



Appropriate Policy Document

**Approved by the Management Committee
Hawkswood Group**

Date of Next Review: November 2023
Ratified: November 2022

Appropriate Policy Document



The Data Protection Act 2018 (DPA 2018) outlines the requirement for an Appropriate Policy Document (APD) to be in place when processing special category (SC) and criminal offence (CO) data under certain specified conditions.

As part of their normal function, Hawkswood Group processes personal information which is listed in Schedule 1 of the Data Protection Act 2018 and require to have an Appropriate Policy Document in place.

When processing personal data and specifically Special Category and Criminal Offence data Hawkswood Group will comply with the requirements of the UK General Data Protection Regulation (UK GDPR) Article 5 principles.

This Appropriate Policy Document therefore complements the school's record of processing under Article 30 of the GDPR and provides Special Category and Criminal Offence data with further protection and accountability. See Schedule 1 Part 4 paragraph 41.

Description of data processed

Hawkswood Group processes the following types of Special Category and Criminal Offence data:

- Personal data revealing racial or ethnic origin.
- Religious or philosophical beliefs.
- Trade union membership.
- Genetic data and biometric data processed for the purpose of uniquely identifying a natural person.
- Data concerning health.
- Data concerning a natural person's sex life or sexual orientation.

We do not process

- Political opinions.

Schedule 1 condition for processing

Schedule 1, Part 1 – Conditions relating to employment, social security, and social protection.

- Employment, social security, and social protection
- Processing personal data concerning health in connection with our rights under employment law.
- Processing data relating to criminal convictions under Article 10 UK GDPR in connection with our rights under employment law in connection with recruitment, discipline, or dismissal.

Schedule 1, Part 2 – Substantial Public Interest Conditions

Statutory and government purposes

- Fulfilling the school's obligations under UK legislation for the provision of education to school aged children within the Borough.
- Complying with other legal requirements, such as the requirement to disclose information in connection with legal proceedings.
- Criminal offence data may also be processed under this condition.

Equality of opportunity or treatment

- Ensuring compliance with the school's obligations under the Equality Act 2010
- Ensuring the school fulfils their public sector equality duty when carrying out their public function.
- Ensuring we provide equal access to our services, to all pupils in recognition of our legal and ethical duty to represent and serve pupils.

Preventing or detecting unlawful acts

- Processing data concerning criminal records in relation to employment to reduce the risk to the school and safeguard pupils and the wider community.
- Disclosing data to support the prevention or detection of unlawful acts.

Protecting the public against dishonesty etc.

- Processing data concerning dishonesty, malpractice, or other improper conduct to safeguard and protect pupils and the wider community.
- Carrying out investigations and disciplinary actions relating to our employees.
- Regulatory requirements relating to unlawful acts and dishonesty etc.
- Assisting other agencies in connection with their regulatory requirements.

Support for individuals with a particular disability or medical condition

- To provide services or raise awareness of a disability or medical condition in order to deliver services to individuals.

Counselling

- For the provision of confidential counselling, advice, or support or of any other similar service provided confidentially.

Safeguarding of children and individuals at risk

- Protecting vulnerable children and young people from neglect, physical, mental, or emotional harm.
- Identifying individuals at risk.
- Obtaining additional support for children and individuals at risk by sharing information with relevant agencies.

Insurance

- Information that is necessary for insurance purposes.

Occupational pensions

- Fulfilling the School's obligation to provide an occupational pension scheme.

Schedule 1, Part 3 – Additional Conditions Relating to Criminal Convictions, etc.

The school may process personal data relating to criminal convictions in connection with its statutory public function or as part of recruitment and employment checks to safeguard and protect pupils and the wider community against dishonesty.

Procedures for ensuring compliance with the principles

Accountability principle

The school demonstrates full compliance with the data protection principles provided in Article 5 of the UK GDPR through the following measures and documents:

- Appointing a Data Protection Officer in line with legal guidelines
- Adopting and implementing data protection policies
- Maintaining documentation of our processing activities (Information asset register and data processing recording document).
- Recording and where necessary reporting personal data breaches.
- Putting appropriate contractual arrangements in place with third-party data processors.
- Conducting a Data Protection Impact Assessment where a new processing activity is proposed and results in high degree of risk for data subjects.
- Implementing appropriate security measures in relation to the personal data processed by the school.

Principle (a): lawfulness, fairness, and transparency

To comply with this principle, the school will ensure that:

- Personal data is only processed lawfully and where a clear lawful basis to do so has been identified.
- Personal data is processed fairly, and data subjects are not misled about the purposes of processing.
- Privacy notices are provided to data subjects to ensure that the school is transparent about how and why they process personal data.

Principle (b): purpose limitation - data collected for specific and legitimate purposes

To comply with this principle, the school will ensure the following:

- Only collect personal data for specified explicit and legitimate purposes.
- Inform data subjects what those purposes are in a privacy notice <https://www.hawkswoodgroup.org.uk/page/?title=POLICIES&pid=387>
- Not use personal data for purposes other than the purposes for which the data was collected.
- Should the school use personal data for new purposes permissible by law, the school will ensure that they first inform the data subjects.

Principle (c): data minimisation – data adequate, relevant, and limited to what is necessary

To comply with this principle, the school will ensure the following:

- Only collect personal data we actually need for our specified purposes.
- We have sufficient personal data to properly fulfil those purposes.
- The data we collect is adequate and relevant
- Periodically review the data we hold and delete anything we don't need.

Principle (d): accuracy and, where necessary, kept up to date

To comply with this principle, the school will ensure the following:

- We have appropriate processes in place to check the accuracy of the data we collect, and we record the source of that data.
- We have a process in place to identify when we need to keep the data updated to properly fulfil our purpose, and we update it as necessary.
- If we need to keep a record of a mistake, we clearly identify it as a mistake.
- Our records clearly identify any matters of opinion, and where appropriate whose opinion it is and any relevant changes to the underlying facts.

- We comply with the individual's right to rectification and carefully consider any challenges to the accuracy of the personal data.
- We keep a note of any challenges to the accuracy of the personal data.

Principle (e): storage limitation - retained for no longer than necessary

To comply with this principle, the school will ensure the following:

- Only keep personal data in identifiable form as long as is necessary to fulfil the purposes for which it is collected, or where we have a legal obligation to do so.
- Erase or anonymise personal data no longer needed.
- Were we have identified any data that we need to keep for historical purposes, we will indicate this clearly in our privacy notices.
<https://www.hawkswoodgroup.org.uk/page/?title=POLICIES&pid=387>
- Review and update are retention schedule regularly.

Principle (f): integrity and confidentiality (security)

To comply with this principle the school will ensure the following:

- That there appropriate organisational and technical measures in place to protect personal data.
- Analyse the risks involved in our processing of data to put appropriate level of security in place.

Retention and erasure policies

The school has appropriate policies in relation to retention and disposal of personal data.

- Our Data processing recording document contains details of the retention periods for our data processing activities, together with information on the lawful basis for processing this data. <https://www.hawkswoodgroup.org.uk/page/?title=POLICIES&pid=387>
- Personal data is held and disposed of in line with our Retention Policy or Schedule <https://www.hawkswoodgroup.org.uk/page/?title=POLICIES&pid=387>
- Secure disposal methods are applied and duly recorded as per our data disposal register <https://www.hawkswoodgroup.org.uk/page/?title=POLICIES&pid=387>

Further information

For Further information about this policy, please contact our Data Protection Officer Maryline Alvis contactable via:

edposervice@walthamforest.gov.uk