

<b>Appropriate Policy Document</b>			
Current Status	<b>Awaiting Approval</b>	Last Review:	<b>November 21</b>
Responsibility for Review:	<b>Data Protection Lead</b>	Next Review:	<b>November 22</b>
Internal Approval:	<b>SLT</b>	Originated:	<b>November 21</b>

**1. Introduction and Scope:-**

The Data Protection Act 2018 (DPA 2018) outlines the requirement for an appropriate policy document to be in place when processing criminal convictions/offences data and special category data that meet the specified conditions in Parts 1, 2 or 3 of Schedule 1 of the DPA 2018.

The policy details the DPA 2018 Schedule 1 conditions for processing and the safeguards we have in place, when we process special category data and criminal conviction/offence data. The information in this document satisfies the requirements of Schedule 1, Part 4 of the DPA 2018 and supplements our privacy notice and staff privacy notice.

All staff, contractors and other authorised third parties must adhere to this policy.

**2. Purpose:-**

The purpose of this policy is to explain SAT’s procedures for securing compliance with the data protection principles set out in Article 5 of the UK General Data Protection Regulations (UK GDPR). It also seeks to demonstrate that SAT’s processing of special category data and/or criminal convictions/offences data, is based on the specified conditions set out in Schedule 1 of the DPA 2018, to comply with Data Protection Law.

We may 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 all special category data and criminal conviction/offence data) as well as our lawful basis for processing, in our privacy notice.

**3. Policy Statement**

**3.1 Conditions for processing special category data and criminal convictions/offences data**

*Conditions for processing*

SAT processes:

**1. Union membership**

**Purpose:** Part of Payroll processing

**UK GDPR Provision:**

GDPR Article 6(1)(b) Contract

GDPR Article 9(2)(b) Employment, social security and social protection

**DPA 2018 Provision:**

DPA 2018 Schedule 1, Part 1, 1(1)(a)

## 2. Ethnicity

**Purpose:** Equality monitoring – Staff. To help measure organisation performance and improvement in relation to equality and diversity.

**UK GDPR Provision:**

GDPR Article 6(1)(e) Public Task

GDPR Article 9(2)(g) Reasons of substantial public interest (8)

GDPR Article 9(2)(b) Employment, social security and social protection

**DPA 2018 Provision:**

DPA 2018 Schedule 1, Part 1, 1(1)(a), Part 2, 8(1) and Part 2, 9(1), 9(2)

**Purpose:** Equality monitoring – Student. To help measure organisation performance and improvement in relation to equality and diversity.

**UK GDPR Provision:**

GDPR Article 6(1)(a) Consent

GDPR Article 9(2)(g) Reasons of substantial public interest (8)

**DPA 2018 Provision:**

DPA 2018 Schedule 1, Part 2, 8(1)(b)

## 3. Health

**Purpose:** Employee welfare

**UK GDPR Provision:**

GDPR Article 6(1)(b) Contract

GDPR Article 6(1)(c) Legal Obligation

GDPR Article 9(2)(b) Employment, social security and social protection

**DPA 2018 Provision:**

DPA 2018 Schedule 1, Part 1, 1(1)(a), 2(1), 2(2)(a), 2(2)(b)

**Purpose:** Student welfare

**UK GDPR Provision:**

GDPR Article 6(1)(e) Public Task

GDPR Article 9(2)(g) Reasons of substantial public interest (13)

**DPA 2018 Provision:**

DPA 2018 Schedule 1, Part 2 16(1)(a), 16(2)(c)

**UK GDPR Provision:**

GDPR Article 6(1)(a) Consent

GDPR Article 9(2)(a) Explicit Consent

**DPA 2018 Provision:**

N/A

## 4. Sexual orientation – Voluntary not statutory

**Purpose** Equality monitoring - staff

**UK GDPR Provision:**

GDPR Article 6(1)(a) Consent

GDPR Article 9(2)(a) Explicit Consent

GDPR Article 9(2)(b) Employment, social security and social protection

**DPA 2018 Provision:**

DPA 2018 Schedule 1, Part 2 16(2)(d)

**Purpose:** Equality monitoring - Student

**UK GDPR Provision:**

GDPR Article 6(1)(e) Public Task

GDPR Article 9(2)(g) Reasons of substantial public interest (8)

**DPA 2018 Provision:**

DPA 2018 Schedule 1, Part 2 16(2)(d)

**Purpose:** Student welfare

**UK GDPR Provision:**

GDPR Article 6(1)(e) Public Task

GDPR Article 9(2)(g) Reasons of substantial public interest (8)

**DPA 2018 Provision:**

DPA 2018 Schedule 1, Part 2, 8(1)(b), 16(2)(d), 17(1)(a), 18(1)(a)(ii)

### 5. Religious beliefs - Voluntary not statutory

**Purpose:** Equality monitoring - staff

**UK GDPR Provision:**

GDPR Article 6(1)(a) Consent

GDPR Article 9(2)(a) Explicit Consent

GDPR Article 9(2)(b) Employment, social security and social protection

**DPA 2018 Provision:**

DPA 2018 Schedule 1, Part 1, 1(1)(a) and Part 2, 8 (1) (b)

**Purpose: Student welfare**

**UK GDPR Provision:**

GDPR Article 6(1)(e) Public Task

GDPR Article 9(2)(g) Reasons of substantial public interest (8)

**DPA 2018 Provision:**

DPA 2018 Schedule 1, Part 2, 8(1)(b)

### 6. Criminal offences

**Purpose:** Staff recruitment

**UK GDPR Provision:**

GDPR Article 6(1)(c) Legal Obligation

GDPR Article 6(1)(d) Vital Interest

GDPR Article 6(1)(e) Public Task

GDPR Article 9(2)(b) Employment, social security and social protection

GDPR Article 9(2)(g) Reasons of substantial public interest (8)

**DPA 2018 Provision:**

DPA 2018 Schedule 1, Part 1, 1(1)(a)

**Purpose:** Student enrolment

**UK GDPR Provision:**

GDPR Article 6(1)(d) Vital Interest

GDPR Article 6(1)(e) Public Task

GDPR Article 9(2)(g) Reasons of Substantial Public Interest

GDPR Article 10

**DPA 2018 Provision:**

DPA 2018 Schedule 1, Part 2, 12(1)

### 7. Criminal convictions

**Purpose:** Staff recruitment

**UK GDPR Provision:**

GDPR Article 6(1)(c) Legal Obligation

GDPR Article 6(1)(d) Vital Interest

GDPR Article 6(1)(e) Public Task

GDPR Article 9(2)(b) Employment, social security and social protection

GDPR Article 9(2)(g) Reasons of substantial public interest (8)

**DPA 2018 Provision:**

DPA 2018 Schedule 1, Part 1, 1(1)(a)

**Purpose:** Student enrolment**UK GDPR Provision:**

GDPR Article 6(1)(d) Vital Interest

GDPR Article 6(1)(e) Public Task

GDPR Article 9(2)(g) Reasons of Substantial Public Interest

GDPR Article 10

**DPA 2018 Provision:**

DPA 2018 Schedule 1, Part 2, 12(1)

**3.2 Procedures for ensuring compliance with the principles**

As required by Data Protection Law, we ensure that all processing of personal data at the College is carried out in compliance with the data protection principles.

**i. Accountability principle**

The College takes responsibility for complying with the UK GDPR and DPA 2018, at the highest level of management and throughout our organisation. We keep records of the steps we take to comply and review and update our accountability measures at appropriate intervals. The technical and organisational measures we have in place include

- maintaining records of our processing activities;
- adopting and implementing data protection policies;
- providing staff with adequate training for the roles they perform
- reviewing data protection, privacy and information security risks regularly;
- carrying out data protection impact assessments for uses of personal data that are likely to result in high risk to the interests of individuals;
- implementing appropriate security measures and taking a 'data protection by design and default' approach - putting appropriate data protection measures in place throughout the entire lifecycle of our processing operations;
- putting written contracts in place with organisations that process personal data on our behalf; and
- appointing a data protection officer.

**ii. Principle (a) – lawfulness, fairness and transparency**

The College ensures that data is processed in a lawful, fair and transparent manner.

Lawfulness: We don't do anything unlawful with personal data

- We identify an appropriate lawful basis for all our personal data processing.
- If we process special category data or criminal offence data, we ensure that we identify a condition for processing this type of data.

Fairness: We do not deceive or mislead people when we collect their personal data.

- We consider how the processing may affect the individuals concerned and can justify any adverse impact.
- We only handle personal data in ways individuals would reasonably expect, or we can explain why any unexpected processing is justified.
- We do not deceive or mislead people when we collect their personal data.

Transparency: We are open and honest with the individuals whose data we process.

- We inform individuals through privacy notices about how their personal data will be processed, who it will be shared with and how long it will be retained.
- We update our privacy notices when we change the purpose for processing personal data and inform individuals.

### **iii. Principle (b) – Purpose Limitation**

We ensure that we clearly identify our purposes for processing any personal data.

- We include details of our purposes in our privacy notice to individuals.
- We regularly review our processing and, where necessary, update our documentation and our privacy information for individuals.
- If we plan to use personal data for a new purpose where we have no legal obligation, we check whether the new purpose is compatible with our original purpose or we seek specific consent for the new purpose.

### **iv. Purpose (c) – Data Minimisation**

We know what personal data we hold and why we need it.

- We only collect personal data we actually need for our specified purposes.
- We periodically review the data we hold and delete anything we don't need.

### **v. Purpose (d) – Accuracy**

We ensure the accuracy of any personal data we create.

- We have appropriate processes in place to check the accuracy of the data we collect, and we record the source of that data.
- We have a process in place to identify when we need to keep the data updated to properly fulfil our purpose, and we update it as necessary.
- If we need to keep a record of a mistake, we clearly identify it as a mistake.
- Our records clearly identify any matters of opinion, and where appropriate whose opinion it is and any relevant changes to the underlying facts.
- We comply with the individual's right to rectification and carefully consider any challenges to the accuracy of the personal data.

### **vi. Purpose (e) – Storage Limitation**

We carefully consider and can justify how long we keep personal data.

- We have a retention policy and schedule which indicates the retention periods where possible.
- We regularly review our information and erase or anonymise personal data when we no longer need it.
- We have appropriate processes in place to comply with requests for erasure where appropriate.

### **vii. Purpose (f) – Integrity and Confidentiality (Security)**

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We undertake an analysis of the risks presented by our processing and use this to assess the appropriate level of security we need to put in place.

- We have an information security policy and take steps to make sure the policy is implemented.
- We use encryption and/or pseudonymisation where it is appropriate to do so.
- We understand the requirements of confidentiality, integrity and availability for the personal data we process.
- We make sure that we can restore access to personal data in the event of any incidents, such as by establishing an appropriate backup process.
- We conduct regular testing and reviews of our measures to ensure they remain effective, and act on the results of those tests where they highlight areas for improvement.
- We ensure that any data processor we use also implements appropriate technical and organisational measures.

### 3.3 Retention and deletion policy

All SAT's data is stored and deleted in line with our Retention Policy and supporting Schedule.

## 4. Related Documentation

- Record of Processing Activity (RoPA)
- Retention Schedule
- Privacy notice
- Employee Privacy Notice

## 5. Contacts

If you have questions about this policy, please contact Group Compliance Officer or DPL on [dpl@suffolkacademiestrust.ac.uk](mailto:dpl@suffolkacademiestrust.ac.uk)

## 6. Policy Review

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 annually

### Revision History

Revision date	Reason for revision	Section number	Changes made
August 2021	Annual Review		Review Date Updated

