



Kilkeel Primary School

**APPROPRIATE
POLICY
FOR SPECIAL CATEGORIES OF
PERSONAL DATA AND CRIMINAL
OFFENCE DATA**

Ratified 27.02.24

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1. About this policy

- 1.1 This is the "Appropriate Policy Document" for Kilkeel Primary School (the "School") setting out how we will protect Special Categories of Personal Data and Criminal Offence Data.
- 1.2 This policy supports the School's Data Protection Policy.
- 1.3 This document meets the requirement of the Data Protection Act 2018 that an appropriate policy document be in place where Processing Special Categories of Personal Data and Criminal Offence Data in certain circumstances.

2. Definitions

Controller: the person or organisation that determines when, why and how to Process Personal Data.

Criminal Offence Data: Personal Data relating to criminal convictions and offences, including Personal Data relating to criminal allegations and proceedings or related security measures.

Retention and Disposal Schedule: explains how the organisation classifies and manages the retention and disposal of its information. Time periods for retention are set out in the Retention and Disposal Schedule. Our School adheres to the Department of Education NI (DENI) Model Disposal of Records Schedule for Schools, which is available at <https://www.education-ni.gov.uk/publications/disposal-records-schedule>, and will give you more information about how long we keep personal information.

Data Subject: a living, identified or identifiable individual about whom we hold Personal Data. Data Subjects may be nationals or residents of any country and may have legal rights regarding their Personal Data.

Data Privacy Impact Assessment (DPIA): tools and assessments used to identify and reduce risks of a data Processing activity. A DPIA can be carried out as part of Privacy by Design and should be conducted for all major system or business change programmes involving the Processing of Personal Data.

DPA 2018: the Data Protection Act 2018.

Data Protection Officer (DPO): the person required to be appointed in specific circumstances under the UK GDPR. Where a mandatory DPO has not been appointed, this term means a data protection manager or other voluntary appointment of a DPO or refers to the organisation's data privacy team with responsibility for data protection compliance.

UK GDPR: the retained EU law version of the General Data Protection Regulation ((EU) 2016/679) (UK GDPR).

Personal Data: any information identifying a Data Subject or information relating to a Data Subject that we can identify (directly or indirectly) from that data alone or in combination with other identifiers we possess or can reasonably possess. Personal Data includes Special Categories of Personal Data.

Privacy Notice: a separate notice setting out information that may be provided to Data Subjects when the organisation collects information about them.

Processing or Process: any activity that involves the use of Personal Data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transmitting or transferring Personal Data to third parties.

Special Categories of Personal Data: information revealing racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health conditions, sexual life, sexual orientation, biometric or genetic data.

3. Why we Process Special Categories of Personal Data and Criminal Offence Data

3.1 We Process Special Categories of Personal Data and Criminal Offence Data for the following purposes:

- (a) assessing staff members' fitness to work and / or managing staff sickness absence;
- (b) complying with health and safety obligations;
- (c) identifying or keeping under review the existence or absence of equality of opportunity or treatment, and promoting and maintaining equality of opportunity and treatment between people of different religious belief, political opinion, racial group, age, marital status or sexual orientation, men and women, people with a disability and people without, and people with dependants and people without (for example, Processing equal opportunities monitoring forms to ensure meaningful equal opportunity monitoring and reporting);
- (d) checking applicants' and staff right to work in the UK;
- (e) verifying that candidates are suitable for employment or continued employment;
- (f) business management and planning relating to staff sickness absence across the School;
- (g) maintaining records of staff sickness, maternity, paternity, shared parental and adoption leave;
- (h) performing the School's public tasks / statutory functions in respect of the provision of education to children and young people (e.g. processing as necessary for the identification, assessment, review and delivery of support to pupils with special educational needs and/or disabilities, etc.)
- (i) protecting an individual under 18, or aged 18 or over and at risk from neglect or physical, mental or emotional harm, or protecting the physical, mental or emotional well-being of such an individual (e.g. recording and storing the relevant safeguarding information and discussing such concerns with the EA Child Protection Support Services, Health and Social Care Trusts, etc);
- (j) where necessary, to protect the vital interests of the data subject or of another natural person (e.g. collection of important relevant health information about a pupil or member of staff, for use in a medical emergency).
- (k) preventing or detecting unlawful acts, protecting the public against dishonesty, etc. including the prevention of fraud;
- (l) complying with, or assisting other persons to comply with, a regulatory requirement which involves a person taking steps to establish whether another person has committed an unlawful act, or been involved in dishonesty, malpractice or other seriously improper conduct;
- (m) establishing, exercising or defending legal claims, including obtaining legal advice;

- (n) considering / making reasonable adjustments for candidates during recruitment processes or for staff during employment or for pupils with disabilities; and
- (o) Assessing the suitability of individuals for employment and / or to comply with legal obligations in relation to employment to work in certain regulated activities (e.g. certain roles working with children.)

4. Sharing Special Categories of Personal Data and Criminal Offence Data

4.1 The School may need to share Special Categories of Personal Data and Criminal Offence Data with third parties (including third-party service providers that Process Personal Data and/or Criminal Offence Data on behalf of the School) but will only do so where there is a lawful basis for doing so and one of the specific Processing conditions relating to Special Categories of Personal Data or Criminal Offence Data applies. The School's Privacy Notices list a number of the third parties and categories of third parties that the School may need to share Personal Data and/or Criminal Offence Data with.

4.2 Examples of occasions when the School may need to share Special Categories of Personal Data and Criminal Offence Data include:

- (a) sharing information relevant to an underlying medical condition or disability with medical / occupational health professionals to enable the School to identify what, if any, adjustments are needed to the School's recruitment process or potentially an individual's role, or to assess fitness for work and to ensure health and safety in the workplace. Such information may also be shared with a view to determining fitness to attend meetings under disciplinary / capability / grievance / bullying and harassment procedures;
- (b) sharing relevant information, where appropriate, with our legal and other professional advisors in order to obtain legal or other professional advice (e.g. in the course of dealing with legal claims or disputes), with courts and tribunals (as required) or with other parties to the proceedings on foot of a discovery order or voluntary discovery (subject to the necessary test);
- (c) sharing right to work documentation with the Home Office, where necessary, to enable the School to verify an individual's right to work in the UK;
- (d) sharing safeguarding concerns with the EA Child Protection Service, for the purposes of taking their advice and/or sharing safeguarding concerns with Health and Social Care Trusts, where considered appropriate;
- (e) where necessary to protect the vital interests of the data subject or of another natural person (e.g. disclosure of important relevant health information about a pupil or member of staff, for use in a medical emergency).
- (f) sharing relevant information, where there is a lawful basis for doing so, with government departments including but not limited to, the Department of Education, the Department for the Economy and the Department for Communities, and other public bodies including, but not limited to, the Education Authority, other schools, the Labour Relations Agency, the Information Commissioner's Office, the Northern Ireland Public Service Ombudsman, the Northern Ireland Audit Office, the Police Service of Northern Ireland and the National Crime Agency; and
- (g) sharing information relating to children with special educational needs with EA and/or Health and Social Care Trusts as part of the performance of the School's statutory functions relating

to the identification, assessment, review and delivery of support to pupils with special educational needs and/or disabilities.

5. Personal data protection principles

5.1 The UK GDPR requires personal data to be Processed in accordance with the six principles set out in Article 5(1). Article 5(2) requires controllers to be able to demonstrate compliance with Article 5(1).

5.2 We comply with the principles relating to Processing of Personal Data set out in the UK GDPR which require Personal Data to be:

- (a) Processed lawfully, fairly and in a transparent manner (Lawfulness, Fairness and Transparency);
- (b) collected only for specified, explicit and legitimate purposes (Purpose Limitation);
- (c) adequate, relevant and limited to what is necessary in relation to the purposes for which it is Processed (Data Minimisation);
- (d) accurate and where necessary kept up to date (Accuracy);
- (e) not kept in a form which permits identification of Data Subjects for longer than is necessary for the purposes for which the data is Processed (Storage Limitation); and
- (f) Processed in a manner that ensures its security using appropriate technical and organisational measures to protect against unauthorised or unlawful Processing and against accidental loss, destruction or damage (Security, Integrity and Confidentiality).

5.3 We are responsible for and must be able to demonstrate compliance with the data protection principles listed above (Accountability).

6. Compliance with data protection principles

6.1 Lawfulness, fairness and transparency

Personal Data must be Processed lawfully, fairly and in a transparent manner in relation to the Data Subject.

We will only Process Personal Data fairly and lawfully and for specified purposes. The UK GDPR restricts our actions regarding Personal Data to specified lawful purposes. We can Process Special Categories of Personal Data and Criminal Offence Data only if we have a legal ground for Processing and one of the specific Processing conditions relating to Special Categories of Personal Data or Criminal Offence Data applies. We will identify and document the legal ground and specific Processing condition relied on for each Processing activity.

When collecting Special Categories of Personal Data and Criminal Offence Data from Data Subjects, either directly from Data Subjects or indirectly (for example from a third party or publicly available source), we will provide Data Subjects with access to a Privacy Notice setting out all the information required by the UK GDPR in a privacy notice which is concise, transparent, intelligible, easily accessible and in clear plain language which can be easily understood.

Type of Data	Lawful Processing basis	Processing condition for Special Categories of Personal Data	Retention and Disposal
Data concerning health	<p>Compliance with a legal obligation (<i>Article 6 (1)(c)</i>)</p> <p>OR</p> <p>Necessary for the performance of a contract with the Data Subject (<i>Article 6(1)(b)</i>).</p> <p>OR</p> <p>Necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller (<i>Article 6(1)(e)</i>)</p> <p>OR</p> <p>Necessary for the purpose of legitimate interests (<i>Article 6(1)(f)</i>) which are not outweighed by the fundamental rights and freedoms of the Data Subject</p>	<p>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.</p> <p>(<i>Paragraph 1(1)(a), Schedule 1, DPA 2018.</i>)</p> <p>OR</p> <p>Meets one of the substantial public interest conditions set out in Part 2 of Schedule 1 to the DPA 2018 (such as preventing or detecting unlawful acts(<i>Paragraph 10(1), Schedule 1, DPA 2018</i>) or safeguarding of children and of individuals at risk (<i>Paragraph 18(1), Schedule 1, DPA 2018.</i>))</p>	<p>Records we hold which include data concerning health will be retained for the minimum retention period applicable to that type of record as set out in the DENI Model Disposal of Records Schedule for Schools, which is available at https://www.education-ni.gov.uk/publications/disposal-records-schedule.</p>
Racial or ethnic origin data	<p>Compliance with a legal obligation (<i>Article 6(1)(c)</i>).</p> <p>OR</p> <p>Necessary for the performance of a task carried out in the public interest</p>	<p>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</p>	<p>Records we hold which include racial or ethnic data will be retained for the minimum retention period applicable to that type of record as set out in the DENI Model Disposal of Records Schedule for Schools, which is available at https://www.education-ni.gov.uk/publications/disposal-records-schedule.</p>

	<p>or in the exercise of official authority vested in the controller (<i>Article 6(1)(e)</i>)</p> <p>OR</p> <p>Necessary for the purpose of legitimate interests (<i>Article 6(1)(f)</i>) which are not outweighed by the fundamental rights and freedoms of the Data Subject</p>	<p>employment, social security or social protection.</p> <p>(<i>Paragraph 1(1)(a), Schedule 1, DPA 2018.</i>)</p> <p>OR</p> <p>Meets one of the substantial public interest conditions set out in Part 2 of Schedule 1 to the DPA 2018 (such as preventing or detecting unlawful acts).(<i>Paragraph 10(1), Schedule 1, DPA 2018.</i>)</p>	<p>ni.gov.uk/publications/disposal-records-schedule.</p>
Criminal Offence Data	<p>Compliance with a legal obligation (<i>Article 6(1)(c)</i>).</p> <p>OR</p> <p>Necessary for the purpose of legitimate interests (<i>Article 6(1)(f)</i>) which are not outweighed by the fundamental rights and freedoms of the Data Subject.</p>	<p>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. (<i>Paragraph 1(1)(a), Schedule 1, DPA 2018.</i>)</p> <p>OR</p> <p>Meets one of the substantial public interest conditions set out in Part 2 of Schedule 1 to the DPA 2018 (such as preventing or detecting unlawful acts).(<i>Paragraph 10(1), Schedule 1, DPA 2018.</i>)</p>	<p>Records we hold which include Criminal Offence Data will be retained for the minimum retention period applicable to that type of record as set out in the DENI Model Disposal of Records Schedule for Schools, which is available at https://www.education-ni.gov.uk/publications/disposal-records-schedule.</p>

Equal opportunity data	Compliance with a legal obligation (<i>Article 6(1)(c)</i>). OR Necessary for the purpose of legitimate interests (<i>Article 6(1)(f)</i>) which are not outweighed by the fundamental rights and freedoms of the Data Subject.	Necessary for the purposes of identifying or keeping under review the existence or absence of 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. (<i>Paragraph 8(1)(b), Schedule 1, DPA 2018.</i>)	Records we hold which include equal opportunity data will be retained for the minimum retention period applicable to that type of record as set out in the DENI Model Disposal of Records Schedule for Schools, which is available at https://www.education-ni.gov.uk/publications/disposal-records-schedule
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6.2 Purpose limitation

Personal Data must be collected only for specified, explicit and legitimate purposes. They must not be further Processed in any manner incompatible with those purposes.

We will only collect personal data for specified purposes and will inform Data Subjects what those purposes are in a published Privacy Notice. We will not use Personal Data for new, different or incompatible purposes from those disclosed when it was first obtained unless we have informed the Data Subject of the new purposes and they have consented where necessary or we can point to a clear legal provision requiring or allowing the new Processing in the public interest.

6.3 Data minimisation

Personal Data shall be adequate, relevant, and limited to what is necessary in relation to the purposes for which it is Processed.

We will only collect or disclose the minimum Personal Data required for the purpose for which the data is collected or disclosed. We will ensure that we do not collect excessive data and that the Personal Data collected is adequate and relevant for the intended purposes.

6.4 Accuracy

Personal Data must be accurate and, where necessary, kept up to date. It must be corrected or deleted without delay when inaccurate.

We will ensure that the Personal Data we hold and use is accurate, complete, kept up to date and relevant to the purpose for which it is collected by us. We check the accuracy of any Personal Data at the point of collection and at regular intervals afterwards. We take all reasonable steps to destroy or amend inaccurate or out-of-date Personal Data.

6.5 Storage limitation

We only keep Personal Data in an identifiable form for as long as is necessary for the purposes for which it was 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.

We adhere to the DENI Model Disposal of Records Schedule for Schools, which is available at <https://www.education-ni.gov.uk/publications/disposal-records-schedule>, to ensure Personal Data is deleted after a reasonable time has elapsed for the purposes for which it was being held, unless we are legally required to retain that data for longer.

We will ensure Data Subjects are informed of our Retention and Disposal Schedule in any applicable Privacy Notice.

6.6 Security, integrity, confidentiality

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.

We will implement and maintain reasonable and appropriate security measures against unlawful or unauthorised Processing of Personal Data and against the accidental loss of or damage to Personal Data.

6.7 Accountability principle

We are responsible for, and able to demonstrate compliance with these principles. The Principal and Board of Governors are, together, responsible for monitoring the School's compliance with these principles. Any questions about this policy should be submitted in the first instance to the Principal (see clause 9 below for contact information).

We will:

- (a) Ensure that records are kept of all Personal Data Processing activities, and that these are provided to the Information Commissioner on request.
- (b) Carry out a DPIA for any high-risk Personal Data Processing to understand how Processing may affect Data Subjects and consult the Information Commissioner if appropriate.
- (c) Ensure that a DPO is appointed to provide independent advice and monitoring of Personal Data handling, and that the DPO has access to report to the highest management level.
- (d) Have internal processes to ensure that Personal Data is only collected, used or handled in a way that is compliant with data protection law.
- (e) Ensure that all staff (including volunteers) are routinely trained in key areas, including data protection.

7. Controller's policies on retention and erasure of personal data

We take the security of Special Categories of Personal Data and Criminal Offence Data very seriously. We have administrative, physical and technical safeguards in place to protect Personal Data against unlawful or unauthorised Processing, or accidental loss or damage. We will ensure, where Special Categories of Personal Data or Criminal Offence Data are Processed that:

- (a) The Processing is recorded, and the record sets out, where possible, a suitable time period for the safe and permanent erasure of the different categories of data in accordance with the DENI Model Disposal of Records Schedule for Schools, which is available at <https://www.education-ni.gov.uk/publications/disposal-records-schedule>.
- (b) Where we no longer require Special Categories of Personal Data or Criminal Offence Data for the purpose for which it was collected, we will delete it or render it permanently anonymous as soon as possible.
- (c) Where records are destroyed we will ensure that they are safely and permanently disposed of.

Data Subjects are provided with access to a Privacy Notice setting out how their Personal Data will be handled when we first obtain their Personal Data, and this will inform them of the Retention and Disposal Schedule.

8. Review

- 8.1 This policy on Processing Special Categories of Personal Data and Criminal Offence Data is reviewed annually.
- 8.2 The policy will be retained where we Process Special Categories of Personal Data and Criminal Offence Data and for a period of at least six months after we stop carrying out such Processing.
- 8.3 A copy of this policy will be provided to the Information Commissioner on request and free of charge.

9. Further information

For further information about our School's compliance with data protection law, please contact the Principal via hmccabe555@c2kni.net, Kilkeel Primary School, 130 Harbour Road, Kilkeel BT34 4AT, Tel No. 028 417 62351