

Appropriate Policy Document

1. Introduction

- 1.1. As part of the Group's public function as a further 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).
- 1.2. Schedule 1, Part 4 of the DPA requires the Group to have in place an 'Appropriate Policy Document', when we rely on certain conditions for processing Special Category and Criminal Offence data.
- 1.3. This policy will tell you what Special Category and Criminal Offence data the Group process, our lawful bases, the schedule 1 condition in the DPA for processing that data, the purposes for which we process it, and how we ensure compliance with the principles of data protection law provided in Article 5 of the UK GDPR. We will also tell you how long we will hold the special category and criminal offence data.
- 1.4. Some of the information is already held in other documents published on the Group websites. Where this is the case, we have included a link to the relevant document.

2. Revision History

Version	Date	Author	Summary of changes
1.0	Oct 23	Benjamin Phillips	Policy created

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3. Description of the data processed

3.1. We process the following types of special category and criminal offence data:

- Racial / ethical origin
- Religious or philosophical beliefs
- Trade union membership
- Data concerning health
- Data concerning sex life or sexual orientation
- Criminal offence data

4. Schedule 1 DPA 2018 conditions for processing

4.1. We have listed the following schedule 1 conditions upon which we are relying, and which need to be covered by this document:

- Schedule 1, Part 1, para 1 (employment and social protection), where the Group needs to process Special Category and Criminal Offence data for the purposes of performing its obligations or rights as an employer, or for guaranteeing the social protection of individuals
- Schedule 1, Part 1, para 2 (health or social care), where the Group needs to process Special Category and Criminal Offence data for the purposes of assessing the working capacity of an employee
- Schedule 1, Part 1, para 6 (statutory purposes), where the Group needs to process Special Category and Criminal Offence data to comply with our statutory obligations
- Schedule 1, Part 2, para 8 (equality of opportunity), where the Group needs to process Special Category and Criminal Offence data for the purposes of monitoring equality of opportunity or treatment between groups of people specified in relation to that category with a view to enabling such equality to be promoted or maintained
- Schedule 1, Part 2, para 10 (preventing or detecting unlawful acts), where the Group needs to process Criminal Offence data for the purpose of preventing or detecting unlawful acts and obtaining consent would prejudice those purposes, and the processing is necessary for reasons of substantial public interest

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- Schedule 1, Part 2, para 11 (protecting the public from dishonesty), where the Group needs to process Criminal Offence data to protect members of the public from malpractice, unfitness, incompetence or mismanagement in the administration of a body or organisation, and obtaining consent would prejudice the exercise of the protective function, and the processing is necessary for reasons of substantial public interest
- Schedule 1, Part 2, para 12 (Regulatory requirements relating to unlawful acts and dishonesty), where the Group needs to process Criminal Offence data to comply with a requirement which involves taking steps to establish whether an individual has committed an unlawful act, or been involved in dishonesty, malpractice or other seriously improper conduct, and the processing is necessary for reasons of substantial public interest
- Schedule 1, Part 2, para 17 (counselling), where the GROUP needs to process Special Category AND Criminal Offence data in order to provide confidential counselling, advice or support, only where, in the circumstances, consent cannot be given by the data subject, cannot be reasonably obtained from the data subject, or where the processing must be carried out without the consent of the data subject because obtaining consent would prejudice the provision of the service, and the processing is necessary for reasons of substantial public interest
- Schedule 1, Part 2, para 18 (safeguarding), where the Group needs to process Special Category/Criminal Offence data in order to protect the physical, mental or emotional well-being of an individual under the age of 18, or over the age of 18 and at risk, only where, in the circumstances, consent cannot be given by the data subject, cannot be reasonably obtained from the data subject, or where the processing must be carried out without the consent of the data subject because obtaining the data subject's consent would prejudice the provision of the protection, and the processing is necessary for reasons of substantial public interest

5. **How we comply with the data protection principles in Article 5 of the UK GDPR**

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5.1. 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 the Group 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.

5.2. Accountability

- We demonstrate
 - 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 Group, what their rights are, and how they can get in touch with our DPO and the ICO.
 - When we 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 carry out 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.

5.3. Lawful, fair and transparent processing

- We provide clear and transparent information to individuals about why we process their personal data, including our lawful basis, in our Privacy Notices. This includes information about why we process Special Category and Criminal Offence data.
- To ensure our privacy notices are accessible, both written and visual formats are available.

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- As a public authority, we need to process Special Category Data for the substantial public interest conditions outlined in section 4 of this policy to meet the requirements of legislation such as the Further and Higher Education Act 1992, the Equality Act 2010, the Health and Safety Act 1974, the Counter Terrorism and Security Act 2015, and legislation relating to safeguarding.
- We process employment data to meet our legal obligations as an employer.

5.4. Purpose limitation

- Special Category and Criminal Offence data is only processed where it is necessary to do so for specified purposes, 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.
- Special Category and Criminal Offence data will only be processed in ways compatible with the purpose it was originally collected.

5.5. Data minimisation

- Data collection forms and data collection tools are designed 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.
- The Group collects the minimal amount of data required to fulfil the intended purpose in line with the data minimization principle. We collect and retain Special Category and Criminal Offence data only for long enough to fulfil our purposes, aligned with the retention schedules.
- Our document retention policy schedule sets out the correct disposal action once records containing special category data are no longer required.

5.6. 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 don't apply, we will document our decision.

5.7. Storage limitation

- Special Category and Criminal Offence data processed by the Group for the purpose of employment or substantial public interest will be retained for

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the periods set out in our retention schedule. The retention policy for record categories is determined by our legal and regulatory obligations, and our business requirements. The document retention policy is available on our website.

5.8. Security

- Data is held securely on our own servers or with third party cloud storage providers with whom we have contractual agreements. Electronic and hard copy data is managed according to industry best practice and our internal records management and IT security policies and procedures.

6. Retention and erasure policies

- 6.1. Our retention schedules and actions to securely dispose of records containing Special Category Data can be found on within our Document Retention Policy. A copy is available on our website www.chigroup.ac.uk.

7. Additional special category and criminal offence data

- 7.1. The Group also process special category data and criminal offence data where an Appropriate Policy Document is not required. For example for archival, research and statistical purposes. In these circumstances we will respect the rights and freedoms of our data subjects by informing them about the processing in our privacy notices.

8. Status of this policy

- 8.1. The operation of this policy will be kept under review by the Data Protection Officer.
- 8.2. It may be reviewed and varied from time to time by the Data Protection Steering Group.

Author:	Benjamin Phillips, Data Protection Officer
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Approved by:	Data Protection Steering Group
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