁰

Help and advice

Further information about AccessNI can be found at:

www.nidirect.gov.uk/accessni

There is also a **Customer Helpline Service**, available from 9am until 5pm.

This is available on:

0300 200 7888

and at:

ani@accessni.gov.uk

¹⁰ This assumes Assembly approval of the Justice Bill, and subsequent Royal Assent to the Bill. At present, where the application is for a standard or enhanced check, a copy of this goes to the applicant and a further copy to the Registered Body. Once the Justice Bill receives Royal Assent and the relevant order is made, the Registered Body will no longer receive a copy.

THE FILTERING SCHEME

The filtering scheme was introduced on 14 April 2014, and provides for certain convictions and other disposals to be filtered from standard or enhanced criminal record certificates after a set period of time.

As a safeguard, the **legislation specifies certain offences which are never filtered**. These relate largely to the safeguarding and protection of children and vulnerable adults.

Otherwise:

If there is one conviction <u>only</u>:	it is only disclosed if it is on a specified list , involved a custodial sentence or is current .
If there is more than one conviction:	<u>all</u> convictions are disclosed.

Timescales applied

Convictions are filtered for adults :	after 11 years
For those aged under 18 :	after five and a half years.
Cautions are filtered for adults :	after 6 years
For those aged under 18 :	after 2 years.
Diversionsary youth conferences are filtered after two years.	
Informed warnings (adults and under 18) are filtered after one year.	

Note: A caution, restorative caution, diversionary youth conference or informed warning is **always disclosed if it is for a specified offence.**

The following table sets out the impact that then filtering scheme has had on certificates issued between its launch, on 14 April 2014, and 31 March 2015. A total of 105,999 standard and enhanced certificates were printed during this period.

Type	Certs with information reviewed	Certs information filtered	Certs convictions filtered	Certs cautions filtered	Certs both filtered
Standard	983	193	65	122	6
Enhanced	12691	2994	1462	1495	37

TERMS AND CONDITIONS OF THE INDEPENDENT REVIEWER:

PARAGRAPH 2 OF SCHEDULE 8A OF THE POLICE ACT 1997, AS AMENDED

The independent reviewer

2.—(1) There is to be an independent reviewer for the purposes of this Schedule.

(2) The independent reviewer is a person appointed by the Department—

- (a) for such period, not exceeding 3 years, as the Department decides; and
- (b) on such terms as the Department decides.

(3) A person may be appointed for a further period or periods.

(4) The Department may terminate the appointment of the independent reviewer before the end of the period mentioned in sub-paragraph (2)(a) by giving the independent reviewer notice of the determination not less than 3 months before it is to take effect.

(5) The Department may—

- (a) pay such remuneration or allowances to the independent reviewer as it may determine;
- (b) make arrangements for the provision of administrative or other assistance to the independent reviewer.

(6) The independent reviewer must, in relation to each financial year and no later than 3 months after the end of that year, make a report to the Department about the exercise of his or her functions under this Schedule in that year.

(7) The independent reviewer may make recommendations to the Department as to—

- (a) any guidance issued by the Department under paragraph 3 or which the independent reviewer thinks it would be appropriate for the Department to issue under that paragraph;
- (b) any changes to any statutory provision which the independent reviewer thinks may be appropriate.

(8) A person may at the same time hold office as the independent reviewer and as the independent monitor under section 119B.

Filtering review process for cases where disclosure includes adult conviction information and/or adult non-conviction information

1. Individual applies for an enhanced certificate.
2. AccessNI (ANI) check reveals information that includes adult convictions and/or adult non-convictions.
3. ANI applies filtering process; some or all of the information does not meet the filtering criteria.
4. ANI refers case to PSNI as it has conviction information. PSNI consider whether they have any information that they reasonably believe to be relevant and ought to be disclosed under section 113B(4) of Part V of the Police Act. This may include information about a conviction or non-court disposal filtered by AccessNI.
5. ANI issues a certificate with all of the unfiltered information disclosed, and including relevant police information, if any.
6. Where a certificate has conviction or caution information disclosed, AccessNI will advise the applicant about the review process and how an application can be made.
7. ANI receives the request for review within the specified timeframe, and checks to ensure it does not relate only to unspent convictions (if it does, ANI advises the applicant that their case is ineligible for review, and that their original certificate stands). ANI will contact the applicant if it considers further information is required.
8. Provided the information being reviewed is spent, ANI writes to police/PBNI/YJA, if necessary, to verify the applicant's information and to request any available additional information. If the Independent Reviewer decides to remove any convictions and/or cautions, ANI also ask the police again whether they might consider releasing this information under 113B (4) of Part V of the Police Act 1997.
9. On receipt of the information, ANI refers the case to the Independent Reviewer (IR), who examines the case, in light of all the available information,

including that provided by the applicant, and considers whether or not he/she believes disclosure is proportionate.

10. **The IR decides to filter all of the information; he/she informs ANI; they issue an amended certificate with no information (unless the police have decided to add information under 113B (4)).**

Or

The IR decides to disclose all of the information he/she informs ANI; they advise the applicant that the original certificates stands, and that there is no avenue for further review.

Or

The IR decides to disclose some of the information; he/she informs ANI; ANI issues an amended certificate, and advises there is no avenue for further review.

N.B.

- i. **Under any of the 3 scenarios at 10, the police may have added information under 113B (4) – the applicant can, if they wish, seek to have this information reviewed by the Independent Monitor.**
- ii. **Prior to issuing an amended certificate, ANI will not re-check the individual's criminal record. The certificate will, therefore be dated as per the original certificate.**

Filtering review process for cases where disclosures relate only to convictions and/or non-conviction disposal(s) awarded when the applicant was under 18

1. Individual applies for an enhanced certificate.
2. AccessNI (ANI) check reveals conviction and/or non-conviction information, which relates only to the period when the applicant was under 18 (i.e. at the time of the conviction or award of the disposal). Otherwise the case will be treated as for an adult.
3. ANI applies filtering process; some or all of the information does not meet the filtering criteria.
4. ANI checks to see if any of the information relates to unspent convictions. If so, the process continues as from stage 4 of the adult process.
5. If the information does not include unspent convictions, ANI does not issue a certificate, but, where necessary, seeks additional information from YJA, PSNI, PBNI etc. In the case of PSNI, ANI will need to check with them to ascertain if the information was to be filtered, would they wish to release it under section 113B (4); and to ask whether or not there is other information they would want to include as relevant information.
6. On receipt of the information, ANI refers the case to the Independent Reviewer (IR), who considers whether or not he/she believes disclosure is proportionate.
- 7. The IR decides to filter all of the information; he/she informs ANI; they issue a certificate with no information (unless the police have decided to add information under section 113B (4)), and the process stops here.**

Or

The IR decides to disclose all or some of the information; he/she informs ANI.

8. Before ANI proceeds with issuing a certificate, they will ask the applicant if they wish to make representations for consideration by the IR. They will also write, if necessary, to YJA/PSNI/PBNI to request an update on the information provided at 5 above (and to check again whether or not PSNI would wish to release - under section 113B (4) – any of the information that might be filtered;

and whether or not there is other information they would want to include as relevant information).

9. On receipt of the representations any up-dated information, the Independent Reviewer (IR), will reconsider the case, and come to a final decision on whether or not he/she believes disclosure is proportionate.
10. **The IR decides to filter all of the information; he/she informs ANI; they issue a certificate with no information (unless the police have decided to add information under section 113B (4)).**

Or

The IR remains of the view that information should be disclosed; he/she informs ANI; they issue a certificate, and advise that there is no avenue for further review.

N.B.

Under any of the scenarios at 7 or 10, the police may have added information under section 113B (4) – the applicant can, if they wish, seek to have this information reviewed by the Independent Monitor.

GLOSSARY/INTERPRETATION

Term	Meaning
DOJ/ the Department	The Department of Justice
AccessNI	Northern Ireland's criminal history disclosure service.
The 1997 Act	The Police Act 1997.
The Justice Act	The Justice Act (Northern Ireland) 2015.
Rehabilitation of Offenders (NI) Order 1978 (ROO)	The legislation which limits the time for which declaration of an offence has to be made.
Criminal record	This is not defined in legislation, but is generally accepted to be a record of convictions and specific non-court disposals held in regard to any individual.
Conviction	Result of prosecution for an offence in court for which a person is found guilty.
Spent conviction	A conviction that does not have to be disclosed because the requisite period of time under the ROO has passed (unless it is exempted under the Rehabilitation of Offenders Exceptions Order (Northern Ireland) 1979).
Other disposal/non-conviction disposal	A caution, diversionary youth conference or informed warning.
Specified offence	Serious crimes (specified under section 113A(6D) of the 1997 Act) that will always appear on an AccessNI check.
Filtering scheme	Allows for the removal of certain convictions, and of other non-conviction disposals, from disclosure on standard and enhanced criminal record certificates.
Review mechanism	Enables an individual, in certain circumstances, to seek a review of their case where a conviction or disposal has not been filtered from his or her standard or enhanced criminal record certificate.

Independent reviewer	The independent person, appointed by the Department of Justice, under the provisions of section 117B and Schedule 8A of the Police Act 1997 (the 1997 Act), to consider any request for a review of his or her certificate after filtering.
Independent Monitor	Appointed under the 1997 Act to review a sample of the enhanced criminal record certificates issued by the Disclosure and Barring Service and AccessNI; and the person to whom an individual may apply to determine whether any information provided by the police under section 113B(4) of the 1997 Act is relevant and/or ought to be included in an enhanced criminal record certificate.
Police information	Information added to an enhanced certificate by the police using the powers available to them under Section 113B(4) of the 1997 Act. When adding information, police must reasonably believe it to be relevant for the purpose for which the certificate is sought, and that it ought to be included in the certificate.