Special Category Data Appropriate Policy Document

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1. Introduction

As part of South Eastern Regional College's public function as a further and higher education provider, we process Special Category and Criminal Offence data in accordance with Article 9 of the UK General Data Protection Regulation (UK GDPR) and Schedule 1 of the Data Protection Act (2018) (DPA).

Schedule 1, Part 4 of the DPA requires us to have in place this document, called an 'Appropriate Policy Document', when we rely on certain conditions for processing Special Category and Criminal Offence data. We will also tell you how long we will hold the Special Category and Criminal Offence data. Some of the information is already held in other documents on the Colleges website. This Policy covers all processing carried out by the College

The Data Protection Act (2018) outlines safeguards for the processing of sensitive special category data. Sensitive processing is defined in Article 9 of the UK GDPR as.

- The processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership,
- The processing of genetic data, or of biometric data, for the purpose of uniquely identifying an individual,
- The processing of data concerning health
- The processing of data concerning an individual's sex life or sexual orientation.

When processing special category data, the College will ensure it has identified its lawful basis for processing as set out in Articles 9(2) and 10 of the GDPR including:

- for employment, social security and social protection purposes.
- for substantial public interest purposes.
- for archiving, research or statistics purposes

2. RELEVANT SCHEDULE 1 CONDITIONS AND DATA PROCESSING ACTIVITIES

The College relies on DPA Schedule 1 conditions to process special categories of personal data, for example:

2.1 Conditions Relating to Employment, Health and Research, etc.

- Employment, social security and social protection
  - Processing personal data concerning health in connection with the College's rights under employment law
  - Processing data relating to criminal convictions in connection with the College's rights under employment law in connection with recruitment, discipline or dismissal
  - Providing human resources and occupational health facilities for employees

2.2 Substantial Public Interest Conditions

- Statutory and government purposes
  - Processing is necessary for reasons of substantial public interest
  - Including processing to ensure the College's compliance with Disability Discrimination Act (1995) and other legislative requirements.
- Equal Opportunity or treatment
  - Processing is necessary for the purposes of identifying or keeping under review the existence or absence of equality of opportunity or treatment Preventing or detecting unlawful acts
  - Processing necessary to ensure the safeguarding and protection of the College's students, by virtue of Paragraph 36 of Schedule 1 of the DPA Act it is not necessary to demonstrate a substantial public interest in the above processing
- Regulatory requirements relating to unlawful acts and dishonesty etc.
  - Assisting authorities in connection with their regulatory requirements
- Preventing fraud
  - Disclosing personal data in accordance with arrangements made by an anti-fraud Murray
- Support for individuals with a particular disability or medical condition.
  - is carried out by a not-for-profit body which provides support to individuals with a particular disability or medical condition,
  - is necessary for the purposes of providing support to individuals falling within sub-paragraph (3) or enabling such individuals to provide support to each other
- Safeguarding of children and individuals at risk
  - Carrying out risk assessments and processing AccessNI checks for staff and students
  - Sharing information with relevant agencies if required
- Insurance
  - Processing of personal data which is necessary for an insurance purpose and for reasons of substantial public interest; and
  - Where the College cannot reasonably be expected to obtain consent from the Data Subject
- Occupational Pensions

- Fulfilling the College's obligation to provide an occupational pension scheme
- Determining benefits payable to dependents of pension scheme members

- Disclosure to elected representatives
  - Assisting elected representatives such as local government Councillors and Members of Parliament with requests for assistance on behalf of their constituents

2.3 Additional Conditions Relating to Criminal Convictions, etc.[1]

- Extension of conditions in Part 2 of Schedule 1 referring to substantial public interest
- The College may process personal data relating to criminal convictions in connection with its legislative requirements

[1] Data Protection Act, Schedule 1, Part 3

3. PROCEDURE FOR SECURING COMPLIANCE

How the College complies with the data protection principles

Article 5(2) of the UK GDPR requires Data Controllers to demonstrate how they comply with the data protection principles provided in Article 5(1). This section illustrates the measures we have taken to demonstrate accountability for the personal data we process and contains details about how we ensure compliance with the principles of the UK GDPR.

The UK GDPR sets out seven key principles:

- Lawfulness, fairness and transparency
- Purpose limitation
- Data minimisation
- Accuracy
- Storage limitation
- Integrity and confidentiality (security)
- Accountability

1. **Lawfulness, fairness, and transparency**

Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.
We will:

- ensure that personal data is only processed where a lawful basis applies.
- will ensure that data subjects are not misled about the purposes of any processing.
- ensure that data subjects receive details on why we use and collect their data by providing privacy notices for all services.

2. **Purpose Limitation**

We process Special Category and Criminal Offence only data where it is necessary to do so for specified purposes. We only process Special Category and Criminal Offence where we have a lawful basis to do so under Articles 6, 9 and 10 UK GDPR and, where required, when we have identified a condition under Schedule 1 DPA 2018.
We will not process any Special Category and Criminal Offence for purposes which would be incompatible with the purpose for which the data was originally collected.

3. **Data minimisation**

We design our data collection forms and other data collection tools to ensure that we only collect the Special Category or Criminal Offence data necessary to achieve the relevant purpose. Our purposes are set out in our Privacy Notices. We collect enough but no more than we need in accordance with the data minimisation principle, and we only hold Special Category and Criminal Offence data for the period set out in our Retention & Disposal policy.

4. **Accuracy**

When we identify data which is inaccurate or out of date, having due regard for the purpose for which the data was processed, we will take necessary steps to rectify or erase it without delay. If we decide not to either erase or rectify it, for example because the lawful

basis we rely on to process the data means these rights do not apply, we will document our decision.

5. **Storage limitation**

The College only collects personal data that are relevant to its responsibilities as a Further Education Institute. The data it holds are continually reviewed for necessity with the Record of Processing Activity.

6. **Integrity and confidentiality (security)**

In all cases, the data are stored securely using appropriate technological controls, and access is highly restricted to certain 'need to know' staff. The information is only shared outside of the College where there is lawful basis to do so, and where appropriate safeguards and restrictions are in place.

7. **Accountability**

We demonstrate our compliance with the data protection principles provided in Article 5 of the UK GDPR through the following measures and documents:

- We have appointed a Data Protection Officer whose role and responsibilities align with the provisions of Articles 37-39 of the UK GDPR.
- Our Record of Processing Activities sets out the personal data categories we process, the purposes, the lawful bases under Article 6 and Article 9 UK GDPR including the Schedule 1 DPA 2018 condition, our retention periods for the data, recipients of personal data, any international transfers of data and our means of keeping data secure.
- Our Privacy Notices explain to individuals how and why their data is processed by the College, what their rights are, and how they can contact our DPO and the ICO.
- When we are routinely and/or regularly share data with third parties, we enter into written agreements with Data Controllers and Data Processors which meet the provisions of Articles 26 and 28 of the UK GDPR, respectively.
- We conduct Data Protection Impact Assessments (DPIAs) for uses of personal data that are likely to result in a risk to individuals' data protection rights and freedoms.
- We implement appropriate security measures which are proportionate to the risks associated with the processing.
- Managers to sign a Statement of Assurance at the end of each academic year

4. DATA PROTECTION OFFICER

The DPO is the point of contact for anyone who wishes to exercise any of their data protection rights or respond to general queries. You can either write to or email on:

Data Protection Officer
SERC, Bangor Campus
Castle Park Road
Bangor
BT20 4TD

Email: informationrights@serc.ac.uk

If you still have concerns you can contact the Information Commissioner's Office (ICO) on:

Informational Commissioners Office – Northern Ireland
3rd Floor
14 Cromac Place
Belfast
BT7 2JB

Tel: 0303 123 113 / 028 9027 8757

5. RELATED POLICIES AND PROCEDURES

There are a number of documents and policies relevant to Data Protection in the College:

- Data Protection Policy
- Data Subject Rights Procedure
- Retention and Disposal Schedule
- Freedom of Information Policy
- GDPR Handbook