APPROPRIATE POLICY DOCUMENT (Processing Special Category Data)

Last review September 2021
Responsible for implementation: Director of Planning and Technical Operations
Next review date: September 2022
Authorised by: Director of Governance

Version 2.1

Access to Music Limited ('The College') has subsidiary companies, trading names and trading partnerships through which it operates. The trading names and partnerships might have their own names or brands, but the legal entity for the purpose of this policy is Access to Music Limited. Trading subsidiaries, trading names and trading partnerships include Access Creative College ('ACC'), National College for Creative Industries ('NCCI') and Coaching Connexions.

access creative college

1. Overview

The Data Protection Act 2018 (DPA 2018) outlines the requirement for an appropriate policy document to be in place when processing criminal convictions/offences data and special category data that meet the specified conditions in Parts 1, 2 or 3 of Schedule 1 of the DPA 2018.

2. Purpose

The purpose of this policy is to explain Access Creative College's ('The College's) procedures for securing compliance with the data protection principles set out under the UK GDPR and DPA 2018, and demonstrate that The College's processing of special category data and/or criminal convictions/offences data based on the specified conditions set out in Schedule 1 of the DPA 2018 comply with Data Protection Law.

We process special category personal data in other instances where it is not a requirement to keep an appropriate policy document. Our processing of such data respects the rights and interests of the data subjects. We provide clear and transparent information about why we process personal data (including all special category data and criminal convictions/offences data we process) as well as our lawful basis for processing in our privacy notice.

3. Scope

The policy details the Schedule 1 conditions for processing and the safeguards we have in place when we process[special category data and criminal convictions data. The information in this document satisfies the requirements of Schedule 1, Part 4 of the DPA 2018 and supplements our privacy notice and staff privacy notice.

All staff, contractors and other authorised third parties must adhere to this policy.

4. Policy Statement

4.1 Conditions for processing special category data and criminal convictions/offences data

UK GDPR conditions for processing

Access Creative College processes special category data concerning Ethnicity, Race, Health Data and criminal conviction data of our learners, apprentices and employees. The conditions relied upon for processing these data sets are based on explicit consent and employment law obligations. More information can be found in the General Privacy Policy (link) ; the Learner Privacy Notice, the Apprentice Privacy Notice and the Workforce Privacy Notice which are available to learners, apprentices and staff. Special category data as listed above is also processed for our

Safeguarding obligations and more information can be found in the policies and notices above.

We process criminal convictions data under Article 10 of the UK GDPR.

Schedule 1 conditions for processing
We process special category data for the following purposes permitted under Schedule 1 of the DPA 2018:

- ***Paragraph 1(1)*** *employment, social security and social protection.*
- ***Paragraph 2(2)(b)*** *the assessment of the working capacity of an employee*

We process special category data for the following purposes in Part 2 of Schedule 1. All processing is for the first listed purpose and might also be for others dependent on the context:

- ***Paragraph 8(1)(b)*** *Equality of opportunity*
- ***Paragraph 17(1)*** *Counselling*
- ***Paragraph 18(1)*** *Safeguarding of children and of individuals at risk*
- ***Paragraph 20(1)*** *Insurance*

We process special category data for the following purposes in Part 3 of Schedule 1. All processing is for the first listed purpose and might also be for others dependent on the context:

- ***Paragraph 29*** *Consent*
- ***Paragraph 30*** *Protecting individual's vital interests*

Criminal offence data

We process criminal offence data for the following purposes in parts 1 and 2 of Schedule 1:

Paragraph 1 *– employment, social security and social protection*
Paragraph 2 *- Safeguarding of children and of individuals at risk*

4.2 Procedures for ensuring compliance with the principles

As required by Data Protection Law, we ensure that all processing of personal data at the Company is carried out in compliance with the data protection principles.

i. Accountability principle

The Company takes responsibility for complying with the UK GDPR and DPA 2018, at the highest level of management and throughout our organisation. We keep records of the steps we take to comply and review and update our

accountability measures at appropriate intervals. The technical and organisational measures we have in place include:

- maintaining records of our processing activities;
- adopting and implementing data protection policies;
- reviewing data protection, privacy and information security risks regularly;
- carrying out data protection impact assessments for uses of personal data that are likely to result in high risk to the interests of individuals;
- implementing appropriate security measures and taking a 'data protection by design and default' approach - putting appropriate data protection measures in place throughout the entire lifecycle of our processing operations;
- putting written contracts in place with organisations that process personal data on our behalf; and
- appointing a data protection officer.

ii. Principle (a) – lawfulness, fairness and transparency

The Company ensures that data is processed in a lawful, fair and transparent manner.

Lawfulness: We don't do anything unlawful with personal data

- We identify an appropriate lawful basis for all our personal data processing.
- If we process special category data or criminal offence data, we ensure that we identify a condition for processing this type of data.

Fairness: We do not deceive or mislead people when we collect their personal data.

- We consider how the processing may affect the individuals concerned and can justify any adverse impact.
- We only handle personal data in ways individuals would reasonably expect, or we can explain why any unexpected processing is justified.
- We do not deceive or mislead people when we collect their personal data.

Transparency: We are open and honest with the individuals whose data we process.

- We inform individuals through privacy notices about how their personal data will be processed, who it will be shared with and how long it will be retained.
- We update our privacy notices when we change the purpose for processing personal data and inform individuals.

iii. Principle (b) – Purpose Limitation

We ensure that we clearly identify our purposes for processing any personal data.

- We include details of our purposes in our privacy notice to individuals.
- We regularly review our processing and, where necessary, update our documentation and our privacy information for individuals.

- If we plan to use personal data for a new purpose where we have no legal obligation, we check whether the new purpose is compatible with our original purpose, we seek specific consent for the new purpose.

iv. Purpose (c) – Data Minimisation

We know what personal data we hold and why we need it.

- We only collect personal data we actually need for our specified purposes.
- We periodically review the data we hold and delete anything we don't need.

v. Purpose (d) – Accuracy

We ensure the accuracy of any personal data we create.

- 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.

vi. Purpose (e) – Storage Limitation

We carefully consider and can justify how long we keep personal data.

- We have a retention schedule which indicates the retention periods where possible.
- We regularly review our information and erase or anonymise personal data when we no longer need it.
- We have appropriate processes in place to comply with requests for erasure where appropriate.

vii. Purpose (f) – Integrity and Confidentiality (Security)

We undertake an analysis of the risks presented by our processing and use this to assess the appropriate level of security we need to put in place.

- We have an information security policy and take steps to make sure the policy is implemented.
- We use encryption and/or pseudonymisation where it is appropriate to do so.
- We understand the requirements of confidentiality, integrity and availability for the personal data we process.
- We make sure that we can restore access to personal data in the event of any incidents, such as by establishing an appropriate backup process.

- We conduct regular testing and reviews of our measures to ensure they remain effective, and act on the results of those tests where they highlight areas for improvement.
- We ensure that any data processor we use also implements appropriate technical and organisational measures.

4.3 Retention and deletion policy

All Access Creative College's data is stored and deleted in line with our Data Retention Policy and Data Retention and Disposal Schedule.

5. Related Documentation

- Data Retention Policy
- Data Retention and Disposal Schedule
- Learner Privacy Notice
- Workforce Privacy Notice
- General Privacy Policy
- This list is non-exhaustive

6. Contacts

If you have questions about this policy, please contact the data protection team *dataprotection@accesstomusic.ac.uk* or 0800 281 842

7. Policy Review

This policy will be retained for the duration of our processing and for a minimum of 6 months after processing ceases.

This policy will be reviewed annually.