

Schedule 1, Part 4, Data Protection Act 2018: Appropriate Policy Document

Processing special category data & criminal offence data based on substantial public interest conditions & the employment, social security & social protection condition

Version	Status	Date	Next Review Date
V0.1	Published	November 2024	November 2025

As part of the School's statutory and administrative functions, we process special category data and (where relevant) criminal offence data in accordance with the requirements of Article 9 and 10 UK General Data Protection Regulation ('UK GDPR') and Schedule 1 of the Data Protection Act 2018 ('DPA 2018').

Some of the Schedule 1 conditions for processing special category and criminal offence data require us to have an appropriate policy document (APD) in place, setting out and explaining our procedures for securing compliance with the data protection principles in Article 5 UK GDPR and policies regarding the retention and erasure of such personal data.

This document is the Schedule 1, Part 4, DPA 2018 Appropriate Policy Document for the School which should be read alongside the School's Data Protection Policy.

1. Definitions

Special category data is information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership, and genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

Criminal conviction data is information relating to criminal convictions and offences or related security measures and this includes personal data relating to the alleged commission of offences or proceedings for an offence committed or alleged to have been committed, including sentencing. This is collectively referred to as 'criminal offence data'.

Processing which requires an Appropriate Policy Document

The following Schedule 1 conditions require an APD:

- employment, social security and social protection condition¹

¹ Paragraph 1 of Part 1 of Schedule 1 to the DPA 2018

- substantial public interest conditions²

This document demonstrates that the processing of special category data and criminal offence data based on these specific Schedule 1 conditions is compliant with the requirements of the data protection principles and outlines our retention policies with respect to this data.

2. Description of data processed

We process special category data about our employees that is necessary to fulfil our obligations as an employer. This includes information about their health and wellbeing, ethnicity, and their membership of any trade union. We process criminal offence data about job applicants and our employees that is necessary to fulfil our obligations as an employer and legal obligations. We process special category data as an employer for reasons of substantial public interest for purposes of equality of opportunity or treatment monitoring and promoting racial and ethnic diversity in the organisation.

We process special category data (and criminal offence data) about individuals for reasons of substantial public interest to fulfil our statutory functions e.g. the keeping and maintaining of pupil records as well as safeguarding and promoting the welfare of pupils.

3. Schedule 1 conditions for processing (which require an APD)

Special category data

The School may process special category data under the following conditions in Part 1 and Part 2 of Schedule 1:

- Employment, social security and social protection (paragraph 1)
- Statutory and government purposes (paragraph 6)
- Equality of opportunity or treatment (paragraph 8)
- Racial and ethnic diversity at senior levels of organisation (paragraph 9)
- Preventing or detecting unlawful acts (paragraph 10)
- Protecting the public against dishonesty (paragraph 11)
- Regulatory requirements relating to unlawful acts and dishonesty (paragraph 12)
- Counselling etc (paragraph 17)
- Safeguarding of children and of individuals at risk (paragraph 18)
- Occupational pensions (paragraph 21)
- Disclosure to elected representatives (paragraph 24)

² All the substantial public interest conditions in Part 2 of Schedule 1 to the DPA 2018 require an APD to be in place except for in the specified circumstances outlined in the preventing or detecting unlawful acts condition (paragraph 10), journalism etc in connection with unlawful acts and dishonesty etc condition (paragraph 13) and anti-doping in sport condition (paragraph 27).

4. Criminal offence data

The School may process criminal offence data under the following conditions in Parts 1 and 2 of Schedule 1:

- Employment, social security and social protection (paragraph 1)
- Statutory and government purposes (paragraph 6)
- Preventing or detecting unlawful acts (paragraph 10)
- Protecting the public against dishonesty (paragraph 11)
- Regulatory requirements relating to unlawful acts and dishonesty (paragraph 12)
- Safeguarding of children and of individuals at risk (paragraph 18)

5. Compliance with the data protection principles

The School's procedures for ensuring compliance with the principles are detailed below:

Accountability principle

We have put in place appropriate technical and organisational measures to meet the requirements of accountability³. These include:

- The appointment of a data protection officer who reports directly to our highest management level.
- Taking a 'data protection by design and default' approach to our activities.
- Maintaining documentation of our processing activities.
- Adopting and implementing data protection policies and ensuring we have written contracts in place with our data processors.
- Implementing appropriate security measures in relation to the personal data we process.
- Carrying out data protection impact assessments for our high risk processing.

We regularly review our accountability measures and update or amend them when required.

Principle (a): lawfulness, fairness and transparency

Processing personal data must be lawful, fair and transparent. It is only lawful if and to the extent it is based on law and either the data subject has given their consent for the processing, or the processing meets at least one of the conditions in Schedule 1 of the DPA 2018.

We provide clear and transparent information about why we process personal data including our lawful basis for processing in our privacy notices, staff privacy notice and this policy document.

³ The school should check and delete any of these which do not apply to their school, you should also add any other technical and organisational measures that you consider appropriate.

Our processing for purposes of substantial public interest is necessary for the exercise of statutory functions.

We have responsibilities under the law to safeguard children and individuals at risk.

Our processing for the purposes of employment relates to our obligations as an employer.

We also process special category personal data to comply with other obligations imposed on the School e.g. the Education Act 2002.

Principle (b): purpose limitation

We process personal data for purposes of substantial public interest as explained above when the processing is necessary for us to fulfil our statutory functions, where it is necessary for complying with or assisting another to comply with a regulatory requirement to establish whether an unlawful or improper conduct has occurred or to protect the public from dishonesty.

We are authorised by law to process personal data for these purposes. We may process personal data collected for any one of these purposes (whether by us or another controller), for any of the other purposes here, providing the processing is necessary and proportionate to that purpose.

If we are sharing data with another controller, we will document that they are authorised by law to process the data for their purpose.

We will not process personal data for purposes incompatible with the original purpose it was collected for.

Principle (c): data minimisation

We collect personal data necessary for the relevant purposes and ensure it is not excessive. The information we process is necessary for and proportionate to our purposes.

Principle (d): accuracy

Where we become aware that personal data is inaccurate or out of date, having regard to the purpose for which it is being processed, we will take every reasonable step to ensure that data is erased or rectified 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.

Principle (e): storage limitation

All special category data and criminal offence data processed by us for the purpose of employment or substantial public interest is retained for the periods set out in the School's retention schedules. Our retention periods for this data are based on our legal

obligations and the necessity of its retention for our business needs. Our retention schedules are reviewed regularly and updated when necessary⁴.

Principle (f): integrity and confidentiality (security)

Electronic information is processed within our secure network. Hard copy information is processed in line with our security procedures for paper documents.

Our electronic systems and physical storage have appropriate access controls applied.

6. Retention and erasure policies

Our retention and erasure practices are set out in the retention schedules for our services, copies of which are available on request.

7. APD review date

This policy will be retained for the duration of our processing and for a minimum of 6 months after processing ceases.

This policy will be reviewed every two years or revised more frequently if necessary.

8. Additional special category processing

We process special category personal data in other instances where it is not a requirement to keep an appropriate policy document. Our processing of such data respects the rights and interests of the data subjects. We provide clear and transparent information about why we process personal data including our lawful basis for processing in our privacy notices. Further information on all our processing can be found in our Data Protection Policy.

⁴ A template retention schedule is also available on the Moodle.