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This booklet

The Judicial Data and Criminal Records Act, which entered into force in November 2002, contains provisions concerning the issue of certificates of good conduct. The new procedure for applying for a certificate came into effect on 1 April 2004. This booklet tells you more about the certificate, the reasons why you may need one, how to apply for it and what kind of information will be reviewed in the process.

If you apply for a job involving confidential information or vulnerable people, for example, your employer may ask you for a certificate of good conduct. For some jobs (teacher or taxi driver, for instance) a certificate is in fact required by law.

You may only apply for a certificate for yourself. The Minister of Justice decides whether to issue the certificate or not. He will issue a certificate if investigations have shown that the applicant does not have a criminal record that is relevant to the job for which the certificate has been requested. For example, a taxi driver who has been convicted several times of drunken driving, or an accountant convicted of fraud are unlikely to be issued with a certificate. Obviously, an accountant who has been convicted of drunken driving may well be granted a certificate.

In January 2007 stricter rules were imposed on the issue of certificates of good conduct to people who work with vulnerable people and who have been convicted of a sexual offence.

When is a certificate of good conduct required?

A certificate of good conduct may be required in a number of situations, mostly in connection with employment. But you will also be asked to supply one if you wish to join a rifle club, for example.

Where can I apply for a certificate of good conduct?

You can apply for a certificate of good conduct at the Population Affairs Department (*Burgerzaken/Publiekszaken*) of the municipality where you are registered in the Municipal Personal Records Database (GBA). The information you supply on your application form is entered in the computer, which automatically adds data from the GBA. All this information is then sent to COVOG, the Central Organisation for Certificates of Good Conduct, which issues certificates on behalf of the Minister. If you are not registered in the GBA (usually the case with Dutch nationals who left the Netherlands over 12 years ago and foreign nationals who once resided in the Netherlands), you should apply directly to COVOG for your certificate.

Kader

If you are applying for a certificate of good conduct in connection with a visa, emigration, immigration, a work permit, the swearing in of a lawyer or in order to set up a childminding agency, it may not always be possible to submit a fully completed and signed application form. In that case you should complete the form yourself as fully as possible. You will also have to submit documents clearly establishing the purpose of your application.

How do I apply to the municipal authorities for a certificate of good conduct?

You apply for a certificate of good conduct by submitting a fully completed application form to the Population Affairs Department of the municipality where you are registered in the GBA. The form is supplied by the person or body asking you for a certificate, usually your employer. They must state the purpose of the application on the form. You can also download the application form from the internet (go to www.justitie.nl/vog) or request a form from COVOG (for details see the back of this booklet). Bring a valid identity document when submitting the form.

How do I apply directly to COVOG for a certificate of good conduct?

You can only apply directly to COVOG if you are not registered in the GBA. This is usually the case for Dutch nationals who emigrated over 12 years ago and foreign nationals who once resided in the Netherlands. You must submit:

- a fully completed application form
- a clearly legible copy of your identity document.

In addition, COVOG must have received the fee (to avoid delay, send a copy of the proof of payment with your application), and Dutch nationals residing outside the Netherlands must state the date on which they left the country.¹

Can someone else apply for a certificate of good conduct on my behalf?

Another person may submit the application on your behalf if you authorise them to do so. The authorised person then applies to the Population Affairs Department of the municipality where you are registered in the GBA or – if you live abroad – to the municipality where you were registered prior to your departure. If the municipality no longer has your particulars, the application has to be submitted directly to COVOG.

¹ If you left the Netherlands after 1 October 1994, you should contact the municipality where you last resided, which has your GBA data. You are still registered with this municipality even though you are not a resident.

The authorised person must take along:

- a fully completed application form
- a letter of authorisation, also stating the address to which the certificate must be sent
- a copy of your identity document (a passport, for example)
- the authorised person's identity document
- the sum of €30.05. (as of 1 January 2007)*

How does a privileged person apply for a certificate of good conduct?

As of September 2006 it is no longer possible for staff and former staff of international organisations or diplomatic and consular missions ('privileged persons') to apply to the Ministry of Foreign Affairs for a certificate of good conduct. You are a privileged person if you are registered in the Ministry's PROBAS personal records database.

Since 2002, staff of international organisations or diplomatic or consular missions have been able to register voluntarily with the GBA. If you have done this, you can follow the procedure described under *Where can I apply for a certificate of good conduct?* and *How do I apply to the municipal authorities for a certificate of good conduct?* If you are not registered in the GBA, you should apply directly to COVOG (see the section *How do I apply directly to COVOG for a certificate of good conduct?*).

NB: In addition to the documents referred to in this section, you should also send a copy of your privileged person's identity card.

A decision can be sent to you within two weeks of receipt of your application if you have an address in the Netherlands. If the decision has to be sent abroad, this may take a week longer. You can always contact COVOG to see how your application is progressing.

What does a certificate of good conduct cost?

The fee for processing your application in 2007 is €30.05* , to be paid on submission of the application form. This covers the costs incurred by the municipal authorities and COVOG. If you apply directly to COVOG, the fee should be paid into account no. 56.99.90.971 (account holder Ministerie van Justitie/Dienst Justis/COVOG), in The Hague, stating the name of the applicant. For money transfers from abroad, the IBAN-code is NL47RBOS0569990971 and the BIC (SWIFT) code is RBOSNL2A, The Royal Bank of Scotland, Amsterdam.

*) Please note that this sum can change every year. You can check the current sum at our webpage www.justitie.nl/vog.

Who decides on my application?

COVOG decides, on behalf of the Minister, whether you will be issued with a certificate of good conduct or not.

How long does it take to decide on an application?

A decision will be taken within four weeks of receipt of your application. Please contact COVOG if you have any queries regarding the progress of your application.

What kind of data is consulted before a certificate of good conduct is issued?

COVOG consults the Criminal Records System (JDS) which contains data relating to criminal offences and their outcomes, ranging from custodial sentences to payment in lieu of prosecution or the dropping of charges. COVOG may also consult police files and ask the Public Prosecution Service and the probation service for information. All such information is studied and evaluated as a whole.

When will a certificate of good conduct be issued and when not?

if it emerges from the investigation that you have no criminal record, the certificate will be issued. If you do, the authorities decide whether the offences in question are relevant to your application. Offences that would present difficulties for someone wanting a teaching job, for example, may not be relevant to an accountant. The screening profiles and assessments are laid down in policy rules. Applicants can estimate their prospects of obtaining a certificate in advance by consulting the screening profiles, as can employers in order to check what requirements they may impose on applicants. The VOGNP-RP 2004 policy rules were published in the Government Gazette (*Staatscourant*) of 31 March 2004 and can be downloaded from the COVOG website.

How do I find out why my application was refused?

If your application is refused, you will first receive written notification of intent stating the reasons for refusal. If you wish to inspect your criminal record, you should write to the Central Criminal Records Office (Just ID, Postbus 337, 7600 AH Almelo), enclosing a copy of your identity document. A fee is payable for this service. You may also see your criminal record at the nearest district court (*rechtbank*) but you may not make copies. For more information contact the Just ID service desk on 0900 991 0000 or at info@justid.nl. See also their website: www.justid.nl.

Objection and review

If your application for a certificate of good conduct is refused, you may lodge an objection in accordance with the General Administrative Law Act (*Algemene wet bestuursrecht*). The booklet entitled *Bezwaar en beroep tegen een beslissing van de overheid* (Objection to and review of government decisions – available in Dutch only from *Postbus 51*, the public service information centre) provides more detailed information.

Questions/more information

For questions about the certificate of good conduct please contact COVOG:

COVOG

Postbus 16115

2500 BC Den Haag

Email: frontdesk.justis@minjus.nl

Tel: +31 (0)70 370 7234

Website: www.justitie.nl/vog (click on English)

For general information and to order publications please contact the public service information centre:

Postbus 51 Infolijn

Tel: 0800 8051 (free of charge)

Open Monday to Friday from 08.00 to 20.00

Website: www.postbus51.nl

Email: vrAGEN@postbus51.nl