



NORTH  
NORFOLK  
DISTRICT  
COUNCIL

# **Appropriate Policy Document**

## **Processing of Special Category and Criminal Offence Data**

## **North Norfolk District Council -Appropriate Policy Document**

### **Processing of special category and criminal offence data**

#### **Introduction**

Schedule 1 of the Data Protection Act 2018 requires that organisations have an Appropriate Policy Document (“APD”) in place for when processing special category or criminal data for specific purposes. This document is the APD of North Norfolk District Council.

When processing personal data, the Council (the data controller) complies with the requirements of the UK General Data Protection Regulations (GDPR) and the Data Protection Act 2018 and any associated legislation.

This APD will cover all processing of special category personal data and criminal offence data carried out by the Council for which all of the following conditions are met:

- The Council is processing personal data which is the subject of Articles 9 (special category data) or 10 (criminal offence data) of UK GDPR
- The Council is processing the personal data in reliance of a condition listed in Parts 1,2 or 3 or Schedule 1 of the Data Protection Act 2018
- the condition listed in Parts 1, 2 or 3 Schedule 1 includes a requirement for the data controller to have an APD - some of the Schedule 1 conditions for processing special category and criminal offence data require us to have an APD in place, setting out and explaining our procedures for securing compliance with the principles in Article 5 and policies regarding the retention and erasure of such personal data
- this document explains our processing and satisfies the requirements of Schedule 1, Part 4 of the Data Protection Act 2018

The information supplements our privacy notice and service specific privacy notices.

#### **Processing Activities**

The processing of special category data is undertaken in line with the following articles of the GDPR:

- Article 9(2)(a) explicit consent
- Article 9(2)(b) employment, social security and social protection
- Article 9(2)(c) vital interests of a data subject
- Article 9(2)(f) the establishment, exercise of defence of legal claims
- Article 9(2)(g) substantial public interest
- Article 9(2)(h) the assessment of the working capacity of an employee
- Article 9(2)(j) archiving in the public interest

The council processes special category data both to fulfil our obligations as an employer and as part of our statutory duties.

The council processes special category data about our employees that is necessary to fulfil our obligations as an employer. This includes information about their health and wellbeing, ethnicity, photographs and their membership of any trade union

Our processing for reasons of substantial public interest relates to the data we receive or obtain in order to fulfil our statutory function as a Local Authority. This includes information about our service users.

We process criminal offence data under Article 10 of the GDPR. The council's processing of information concerning criminal convictions and offences includes pre-employment checks, declarations by an employee in line with contractual obligations and matters relating to investigations concerning employees, former employees or persons contracted to the Council.

#### Schedule 1 – Conditions for Processing

The council processes special category data for the following purposes as listed in Schedule 1:

- Paragraph 1(1) employment, social security and social protection
- Paragraph 2(2)(b) the assessment of the working capacity of an employee
- Paragraph 6(1) and 6(2)(a) statutory, etc. purposes
- Paragraph 10(1) preventing or detecting unlawful acts
- Paragraph 11(1) and 11(2) protecting the public against dishonesty
- Paragraph 12(1) and 11(2) regulatory requirements relating to unlawful acts and dishonesty
- Paragraph 24(1) and 24(2) disclosure to elected representatives

The council processes criminal offence data for the following purposes as listed in Schedule 1:

- Paragraph 1 – employment, social security and social protection
- Paragraph 6(2)– statutory, etc. purposes

#### Procedures for ensuring compliance with the principles

Article 5 of the UK General Data Protection Regulation sets out the key data protection principles. These are the council's procedures for ensuring that we comply with them and are detailed in, or appended to the Council's Data Protection Policy.

#### Accountability principle

The council has in place appropriate technical and organisational measures to meet the requirements of accountability. These include the following:

- the appointment of a Data Protection Officer.

- all employees receive data protection training
- the adoption of a 'data protection by design and default' approach.
- documenting and maintaining records of our processing activities.
- the implementation and review of data protection policies
- ensuring the council has written contracts in place with our data processors.
- implementing appropriate security measures in our processing activities.
- undertaking data protection impact assessments for high-risk processing.

The council reviews our accountability measures and updates them as required.

#### Principle (a): lawfulness, fairness and transparency

Processing personal data must be lawful, fair and transparent. It is only lawful if and to the extent it is based on law and meets at least one of the conditions in Schedule 1 or with the data subject's consent.

The council provides clear and transparent information about why we process personal data including our lawful basis for processing in our privacy notices and this Appropriate Policy Document.

#### Principle (b): purpose limitation

The council processes personal data for specific purposes and does not process such data for any purpose incompatible with or not permitted with regard to the original purpose for which it was collected.

#### Principle (c): data minimisation

The council processes personal data necessary for the relevant purposes and strives to ensure it is not excessive. The information we process is necessary for and proportionate to our purposes. Where personal data is provided to, or obtained by, the council but is not relevant to our stated purposes, we will redact or erase it.

#### Principle (d): accuracy

Where the council becomes aware that personal data is inaccurate or out of date, having regard to the purpose for which it is being processed, we will take reasonable steps to ensure that it is erased or rectified without delay. The Council provides documents to assist with any request to rectify, erase or ask for personal data.

#### Principle (e): storage limitation

Personal data processed by the council is retained for such periods based on our legal obligations and business needs. Each section of the Council maintains an

Article 30 spreadsheet with information of the data processed and retention periods for each category of data processed.

Principle (f): integrity and confidentiality (security)

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

The council will ensure that there are appropriate organisational and technical measures in place to protect personal data.

Appropriate Policy Document review date

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 every 2 years along with the Data Protection Policy, and updated when necessary.

## Document Information and Version Control

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