

Policy Document for the processing of Special Category Data



**Harper Adams
University**

January 2020

Policy document for the processing of Special Category Data and Personal data about criminal convictions and offences in accordance DPA 2018.

This is the 'appropriate policy document' for Harper Adams University that sets out how the University will protect special category and criminal convictions personal data.

It meets the requirement at paragraph 1 of Schedule 1 and Schedule 1 Part 4 of the Data Protection Act 2018 that an appropriate policy document be in place where the processing of special category personal data (SCD) is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on the controller or the data subject in connection with employment, social security or social protection.

It also meets the requirement at paragraph 5 of Schedule 1 to the Data Protection Act 2018 that an appropriate policy document be in place where the processing of special category personal data is necessary for reasons of substantial public interest. The specific conditions under which data may be processed for reasons of substantial public interest are set out at paragraphs 6 to 28 of Schedule 1 to the Data Protection Act 2018.

In addition, it meets the requirement in paragraphs 35(4) and 35(5) of Part 3 of the Data Protection Act 2018 that an appropriate policy document be in place as a condition for sensitive processing for reasons of substantial public interest under paragraph 42. The specific conditions under which data may be processed for reasons of substantial public interest are set out in paragraph 1 of Schedule 8.

Schedule 1 conditions for processing Special Category Data

We process Special Category Data for the following purposes in Part 1 of Schedule 1:

- i. Paragraph 1(1) employment, social security and social protection.

This condition applies to special category personal data collected or used for the purposes of complying with employment, social security or social protection laws. We process special category data about our employees that is necessary to fulfil our obligations as an employer.

There are various laws relating to employment and social protection that must be complied with, for instance, laws relating to parental leave, adoption leave, statutory leave, maternity pay, sick pay, unfair dismissal and laws promoting equality and diversity and preventing discrimination and harassment. Special category personal data under this condition shall only be used for the purposes of complying with legal obligations relating to employment or social protection laws. A copy of the staff privacy notice can be found [here](#).

Substantial Public Interest

Our processing for reasons of substantial public interest relates to data we have received or obtain in order to fulfil our public interest task as a University. This may be provided to us during the course of job applications and administering personnel records, administering student records and providing services and goods to students and staff.

We process Special Category Data for the following purposes in Part 2 of Schedule 1:

- i. Paragraph 6 (1) and 6 (2)(a) Statutory and Government purposes,
- ii. Paragraph 8 (1-5) Equality of opportunity or treatment,
- iii. Paragraph 10 (1-3) Preventing or detecting unlawful acts,
 - By virtue of Paragraph 36 of Schedule 1 to the DPA Act 2018, it is not necessary to demonstrate a substantial public interest in the above processing. (This condition will also apply to specific disclosures to the police and other law enforcement

agencies upon request, but an appropriate policy document is not required with regard to such processing.

- iv. Paragraph 11 (1-2) Protecting the public against dishonesty,
 - This condition applies to special category personal data or personal data about criminal convictions and offences collected or used under fitness to practice procedures for students on professional courses (e.g. Veterinary Surgeons & Veterinary Nurses.) The processing of such data is in the substantial public interest in ensure the safety of the public with regard to students working towards becoming part of these regulated professions.
- v. Paragraph 12 (1 & 2) Regulatory requirements relating to unlawful acts and dishonesty,
- vi. Paragraph 17 (1-2) Counselling etc,
 - Most special category personal data or personal data about criminal convictions and offences used during student/staff counselling or other student/staff welfare support services is collected with the explicit consent of the data subject. On the rare occasions when processing is not carried out with explicit consent, it would only be because a substantial public interest has been identified and is being acted upon (e.g. to prevent harm arising to the data subject or others by a disclosure to another part of the University)
- vii. Paragraph 18 (1-4) Safeguarding of Children and of individuals at risk,
- viii. Paragraph 20 (1-7) Insurance,
- ix. Paragraph 21 (1-4) Occupational pensions

Accountability Principle

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

- i. The appointment of a Data Protection Officer to provide independent advice to staff and students and the DPO has access to report to the University Secretary,
- ii. Maintaining documentation of our processing activities,
- iii. Adopting and implementing data protection policies and ensuring that we have written contracts in place with our data processors,
- iv. Implementing appropriate security measures in relation to the personal data we process,
- v. Carrying out data protection impact assessments for our high risk processing.
- vi. We have a range of technical measures in place to ensure the security of data, including firewalls, encryption, antivirus and penetration testing.

In accordance with Schedule 1 Part 4.

1. Principle 1

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

Harper Adams University will:

- Ensure that personal data is only processed where a lawful basis applies and where processing is otherwise lawful
- Only process personal data fairly and will ensure that data subjects are not misled about the purposes of any processing
- Ensure that data subjects receive full privacy information so that any processing of personal data is transparent

2. Principle 2

Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.

Harper Adams University will:

Only collect personal data for specified, explicit and legitimate purposes, and we will inform data subjects what those purposes are in a privacy notice.

- Not use personal data for purposes that are incompatible with the purposes for which it was collected. If we use personal data for a new purpose that is compatible, we will inform the data subject first.

3. Principle 3

Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

Harper Adams University will only collect the minimum personal data that we need for the purpose for which it is collected. We will ensure that the data we collect is adequate and relevant.

4. Principle 4

Personal data shall be accurate and, where necessary, kept up to date.

Harper Adams University will ensure that personal data is accurate, and kept up to date where necessary. We will take particular care to do this where our use of the personal data has a significant impact on individuals. The University also has an effective Record Retention Schedule that is regularly reviewed. The Record Retention Schedule is available [here](#).

5. Principle 5

Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.

Harper Adams University will only keep personal data in identifiable form as long as is necessary for the purposes for which it is collected, or where we have a legal obligation to do so. Once we no longer need personal data it shall be deleted or rendered permanently anonymous.

6. Principle 6

Personal data shall be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Harper Adams University will ensure that there appropriate organisational and technical measures in place to protect personal data.

Additional Special Category Processing

Harper Adams University processes 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 in our relevant privacy notices.