

Updated 3/1/2023

# Appropriate Policy Document

This is the Appropriate Policy Document for Hart District Council that sets out how we will protect special category and criminal offence data.

It meets the requirement in paragraph 1 of Schedule 1 to the Data Protection Act 2018 that an appropriate policy document be in place where the processing of special category data is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on the Data Controller or the data subject in connection with employment, social security or social protection.

It also meets the requirement in paragraph 5 of Schedule 1 to the Data Protection Act 2018 that an appropriate policy document be in place where the processing of special category data is necessary for reasons of substantial public interest. The specific conditions under which data may be processed for reasons of substantial public interest are set out at paragraphs 6 to 28 of Schedule 1 to the Data Protection Act 2018.

Processing is required to be in compliance with the UK General Data Protection Regulation (UK GDPR) Article 5 principles.

## **Description of personal data**

The following categories of special category and criminal offence data are processed by Hart District Council for the purposes as set out:

### **Part 1 - Conditions relating to 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.

### **Part 2 - Substantial public interest conditions**

#### **Statutory etc. and government purposes**

- Fulfilling Hart District Council's obligations under UK legislation for the provision of services to residents and customers;
- Complying with other legal requirements, such as the requirement to disclose information in connection with legal proceedings.

#### **Equality of opportunity or treatment**

- Ensuring compliance with Hart District Council's obligations under legislation such as the Equality Act 2010;
- Ensuring that we fulfil our public sector equality duty when carrying out our work;
- Ensuring we provide equal access to our services, to all sections of the community in recognition of our legal and ethical duty to represent and serve communities.

The personal data processed under this category is limited to:

- Personal data revealing racial or ethnic origin;
- Personal data revealing religious or philosophical beliefs;
- Data concerning health;
- Personal data concerning an individual's sexual orientation.

### **Racial and ethnic diversity at senior levels of organisations**

- To ensure the promotion of or maintaining diversity in the racial and ethnic origins of individuals who hold senior positions in Hart District Council.

### **Preventing or detecting unlawful acts**

- Processing data concerning criminal records in connection with employment in order to reduce the risk to Hart District Council and the community;
- Carrying out enforcement action in connection with Hart District Council's statutory duties.

### **Protecting the public against dishonesty etc.**

Protecting the public against:

- Dishonesty, malpractice or other seriously improper conduct;
- Unfitness or incompetence;
- Mismanagement in the administration of a body or association;
- Failures in services provided by a body or association.

### **Regulatory requirements relating to unlawful acts and dishonesty etc.**

- Complying with Hart District Council's enforcement obligations under UK legislation;
- Assisting other authorities in connection with their regulatory requirements.

### **Preventing fraud**

- Disclosing personal data in accordance with arrangements made by an antifraud organisation.

### **Safeguarding of children and individuals at risk**

- Protecting vulnerable children and young people from neglect, physical, mental or emotional harm;
- Sharing information with relevant agencies for the purpose of safeguarding.

### **Safeguarding of economic well-being of certain individuals**

- To protect the economic well-being of an individual at economic risk who is aged 18 or over;
- Data sharing with our partners to assist them to support individuals.

### **Insurance**

- Processing data is necessary for an insurance purpose.

### **Disclosure to elected representatives**

- Assisting elected representatives such as local government Councillors and Members of Parliament with requests for assistance on behalf of their constituents.

### **Part 3 - Additional conditions relating to criminal convictions etc.**

For criminal convictions data, we are likely to rely on the additional conditions within Schedule 1, Part 3 of the Data Protection Act 2018:

- Paragraph 29 Consent
- Paragraph 33 Legal claims
- Paragraph 36 Extension of substantial public interest from Part 2
- Paragraph 37 Extension of insurance conditions

### **Schedule 1 Condition for processing**

The processing of personal data to which this policy applies is in reliance of a condition listed in Parts 1, 2 or 3 of Schedule 1 of the Data Protection Act 2018.

Hart District Council's Record of Processing Activities sets out the lawful basis under Article 6 of the UK GDPR for each activity.

### **Procedures for securing compliance within Article 5 of the UK General Data Protection Regulation and the Data Protection Act 2018**

Article 5 of the UK General Data Protection Regulation sets out the data protection principles. These are our procedures for ensuring that we comply with them.

### **Principle 1**

Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.

Hart District Council will:

- Ensure that personal data is only processed where a lawful basis applies, and where processing is otherwise lawful;
- Only process personal data fairly, and will ensure that data subjects are not misled about the purposes of any processing;
- Ensure that data subjects receive full privacy information so that any processing of personal data is transparent.

## **Principle 2**

Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.

Hart District Council will:

- Only collect personal data for specified, explicit and legitimate purposes, and we will inform data subjects what those purposes are in a Privacy Notice;
- Not use personal data for purposes that are incompatible with the purposes for which it was collected. If we do use personal data for a new purpose that is compatible, we will inform the data subject first.

## **Principle 3**

Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

Hart District Council will only collect the minimum personal data that we need for the purpose for which it is collected. We will ensure that the data we collect is adequate and relevant.

## **Principle 4**

Personal data shall be accurate and, where necessary, kept up to date.

Hart District Council will ensure that personal data is accurate and kept up to date where necessary. We will take particular care to do this where our use of the personal data has a significant impact on individuals.

## **Principle 5**

Personal data shall be kept in a form which permits identification of data subjects for as long as is necessary for the purposes for which the personal data are processed.

Hart District Council will only keep personal data in identifiable form as long as is necessary for the purposes for which it is collected, or where we have a legal obligation to do so. Once we no longer need personal data it will be reviewed, securely disposed of, pseudonymised or anonymised.

## **Principle 6**

Personal data shall be processed in a manner that ensures appropriate security and confidentiality of the personal data, including protection against unauthorised or unlawful access to or use of personal data for the processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Hart District Council will ensure that the appropriate organisational and technical measures are in place to protect personal data.

### **Accountability principle**

The Data Controller shall be responsible for and be able to demonstrate compliance with these principles. Our Data Protection Officer is responsible for monitoring Hart District Council's compliance with these principles.

- Ensure that records are kept of all personal data processing activities, and that these are provided to the Information Commissioner on request;
- Conduct a Data Protection Impact Assessment for any high risk personal data processing, and consult the Information Commissioner if appropriate;
- Ensure that the Data Protection Officer provides independent advice and monitoring of the departments' personal data handling, and that this person has access to report to the Senior Leadership Team;
- Have in place internal processes to ensure that personal data is only collected, used or handled in a way that is compliant with the data protection laws.

### **Data Controller's policy regarding retention and disposal of personal data**

We will ensure, where special category and criminal offence data is processed, that:

- There is a record of that processing;
- Where we no longer require special category and criminal offence data for the purpose for which it was collected, we will review it, securely dispose of it etc. in line with our Retention and Disposal Schedule;
- Data subjects receive key privacy information about how their data will be processed, including how long their data will be kept for.

### **Responsibility for the processing of special category and criminal data**

All employees are required to comply with our Information Governance policies when processing personal data and to ensure that any processing of the personal data is carried out lawfully, fairly and transparently.

### **Review**

This document will be reviewed every two years.

### **Further information**

For further information about Hart District Council's compliance with data protection laws, please e-mail [data.protection@hart.gov.uk](mailto:data.protection@hart.gov.uk).