

# Appropriate Special Category and Criminal Offence data Policy

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This policy aims to demonstrate that our processing of Special Category (SC) and Criminal Offence (CO) data is compliant with the requirements of General Data Protection Regulation (GDPR) principles. This policy provides data subjects with sufficient information to understand how and why we are processing their SC or CO data and how long we will retain it for. This should be read alongside our Privacy Policies.

The UK GDPR defines **special category data** as:

- personal data revealing **racial or ethnic origin**,
- personal data revealing **political opinions**,
- personal data revealing **religious or philosophical beliefs**,
- personal data revealing **trade union membership**,
- **genetic data**,
- **biometric data** (where used for identification purposes),
- data concerning **health**,
- data concerning a person's **sex life** and
- data concerning a person's **sexual orientation**.

Special category data includes personal data revealing or concerning the above types of data e.g. inferred or guessed details which fall into one of the above categories.

**Criminal Offence (CO) data** is personal data about criminal allegations, proceedings, or convictions.

This policy complements our general record of processing and provides SC and CO data with further protection and accountability.

We keep this policy under review and will need to retain it until six months after we date that we stop the relevant processing.

All personal data held or processed by the Students' Union is securely controlled. Special Category and Criminal Offence data has even more protection through strict access controls, only being available to an authorised select few staff who need it to undertake stated relevant duties.

For Special Category Data, we:

- Check the processing of the special category data is necessary for the purpose we have identified and are satisfied there is no other reasonable and less intrusive way to achieve that purpose.
- Identify an Article 6 lawful basis for processing the special category data.
- Identify an appropriate Article 9 condition for processing the special category data.
- Where required, also identify an appropriate DPA 2018 Schedule 1 condition.
- Document which special categories of data we are processing.
- Consider whether we need to do a DPIA.
- Include specific information about our processing of special category data in our privacy information for individuals.
- If we use special category data for automated decision making (including profiling), we have checked we comply with Article 22.
- We consider whether the risks associated with our use of special category data affect our other obligations around data minimisation, security, and appointing Data Protection Officers (DPOs) and representatives.

## **Description of data processed and conditions for processing**

### **Special Category Data Records:**

#### **1) Health Records**

- a. HR – DSE and Occupational Health assessments and doctors' Unfit to Work notes. These are processed under the Vital Interests lawful basis under Article 6 and Article 9. These records are kept for 7 years from staff leaving in case of health-related issues arising.
- b. Student Trip Forms – used to ensure that relevant medical conditions and allergies are noted and accommodated. This is processed under the Vital Interests lawful basis under Article 6 and Article 9. The record

is retained for 1 month after the trip, in case of subsequent issues raised.

## **2) Trade Union membership**

These records are held by the Finance Team only to; deduct Trade Union membership fees from members through payroll and to pay the fees to the Trade Union on behalf of the members.

## **3) Demographic Research.**

This is processed under Article 6 legitimate interest lawful basis and schedule 9 lawful basis of Public Task. Amongst other data, we use special category data to ensure that we cater for all students, including under-represented groups. This data is anonymised and aggregated for all reporting purposes.

## **Criminal Offence Records:**

### **1) Declaration of a Criminal Record on an Employment Application:**

This is processed under Article 6 legitimate interest lawful basis and the schedule 9 lawful basis of Public Task, to ensure the safety of students and staff.

- An unsuccessful candidate's record is retained for 6 months from application in case of a legal claim connected to recruitment.
- A successful candidate's record is kept until the earlier of the cessation of employment or the crime being. Data relating to complaints and appeals cases are kept for a further 6 years in case of further queries or actions.

- 2) **A Disclosure and Barring Service (DBS) check** is undertaken prior to an employee or volunteer being involved with vulnerable people. The certificate is presented by the employee /volunteer. This is processed under the legitimate interest lawful basis and the schedule 6 lawful basis of Vital Interest, to ensure the safety of volunteering service receivers, students and staff. The DBS record check is deleted immediately after the check is completed.

All records are securely stored and then securely destroyed.

This policy will be reviewed by January 2023 at the latest.