

**Area 9 Asset Support Contract**

**Service Information**

**Annex 4**

**Confidentiality and Security**

**SERVICE INFORMATION FOR ASC**  
**ANNEX 4**  
**CONTENTS AMENDMENT SHEET**

<b>Amend. No.</b>	<b>Issue Date</b>	<b>Amendments</b>	<b>Initials</b>	<b>Date</b>
0	March 2013	First Issue	SOS	22/3/13

---

**LIST OF CONTENTS**

<b>4</b>	<b>CONFIDENTIALITY AND SECURITY .....</b>	<b>4</b>
<b>4.1</b>	<b>Mandatory Obligations .....</b>	<b>4</b>
<b>4.2</b>	<b>Security Checks – Minimum Requirement.....</b>	<b>4</b>
<b>4.3</b>	<b>Security Checks – Additional Vetting Requirement .....</b>	<b>5</b>
	<b>PART ONE – BPSS COMPLIANCE .....</b>	<b>6</b>
<b>4.4</b>	<b>Procedures.....</b>	<b>6</b>
<b>4.5</b>	<b>Security check process for BPSS.....</b>	<b>7</b>
<b>4.6</b>	<b>Verification of Identity – Outline Requirements.....</b>	<b>8</b>
<b>4.7</b>	<b>Nationality and Immigration Status (including an entitlement to undertake the work in question) – Outline Requirements .....</b>	<b>8</b>
<b>4.8</b>	<b>Employment history (past 3 years) – Outline Requirements .....</b>	<b>8</b>
<b>4.9</b>	<b>Criminal record (unspent convictions only) – Outline Requirements.....</b>	<b>9</b>
<b>4.10</b>	<b>Approval for employment.....</b>	<b>9</b>
<b>4.11</b>	<b>Incomplete or unsatisfactory BPSS Verification Records .....</b>	<b>10</b>
<b>4.12</b>	<b>Renewal of the BPSS.....</b>	<b>10</b>
<b>4.13</b>	<b>Ongoing personnel security management (“aftercare”) .....</b>	<b>10</b>
<b>4.14</b>	<b>Retention of documentation.....</b>	<b>11</b>
	<b>PART TWO – NATIONAL SECURITY VETTING (NSV) .....</b>	<b>12</b>
<b>4.15</b>	<b>Procedures.....</b>	<b>12</b>

## 4 CONFIDENTIALITY AND SECURITY

### 4.1 Mandatory Obligations

- 4.1.1 The *Employer* is required to adopt the Personnel Security requirements and management arrangements set down in Security Policy No 3: Personnel Security of HMG Security Policy Framework v 8 April 2012 issued by the Cabinet Office as amended from time to time (the “**Security Policy Framework**”).
- 4.1.2 The Security Policy Framework is available to be downloaded from the Cabinet Office Website <http://www.cabinetoffice.gov.uk/resource-library/security-policy-framework> and is referred to as a Reference Document in Annex 18 Table 18.1. The *Provider* familiarises himself with the objectives and principles embodied within the Security Policy Framework, in addition to the mandatory obligations abstracted from the Security Policy Framework and set down in this Annex 4.
- 4.1.3 The *Provider* ensures that the appropriate level of Personnel Security is obtained and maintained for all Staff in accordance with the Security Policy Framework.
- 4.1.4 The *Service Manager* notifies the *Provider* of any revisions to the Personnel Security requirements arising as a consequence of subsequent amendments to the Security Policy Framework.

### 4.2 Security Checks – Minimum Requirement

- 4.2.1 The Baseline Personnel Security Standard (BPSS) forms the minimum security check requirement for all Staff whose duties include
- working on the Area Network in the Employer’s premises, including offices, Regional Control Centres (RCC), the National Traffic Operations Centre (NTOC) and any outstations owned and/or operated by the *Employer*,
  - usage of the Employer’s Information Systems
  - handling the Employer’s information where that information is rated at Business Impact Level (BIL) 3 or marked “OFFICIAL-SENSITIVE” (formerly “RESTRICTED” which may still apply to historical documents), or
  - working unsupervised in any other capacity.
- The *Service Manager* may notify the *Provider* of a modification to the categories of Staff requiring BPSS checks at any time.
- 4.2.2 The BPSS is available to be downloaded from the Cabinet Office Website <http://www.cabinetoffice.gov.uk/resource-library/security-policy-framework> and is referred to as a Reference Document in Annex 18 Table 18.1.

4.2.3 Procedural and other details for ensuring compliance with the BPSS are set down in Part One below.

**4.3 Security Checks – Additional Vetting Requirement**

4.3.1 Where Staff require unrestricted access to Highways Agency premises, infrastructure, amenities and records or are required to regularly handle information at BIL 5 (“SECRET”) the *Service Manager* may additionally instruct the *Provider* to carry out the appropriate level of National Security Vetting (NSV) as a change to the Service Information.

4.3.2 Procedural and other details for ensuring compliance with NSV are set down in Part Two below.

**PART ONE – BPSS COMPLIANCE****4.4 Procedures**

- 4.4.1 The *Provider* undertakes security checks to ensure the confidentiality, integrity and availability of the Employer's asset.
- 4.4.2 The recruitment controls of the BPSS are required to have been carried out for all Staff to whom paragraph 4.2.1 applies prior to their employment on this contract. The recruitment control process is completed satisfactorily before an individual
- is issued with a security pass giving unsupervised access to the Employer's premises,
  - potentially has access to the Employer's sensitive, possibly protectively-marked, information or
  - is given access to the Employer's IT network.
- 4.4.3 The *Provider* takes all necessary measures to confirm that any previous security checking carried out on existing Staff meets the requirements of the BPSS, either in full or by exception using the risk management assessment process guidance contained in the Security Policy Framework. The *Provider* must notify which Staff have met or not met these requirements. The *Employer* may from time to time carry out independent audits of these findings and their methodology.
- 4.4.4 The *Provider* should note that, for existing Staff with more than 3 years continuous employment and who have not had any access passes or permits revoked in that time, then the requirements for references in the BPSS check can be deemed to be discharged by a letter from a Director or Head of Personnel of the *Provider* certifying the same. The remainder of the BPSS check must be carried out.
- 4.4.5 The *Provider* rectifies any unacceptable gaps identified between the BPSS and existing security checking in accordance with the requirements of the BPSS.
- 4.4.6 Any new Staff to whom paragraph 4.2.1 applies are assessed strictly in accordance with the requirements of the BPSS.
- 4.4.7 The *Provider* keeps full and auditable records of all security checks carried out on Staff and makes such records available to the *Employer* or its appointed representatives for audit purposes at all reasonable times.
- 4.4.8 If
- the *Employer* discovers any non-compliance with the requirements of the BPSS from the audit process,

- the *Provider* fails to keep full records of security checks carried out on Staff or
- the *Provider* fails to make such records available on reasonable request,

the *Service Manager* may

- invoke individual withdrawal of permits or passes to Staff,
- invoke systematic withdrawal of permits or passes to Staff or
- require that an independent audit of the *Provider's* BPSS check procedure is undertaken at the expense of the *Provider*.

The *Provider* takes the appropriate action to immediately address any non-compliance with the BPSS notified to it by the *Service Manager*.

4.4.9 It should be noted that the BPSS does not constitute a formal security clearance. It is designed to provide a level of assurance as to the trustworthiness, integrity and reliability of the individual involved.

#### **4.5 Security check process for BPSS**

4.5.1 The security check process of the BPSS follows the guidance provided in the BPSS.

4.5.2 The BPSS comprises verification of four main elements

- identity,
- nationality and immigration status (including an entitlement to undertake the work in question),
- employment history (past 3 years) and
- criminal record declaration (unspent convictions only).

Additionally, prospective Staff are required to give a reasonable account of any significant periods (6 months or more in the past 3 years) of time spent abroad.

4.5.3 The specific requirements for verification of each of the four main elements are set down in Part II, The Verification Process of the BPSS. An outline description of the core requirements is included below but does not relieve the *Provider* from his obligation to comply with all the requirements of the BPSS.

4.5.4 Information collected at each stage of the process is reviewed, assessed and recorded on the BPSS Verification Record (Annex B of the BPSS). References of the BPSS Verification Record forms are listed in this Annex 4 as Annex A for information

**4.6 Verification of Identity – Outline Requirements**

- 4.6.1 Identity may be verified by physically checking a range of appropriate documentation (e.g. passport or other photo ID together with utility bills, bank statements etc) or by means of a commercially available ID verification service.
- 4.6.2 Only original documents should be used for identification purposes, copies are not appropriate.
- 4.6.3 There is no definitive list of identifying documents. The *Provider* should note that not all documents listed in the BPSS are of equal value. The objective is a document that is issued by a trustworthy and reliable source, is difficult to forge, has been dated and is current, contains the owner's name, photograph and signature and itself requires some evidence of identity before being issued (e.g. passport or ID card).
- 4.6.4 National Insurance numbers (NINOs) can be obtained fraudulently and cannot be relied on as a sole means of establishing identity or right to work. Temporary numbers beginning with TN or ending in a letter from E to Z inclusive are not acceptable.
- 4.6.5 Where verification of identity is not straightforward but a decision is nevertheless taken to employ an individual, the *Provider* notifies the *Service Manager* and records the matter on the Risk Register.

**4.7 Nationality and Immigration Status (including an entitlement to undertake the work in question) – Outline Requirements**

- 4.7.1 Nationality and Immigration Status may be verified by physically checking appropriate documentation or, in exceptional circumstances only, by means of an independent check of UK Border Agency (UKBA) records.
- 4.7.2 The *Provider* takes the necessary steps to ensure that an individual has the right to remain in the United Kingdom and undertake the work in question.
- 4.7.3 Checks need to be applied evenly and the *Provider* needs to be aware of his obligations under the Race Relations Act 1976.

**4.8 Employment history (past 3 years) – Outline Requirements**

- 4.8.1 Employment history may be verified by checking with previous employers, by following up references or by means of a commercially available CV checking service or, in exceptional circumstances only, by means of an independent check of HMRC records.
- 4.8.2 To ensure that prospective employees are not concealing associations or gaps, the *Provider* as a minimum verifies the individual's recent (past 3 years) employment or academic history.

4.8.3 Where there are unresolved gaps or doubts remain about an individual's employment history, an independent check of HMRC records may be made.

4.8.4 Every effort should be made to check that the individual has held the previous employment history claimed. Any gaps in the past 3 years employment history should be investigated.

#### **4.9 Criminal record (unspent convictions only) – Outline Requirements**

4.9.1 The *Provider* should note that the requirement to verify “unspent” convictions does not apply when the BPSS is being carried out as part of the groundwork for NSV, where a full check of criminal records (“spent” and “unspent”) will be made as part of that process.

4.9.2 Under the terms of the Rehabilitation of Offenders Act 1974, it is reasonable for employers to ask individuals for details of any “unspent” criminal convictions. The Act states that if an offender remains free of further convictions for a specified period (the “rehabilitation period”), the conviction becomes spent. Where rehabilitation has taken place, the individual must be treated as if the offence had never been committed.

4.9.3 The *Provider* must obtain a Basic Disclosure Certificate check available from Disclosure Scotland.

4.9.4 Where “unspent” convictions have been disclosed, the *Provider* carries out a risk assessment, which may include the need for legal advice, before proceeding.

#### **4.10 Approval for employment**

4.10.1 General guidance and requirements post BPSS verification are contained in Part IV – Post Verification Process of the BPSS. An outline description of the core requirements is included below but does not relieve the *Provider* from his obligation to comply with all the requirements of the BPSS.

4.10.2 Subject to paragraph 4.10.3 and unless advised to the contrary by the *Service Manager*, all Staff for whom a completed BPSS Verification Record has been submitted may be treated by the *Provider* as suitable to undertake the duties referred to in paragraph 4.2.1.

4.10.3 The *Provider* should note that the *Employer* will ordinarily require a period of 3 working days from receipt of a fully completed BPSS check for its internal approvals process and prior to the subsequent issue of access permits and passes. The *Service Manager* may exclude from the Area Network any individual for whom a BPSS Verification Record is not supplied, is incomplete or is otherwise unsatisfactory.

4.10.4 BPSS Verification Records with a sealed Criminal Record Declaration will be assessed separately on a case by case basis by the *Service Manager*. The *Service Manager* advises the *Provider* if the individual has been approved

as suitable to undertake all or any of the duties referred to in paragraph 4.2.1.

#### **4.11 Incomplete or unsatisfactory BPSS Verification Records**

4.11.1 Where a BPSS is incomplete or is otherwise unsatisfactory, the *Service Manager* advises the *Provider* of the deficiencies and the actions needed to correct them.

#### **4.12 Renewal of the BPSS**

4.12.1 Under most circumstances, renewal of the BPSS is not required.

4.12.2 The *Provider* rechecks the immigration status of migrant Staff before their current right to remain expires or within 12 months of the previous check, whichever is the sooner. These checks are repeated until the employee is able to demonstrate an indefinite right to remain in the United Kingdom or until the employment comes to an end.

4.12.3 The *Service Manager* instructs the *Provider* to carry out additional security checks on any Staff required to operate in or on a List X site. An instruction to carry out additional security checks is a change to the Service Information.

4.12.4 If an employee, who has previously been subject of a BPSS check, leaves the employment of the *Provider* and is subsequently re-employed by the *Provider* within twelve months, the original security check authorisation may be reinstated. The *Employer* may require additional evidence before reinstating the original security check authorisation. In all other cases of re-employment, the full BPSS check must be carried out.

#### **4.13 Ongoing personnel security management (“aftercare”)**

4.13.1 The *Provider* monitors, manages and supports the required behaviours of Staff who are approved for work on this contract and reports to the *Service Manager* immediately if the continuing suitability of an employee is in doubt.

4.13.2 Where the *Provider* reports a case of doubt or the *Service Manager* considers that the actions of any of the Staff do not conform to the required behaviours, the *Service Manager* may instruct the *Provider* to review the performance of the individual concerned. The *Provider* takes appropriate action in consequence of the review, which may include

- performance improvement,
- temporary suspension of permits and passes or
- removal of the individual in accordance with core clause 24.3.

**4.14 Retention of documentation**

- 4.14.1 The documentation associated with a BPSS check is retained by the *Provider* until the expiry of the Contract Period and for a period of twelve months after the individual has ceased to be employed on this contract.
- 4.14.2 The *Provider* destroys, in an appropriate secure manner, all electronic and paper copies of documentation which he is no longer required to retain.

**PART TWO – NATIONAL SECURITY VETTING (NSV)****4.15 Procedures**

- 4.15.1 In all cases, verification of identity and the individual's entitlement to undertake the work in question must be carried out before embarking on NSV.
- 4.15.2 Other than in exceptional circumstances, NSV must not be undertaken before the BPSS's full controls have been applied. The *Provider* agrees with the *Service Manager*, on a case by case basis, any exceptional cases where NSV and BPSS procedures are required to be carried out in parallel.
- 4.15.3 The *Service Manager* determines if any Staff need to undertake NSV in addition to the BPSS check.
- 4.15.4 If the *Service Manager* considers that NSV is required, the *Employer* identifies, manages and undertakes the necessary vetting at the Employer's expense.
- 4.15.5 Where the *Service Manager* determines that NSV is required, the approvals process set out in paragraph 4.10 does not apply, unless the *Service Manager* instructs otherwise. Access permits and passes are ordinarily only issued on satisfactory completion of NSV.

## **ANNEX A**

### **List of BPSS Verification Record Forms contained in the BPSS Verification Record (Annex B of the BPSS).**

Forms to be completed by the *Provider* to demonstrate BPSS compliance as required in accordance with the BPSS Guidance

- Verification Record
- Nationality and Immigration Status Form
- UKBA Immigration Employment Enquiry Form
- Employment History Report Form
- HMRC Record Check Form
- Criminal Record Declaration