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| <b>Policy Name</b>                 | Policy on processing special categories of personal data and criminal convictions data  |
| <b>Directorate</b>                 | College Information Services  |
| <b>Created by (Job Title)</b>      | Director of Funding, Data Returns and Policy Advice   |
| <b>Date Reviewed</b>               | August 2021   |
| <b>Date of Next Review</b>         | August 2022   |
| <b>Pathway</b>                     | <a href="http://www.bedfordcollegethergroup.ac.uk/about/policies-procedures/">www.bedfordcollegethergroup.ac.uk/about/policies-procedures/</a>  |
| <b>E &amp; D Policy Disclaimer</b> | This policy has been reviewed in line with the Equality Act 2010 which recognises the following categories of individual as Protected Characteristics: Age, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex (gender), Sexual orientation and Disability. We will continue to monitor this policy and to ensure that it has equal access and does not discriminate against anyone, especially any person/s listed under any protected characteristic. |

## 1. Introduction

This Policy is produced in accordance with the Bedford College Group (the Group) obligations under the UK General Data Protection Regulation (GDPR), the Data Protection Act 2018 and related legislation. It should be read alongside the Group's Privacy Policies.

Article 9(1) of the General Data Protection Regulation prohibits the processing of special categories of personal data unless a condition in Article 9(2) is met.

Personal data about criminal offences and convictions are dealt with in Article 10 of the General Data Protection Regulation. The Data Protection Act 2018 states that the processing of such data meets the requirements of Article 10 only if it meets a condition set out in Parts 1, 2, or 3 of Schedule 1, which requires the controller to have an appropriate policy in place when processing is carried out.

Processing of special categories of personal data and criminal convictions data is therefore only permitted by the Group where it is necessary for specific purposes:

### Employee Data

| What we use it for:   | Our legal reason:  |
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| Equal opportunities monitoring  | GDPR Article 9 (g) Reasons of substantial public interest (8),<br>GDPR Article 9 (b) Employment, social security and social protection<br>DPA 2018 Schedule 1, Part 1, 1(1)(a)<br>DPA 2018 Schedule 1, Part 2, 8 (1) |
| Occupational pension scheme   | GDPR Article 6 (b) Contract<br>GDPR Article 9 (b) Employment, social security and social protection  |
| Assess working capacity on health grounds   | GDPR Article 6 (c) Legal Obligation<br>GDPR Article 9(2)(b) Legal Obligations (Employment and social security and social protection law)   |
| Keeping record of outcome from the Disclosure and Barring Service (DBS) checks                          | GDPR Article 6 (c) Legal Obligation<br>Article 9(2)(b) Legal Obligations (Employment and social security and social protection law)  |
| Where access is required to medical records in connection with sickness and absence investigations etc. | Explicit Consent given GDPR Article 9(2)(a)  |
| Union Membership  | GDPR Article 6 (b) Contract  |

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|                      | <p>GDPR Article 9 (b) Employment, social security and social protection</p> <p>DPA 2018 Schedule 1, Part 1, 1(1)(a)</p>   |
| Gender Identity      | <p>GDPR Article 9 (b) Employment, social security and social protection</p> <p>GDPR Article 6 (f) Legitimate Interests</p> <p>DPA 2018 Schedule 1, Part 2, 8 (1) (b)</p>  |
| Sexual Orientation   | <p>GDPR Article 9 (b) Employment, social security and social protection</p> <p>GDPR Article 6 (f) Legitimate Interests</p> <p>DPA 2018 Schedule 1, Part 2, 8 (1) (b)</p>  |
| Religious Beliefs    | <p>GDPR Article 9 (b) Employment, social security and social protection</p> <p>GDPR Article 6 (f) Legitimate Interests</p> <p>DPA 2018 Schedule 1, Part 1, 1(1)(a),<br/>DPA 2018 Schedule 1, Part 2, 8 (1) (b)</p>  |
| Criminal Offences    | <p>GDPR Article 6 (c) Legal Obligation</p> <p>GDPR Article 6 (e) Public Task</p> <p>GDPR Article 9 (b) Employment, social security and social protection</p> <p>GDPR Article 9 (g) Reasons of substantial public interest (8)</p> <p>DPA 2018 Schedule 1, Part 1, 1 (1) (a)</p> |
| Criminal Convictions | <p>GDPR Article 6 (c) Legal Obligation</p> <p>GDPR Article 6 (e) Public Task</p> <p>GDPR Article 9 (b) Employment, social security and social protection</p> <p>GDPR Article 9 (g) Reasons of substantial public interest (8)</p> <p>DPA 2018 Schedule 1, Part 1, 1 (1) (a)</p> |

## Student Data

| What we use it for:  | Our legal reason:                   |
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| Assess whether they might be considered to be a vulnerable person. | GDPR Article 6 (c) Legal Obligation |

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|--|--|
|  | Legal Obligations (Employment and social security and social protection law) GDPR Article 9(2)(b)  |
| Keeping record of outcome from the Disclosure and Barring Service (DBS) checks | GDPR Article 6 (c) Legal Obligation<br>Legal Obligations (Employment and social security and social protection law) GDPR Article 9(2)(b)       |
| Equal opportunities monitoring   | GDPR Article 6 (e) Public Task<br>GDPR Article 9 (g) Reasons of substantial public interest (8)<br>DPA 2018 Schedule 1, Part 2 8 (1) (b)       |
| Gender Identity  | GDPR Article 6 (e) Public Task<br>GDPR Article 9 (g) Reasons of substantial public interest (8)<br>DPA 2018 Schedule 1, Part 2 16 (2) (d)      |
| Sexual Orientation   | GDPR Article 6 (e) Public Task<br>GDPR Article 9 (g) Reasons of substantial public interest (8)<br>DPA 2018 Schedule 1, Part 2 16 (2) (d)      |
| Religious Beliefs  | GDPR Article 6 (c) Legal Obligation<br>GDPR Article 9 (g) Reasons of substantial public interest (8)<br>DPA 2018 Schedule 1, Part 2, 8 (1) (b) |
| Criminal Offences  | GDPR Article 6 (e) Public Task<br>GDPR Article 9 (g) Reasons of Substantial Public Interest<br>DPA 2018 Schedule 1, Part 2, 12 (1)             |
| Criminal Convictions   | GDPR Article 6 (e) Public Task<br>GDPR Article 9 (g) Reasons of Substantial Public Interest<br>DPA 2018 Schedule 1, Part 2, 12 (1)             |

## 2. Purpose of the policy

This policy explains the Group's procedures to secure compliance with the General Data Protection Regulation data protection principles when processing special categories of personal data and criminal convictions.

### **3. Compliance with six data protection principles**

#### **3.1. Lawful, Fair and Transparent**

The Group aims to fully comply with the UK General Data Protection Regulation (GDPR), the Data Protection Act 2018 and related legislation.

Detailed information about how The Group personal data, including special category data is published in the Group's Privacy Policies for students, staff and visitors.

#### **3.2. The purposes of processing be specified, explicit and legitimate**

The Group only processes personal data when permitted to do so by law. Special category personal data and criminal conviction is collected for explicit and legitimate purposes.

#### **3.3. Be adequate relevant and not excessive**

The Group will not ask for special category personal data and criminal conviction data that is not potentially required, or necessary for The Group to deliver its services. The Group internal guidance, training and policies require staff to use only the minimum amount of data required to enable specific tasks to be completed.

#### **3.4. Be accurate and kept up to date**

Providing complete and accurate information is important to us. Data Subjects are required to notify the Group of relevant changes to their circumstances, such as changes in their health or an alteration to their criminal record data.

#### **3.5. Be kept for no longer than is necessary**

The Group will retain information relevant to the work of the Group in accordance with legislation and the retention schedule for all records kept. Some documents will be archived for a period of time before disposal.

#### **3.6. Be processed in a secure manner**

Data security is of great importance to the Group and to protect your data we have put in place suitable physical, electronic and managerial procedures to safeguard and secure the data. Stricter controls will apply where appropriate for the special categories of personal data and criminal convictions.