

# Protecting Special Category Data Policy

## 1. Introduction

The school processes special category data and criminal offence data as part of its statutory and functions. It does so in line with the requirements of Articles 9 and 10 of the General Data Protection Regulation (GDPR) and Data Protection Act 2018 (DPA 2018) the Education Act 1996, and relevant Department for Education (DfE) guidance, including *Data Protection: a toolkit for schools* and *Record Management in Schools*.

Under the UK GDPR, where we process special category data, the school must have an Appropriate Policy Document (APD) in place This policy explains how we comply with the legal framework and demonstrates our commitment to the GDPR's data protection principles.

This APD should be read alongside other school policies including:

- Data Protection Policy
- Information and Records Management Policy
- Retention and Disposal Schedule
- Staff and Pupil Privacy Notices

## 2. Aims

The aims of this Policy are:

- How the school meets the UK GDPR Article 5 principles and associated conditions when processing special category and criminal offence data.
- Which Lawful conditions the school relies on to process this data
- The school's approach to retention, security, fairness, transparency, and accountability when handling special category and criminal offence personal data.

## 3. Definitions

### UK GDPR:

Means the retained EU GDPR as incorporated into UK law and read alongside the Data Protection Act 2018.

### Special Category Personal Data (UK GDPR Article 9):

Data that is more sensitive and requires greater protection, including:

- Racial or ethnic origin;

- Religious or philosophical beliefs;
- Trade union membership;
- Genetic or biometric data;
- Health Data;
- Sexual orientation and sex life

#### **Criminal conviction data:**

Personal data relating to criminal convictions, alleged offences, or related proceedings

#### **4. Lawful Conditions for processing**

Under UK GDPR and the DPA 2018, special category data can only be processed if a lawful condition applies.

#### **Special Category Data Conditions the School Relies On**

We process special category data under the following conditions:

- **UK GDPR Article 9(2)(b)** – Necessary for legal obligations in education and employment.  
*Examples:* Sickness absence records, staff trade union membership.
- **UK GDPR Article 9(2)(f)** – Necessary for legal claims or defence.  
*Examples:* Insurance claims, employment tribunals.
- **UK GDPR Article 9(2)(a)** – Explicit consent where appropriate.  
*Examples:* Dietary requirements, voluntary health information. (Consent is recorded and can be withdrawn.)
- **UK GDPR Article 9(2)(c)** – Vital interests.  
*Example:* Sharing health information in a medical emergency.
- **UK GDPR Article 9(2)(g)** – Substantial public interest.  
This covers processing required for safeguarding, child protection, public health, equality of opportunity, and statutory functions.

#### **Criminal Offence Data**

We process criminal offence data under UK GDPR Article 10 where authorised by law (e.g., safer recruitment checks, DBS disclosures).

#### **5. Application of Schedule 1 of the DPA 2018**

The school relies on conditions in **Schedule 1 of the DPA 2018** for processing:

#### **Special category data**

- **Part 1 – Condition 1:** Employment & social protection
- **Part 2 – Condition 10:** Preventing or detecting unlawful acts
- **Part 2 – Condition 18:** Safeguarding of children and at-risk individuals

## **Criminal offence data**

- **Part 1 – Condition 1:** Employment & contractual requirements
- **Part 2 – Condition 18:** Safeguarding and public protection

These conditions are documented in our Information Asset Register and Risk Assessments.

## **6. Procedures to ensure compliance**

### **Accountability and governance**

We have implemented appropriate measures to demonstrate compliance, including

- An Information Asset Register recording processing activities,
- Data protection impact assessments (DPIAs) for high-risk processing
- Appointment of a data protection officer (DPO)
- Data protection training for staff.
  
- Contracts and data processing agreements with all third-party processors
- Proportionate technical and organisational security measures.

These measures are reviewed regularly

### **Principle of UK GDPR**

#### **Lawfulness, fairness and transparency**

- We process personal data lawfully under UK GDPR and DPA 2018 conditions.
- We provide **clear privacy notices** to staff, pupils, parents, and others.
- When we rely on consent, it is freely given, recorded, and can be withdrawn.

#### **Purpose limitation**

- Personal data is collected for specified, legitimate educational and operational purposes.
- We do not reuse data in ways incompatible with these original purposes.
- Information sharing is documented and only shared with authorised recipients.

#### **Data minimisation**

- We only collect personal data that is necessary for the purpose.
- Excess data is not collected or is securely disposed of.

#### **Accuracy**

- Reasonable steps are taken to ensure data is accurate and up to date.
- Inaccurate data is rectified or erased, or a record is kept of why it was not amended.

### **Storage limitation**

- We retain personal data according to our **Records Retention Schedule** and legal requirements (e.g., statutory pupil record retention periods).
- Data is securely disposed of when no longer required.

### **Integrity and confidentiality**

- Personal data is protected by appropriate technical and organisational measures (secure networks, access controls, safeguarded hard copy storage).
- Only authorised staff have access where necessary for their roles.

## **7. Retention and Erasure**

Retention and disposal of personal data are governed by the school's **Records Management and Retention Schedule** (in line with DfE statutory guidance). Personal data is only retained for as long as necessary, and securely disposed of when no longer needed.

## **8. Policy Document review date**

- This policy is reviewed **annually** or sooner if required due to legislative, regulatory, or operational changes.
- The retention of this APD is for the duration of processing and for **at least six months after processing ceases**, unless a different requirement is set by law.

## **9. Additional special category processing**

The school may process special category data in ways that do not require an APD (e.g., aggregated equality monitoring) — this processing is transparent, lawful, and detailed in our privacy notices.

## **10. Further information**

For further details about this policy or how we process personal data, contact:

**Data Protection Officer**

Email: [DPO@wearehy.com](mailto:DPO@wearehy.com)