



Appropriate Policy Document: Processing special category and criminal convictions data

Purpose of this document

The University processes a wide range of personal data relating to current and former staff and students, Trustees and customers.

Where this data includes 'special category' or 'criminal convictions' data, as defined in Data Protection Legislation including the UK General Data Protection Regulation (UK GDPR) the University needs in some cases to maintain an 'appropriate policy document', which sets out the following:

- The condition for processing in the Legislation that the University is relying on
- The lawful basis for the processing as set out in Article 6 (1) and Article 9 of the UK GDPR.
- How long the data is retained for

This document acts as the 'appropriate policy document' for the University.

Definitions

'Special Category' data is data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, and the processing of genetic data, biometric data in order to uniquely identify a person or data concerning health or sex life and sexual orientation. This data is defined in the UK GDPR Article 9.

'Criminal convictions' data is data relating to criminal convictions and offences or related security measures. This data is defined in the UK GDPR Article 10.

Scope

This policy supports the University's data protection policy. Responsibility for ensuring data protection compliance sits with the Vice-Chancellor's Office division responsible for Data Protection and Information Compliance. This policy applies to all relevant processing carried out by the University in its role as a data controller.

Review

This policy will be reviewed as appropriate.

Special Category Data - Description of data processed

Department / function & Category of data subject	Type of data collected	Purpose
Job Applicants	Equal Opportunities data, Disability status	Monitoring University's obligations around Equality Act 2010.
Current Staff (including contractors) (including contractors)	Equal Opportunities data, Disability status, Medical / wellbeing records, Trade Union Membership Disability status	Managing staff member's employment in line with Equality, employment and health and Safety law
Former staff	Equal Opportunities data, Disability status, Medical / wellbeing records, Trade Union Membership Disability status	Managing University staff records according to University retention schedule
Students	Equal Opportunities data, Disability status, Medical / wellbeing records	Managing student registration and assessment and wellbeing Managing student life cycle, including leave of absence
Residents	Equal Opportunities data, Disability status, Medical / wellbeing records	Managing residential contract, monitoring health and safety
Library members	Equal Opportunities data, Disability status	Managing library member's access in line with equality and health and Safety law
Trustees	Equal Opportunities data, Disability status, Medical / wellbeing records, Trade Union Membership / Political belief (where relevant in conflict of interest declaration) Disability status	Recruiting and managing the University's Trustees
Alumni	Equal Opportunities data, Disability status, Medical / wellbeing records,	Managing the alumni records and relationship,



	Trade Union Membership / Political belief Disability status	including due diligence for large donations
Customers of commercial services (includes event attendees) / including event attendees	Equal Opportunities data, Disability status / access requirements	Managing customer contract, monitoring health and safety
Research participants	Data submitted in research projects, medical/wellbeing records	Academic research and monitoring health and safety
Legal Team (and other legal practice e.g. Refugee Law Centre)	Data relating to legal claims and litigation	Managing University's Legal claims and litigation

Special Category Data – Legal Basis

GDPR Article 6 legal basis

Whenever we process Special Category Data, we must identify a Article 6 UK GDPR legal basis.

These will include:

Legitimate Interest

Consent

Legal Obligation

Contract

Public Task

Vital Interests

GDPR Article 9 legal basis

Department / function & Category of data subject	Type of data collected	Article 9 Condition
Job Applicants	Ethnicity, disability	Obligations under social protection law, Explicit Consent
Current Staff (including contractors)	Can include Ethnicity, disability, health, sexual life, trade union membership	Obligations under social protection law, Occupational Health, Vital Interest, Explicit Consent
Former staff	Can include Ethnicity, disability, health, sexual life, trade union membership	Obligations under social protection law, Occupational Health
Students	Can include Ethnicity, disability, health, sexual life	Obligations under social protection law, Explicit Consent, Vital Interests, Substantial Public Interest
Residents	Can include Ethnicity, disability, health, sexual life	Obligations under social protection law, Explicit Consent, Vital Interests, Substantial Public Interest
Governance & Compliance - Prevent legislation	Health, Political belief	Substantial Public Interest (Prevent Law), Vital Interests, Explicit Consent
Trustees	Can include Ethnicity, disability, health, sexual life, trade union membership, political belief	Substantial Public Interest (HESA, Charity Law, UoL Act), Explicit Consent
Alumni	Can include Ethnicity, disability, health, sexual life, trade union membership, belief	Substantial Public Interest (HESA, Charity Law, UoL Act), Explicit Consent
Customers of commercial services (includes event attendees)	Equal Opportunities data, Disability status / access requirements	Obligations under social protection law
Research participants	Data submitted in research projects, aggregated information with appropriate safeguards	Research, history and statistical purposes
Legal Team (and other legal practice e.g. Refugee Law Centre)	Can include Ethnicity, disability, health, sexual life, trade union membership, belief	Legal Claims

Criminal Convictions - Description of data processed

Department / function & Category of data subject	Type of data collected	Purpose
Job Applicants	DBS check in limited circumstances for specific roles	<u>Wardens / Residential Advisors</u> - Protecting welfare of students <u>Senior Financial Staff</u> - public interest, protection from fraud
Current Staff (including contractors)	DBS check in limited circumstances for specific roles	- public interest, protection from fraud - Protecting welfare of students
Former staff	DBS check in limited circumstances for specific roles	Managing University staff records according to University retention schedule
Students	DBS check for entry onto specific courses	Managing student record
Students (in prison)	Address data defining prison attendance (no information held on crimes)	Managing student record
Residents	Records arising from specific cases	Managing tenant record
Governance & Compliance - Prevent legislation	Records arising from specific cases	Legal obligation around Prevent / prevention & detection of crime
Trustees	- DBS check in limited circumstances for specific roles - Records arising from due diligence investigations	Public interest, protection from fraud - Background checks / due diligence research - Regulatory requirements
Alumni	Background checks / due diligence research	Public interest, protection from fraud, reputation management
Legal Team (and other legal practice e.g. Refugee Law Centre)	Data relating to legal claims and litigation	Legal Claims



Criminal Convictions – Legal basis

GDPR Article 6

Department / function & Category of data subject	Type of data collected	Article 6 Condition
Job Applicants	DBS check in limited circumstances for specific roles	Legal obligation OR in order to take steps at the request of the data subject prior to entering into a contract;
Current Staff (including contractors)	DBS check in limited circumstances for specific roles, any criminal offences while in post	Legal obligation OR necessary for the performance of a contract
Former staff	DBS check in limited circumstances for specific roles, any criminal offences while in post	Legal obligation OR necessary for the performance of a contract
Students	DBS check for entry onto specific courses	Legal obligation OR necessary for the performance of a contract
Students (in prison)	Address data	Necessary for the performance of a contract
Residents	Any criminal offences while in residence	Necessary for the performance of a contract
Governance & Compliance - Prevent legislation	Case files / referrals / correspondence	Legal obligation
Trustees	- DBS check in limited circumstances for specific roles - Records arising from due diligence investigations	Legal obligation
Alumni	Background checks / due diligence research	Legitimate Interests, Legal obligation
Legal Team	Data relating to legal claims and litigation	Legal Obligation

Data Protection Act 2018 Schedule 1 Conditions

The University needs to satisfy a Data Protection Act 2018 Schedule 1, Part 1 Condition to process this data – it relies on the following in the processing specified above:

- Schedule 1 Part 1 para 1 (employment and social protection),
- Schedule 1 Part 2 para 8 (equality of opportunity)
- Schedule 1 Part 2 para 10 (prevention of crime)
- Schedule 1 Part 2 para 11 (protecting the public from dishonesty)
- Schedule 1 Part 2 para 12 (Regulatory requirements relating to unlawful acts and dishonesty)
- Schedule 1 Part 2 para 16 (Support for individuals with a particular disability or medical condition)
- Schedule 1 Part 2 para 17 (counselling),
- Schedule 1 Part 2 para 18 (safeguarding)
- Schedule 1 Part 3 para 33 (Legal claims)

Meeting the data protection principles

Data Protection Principles	
Lawfulness, fairness and transparency	The University will ensure privacy notices are made available to its data subjects.
Purpose limitation	The University will only use the data specified in this document for the specified purposes, unless an exemption applies. We also conduct DPIAs/LIAs.
Data Minimisation	The University will retain the minimum data required for its purposes and avoid excessive data collection. We will conduct DPIAs/LIAs.



Accuracy	The University will ensure its data is accurate and take steps to correct it when it is not.
Storage Limitation	The University will only retain the data in accordance with an appropriate retention period unless an exemption applies.
Integrity and Confidentiality	The University will ensure appropriate technical measures are in place to protect data from loss or unauthorised access.

How long the University keeps the data

The University will only retain the data in accordance with retention period agreed internally or based on the sector standard JISC retention schedule¹, unless an exemption in the Data Protection Act 2018 applies.

¹ <https://www.jisc.ac.uk/guides/records-retention-management>