

<b>Policy Name</b>	Policy on processing special categories of personal data and criminal convictions data
<b>Directorate</b>	Sales & Marketing
<b>Created by (Job Title)</b>	Director of Sales & Marketing
<b>Date Reviewed</b>	September 2019
<b>Date of Next Review</b>	September 2020
<b>Pathway</b>	
<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 EU 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:
Equal opportunities monitoring	Legal Obligations (Employment and social security and social protection law) GDPR Article 9(2)(b)
Occupational pension scheme	Legal Obligations (Employment and social security and social protection law) GDPR Article 9(2)(b)
Assess working capacity on health grounds	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	Legal Obligations (Employment and social security and social protection law) GDPR Article 9(2)(b)
Where access is required to medical records in connection with sickness and absence investigations etc.	Explicit Consent given GDPR Article 9(2)(a)

### Student Data

What we use it for:	Our legal reason:
Assess whether they might be considered to be a vulnerable person.	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	Legal Obligations (Employment and social security and social protection law) GDPR Article 9(2)(b)

## **2. Purpose of the policy**

This policy is the policy mentioned in Section 39 of Part 4 of Schedule 1 of the data Protection Act 2018. It 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 in accordance with legal obligations under the Employment and Social Security and Social Protection Law.

[GDPR Article 9(2)(b)]

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

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

The Group aims to fully comply with the EU 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.