



Special Category Data Policy



Introduction

The Federation of Terrington & Foston and Stillington School processes special category and criminal conviction data in the course of fulfilling its functions as schools. Schedule 1 of the Data Protection Act 2018 requires data controllers to have in place an 'appropriate policy document' where certain processing conditions apply for the processing of special categories of personal data and criminal convictions data. This policy fulfils this requirement.

This policy complements the Federation of Terrington & Foston and Stillington School's existing records of processing as required by Article 30 of the General Data Protection Regulation, which has been fulfilled by the creation and maintenance of an Information Asset Register. It also reinforces the Federation and School's existing retention and security policies, procedures and other documentation in relation to special category data.

Scope

The Federation of Terrington & Foston and Stillington School is committed to the protection of all special category and criminal convictions data that it processes. This policy applies to all such data whether or not an appropriate policy document is required.

Special categories of data processed

The Federation of Terrington & Foston and Stillington School only processes the following special categories of data:

- racial or ethnic origin
- religious or philosophical beliefs
- health
- membership of trade unions

The Federation and School also processes criminal convictions data for the purposes identified below:

The Federation of Terrington & Foston and Stillington School relies on the following processing conditions under Article 9 of the General Data Protection Regulation and Schedule 1 of the Data Protection Act 2018 to lawfully process special category and criminal convictions data:

Purposes	Examples of use (not exhaustive)	Processing conditions
For the provision of education to pupils, including providing support to pupils who are recognised as having Special Educational Needs.	The use of special category data to identify students who require additional support.	Article 9(2)(g) Substantial public interest Schedule 1, Part 2, 6 (2) statutory and government purposes
To ensure the safety and wellbeing of pupils	Details of safeguarding concerns held in safeguarding files. Allergy and disability information.	Article 9(2)(g) Substantial public interest Schedule 1, Part 2, 6 (2) statutory and government purposes
To monitor pupil attendance	Medical reasons for absence.	Article 9(2)(g) Substantial public interest Schedule 1, Part 2, 6 (2) statutory and government purposes
To maintain records of successful and unsuccessful pupil admissions	Faith school prioritisation of pupils.	Article 9(2)(g) Substantial public interest Schedule 1, Part 2, 6 (2) statutory and government purposes
For the provision of school trips	Provision of dietary requirements to third parties involved with facilitating the school trip.	Article 9(2)(g) Substantial public interest Schedule 1, Part 2, 6 (2) statutory and government purposes
For the provision of education in respect of Looked After Children.	Details of criminal convictions in respect of child's parents.	Article 9(2)(g) Substantial public interest Schedule 1, Part 2, 6 (2) statutory and government purposes.
The management of staff	Personnel files identify medical reasons for absences and trade union membership. Handling of disciplinary proceedings and grievances.	Article 9(2)(g) Substantial public interest Schedule 1, Part 2, 6 (2) statutory and government purposes and (8) equality of opportunity or treatment. Schedule 1 Part 1, 1(a) Processing necessary for the purposes of carrying out obligations and exercising specific rights of the controller and or data subject in the field of employment

Purposes	Examples of use (not exhaustive)	Processing conditions
To facilitate the functioning of the governing body	Governors will use special category data where applicable when considering, for example, solutions to access to school for a disabled student.	Article 9(2)(g) Substantial public interest Schedule 1, Part 2, 6 (2) statutory and government purposes
For the prevention and detection of crime	Potential special category and criminal offence data shared	Article 9(2)(g) Substantial public interest Schedule 1, Part 2, 5 (10). Preventing or detecting unlawful acts
The handling of complaints	Complaint investigations may involve reference to and use of special category/ criminal conviction data where applicable to the content and nature of the complaint.	Article 9(2)(g) Substantial public interest Schedule 1, Part 2, 6 (2) statutory and government purposes
To fulfil legislative health and safety requirements	Staff health information for assessment of reasonable adjustments.	Article 9(2)(g) Substantial public interest Schedule 1, Part 2, 6 (2) statutory and government purposes
Equalities monitoring	Collection of staff and student race, ethnicity and religious background.	Article 9(2)(g) Substantial public interest Schedule 1, Part 2, 6 (2) statutory and government purposes

(cont...)

Compliance with Article 5 – The Data Protection Principles

The Federation of Terrington & Foston and Stillington School maintains documentation and implements procedures which ensures compliance with the Data Protection Principles under Article 5 of the General Data Protection Regulation.

Document/ procedure	Principles	How document procedure aids compliance
Privacy notices	<ul style="list-style-type: none"> • Accountability • Lawfulness, fairness and transparency • Purpose limitation • Accuracy • Storage limitation • Data minimisation 	<p>The Federation and School publishes a suite of privacy notices which stipulate that the Federation and School is the 'data controller', the purposes for which the Federation and School processes special category data and the lawful bases it relies on to do this. This fulfils the Federation and School's duty to be transparent about the data that it holds, how it is processed and that the Federation and School, as the data controller, is accountable.</p> <p>All privacy notices provide details of how to make a data rights request, ensuring that data subjects are able to check and challenge the lawfulness and accuracy of the data processed.</p> <p>Privacy notices are updated where the Federation and School makes changes to the way it processes personal data.</p>
Policies	<ul style="list-style-type: none"> • Accountability • Purpose limitation • Storage limitation • Security • Accuracy • Data Minimisation 	<p>The Federation and School maintains a framework of information governance policies which detail the expectations and responsibilities of employees of the Federation and School. This includes, but is not limited to, the following policies:</p> <ul style="list-style-type: none"> • Information Policy • Information Security Policy • Information Security Breach Reporting Policy • Acceptable Use Policy • Records Management Policy • Archive Policy <p>These policies set out the processes in place to ensure that the purposes and duration for which special category data are held are not exceeded and details the security mechanisms and procedures that are in place to keep this information secure. Administrative procedures for ensuring personal data is recorded accurately and kept up to date are also documented.</p> <p>These policies regularly in line with the Federation and School's policy review schedule to ensure the processes, procedures and measures remain appropriate and effective.</p>

Document/ procedure	Principles	How document procedure aids compliance
Information Asset Register	<ul style="list-style-type: none"> • Lawfulness, fairness and transparency • Purpose limitation • Security 	<p>Maintenance of this document fulfils the Federation and School’s legal obligation under Article 30 of the General Data Protection Regulation to keep a record of its processing activities.</p> <p>Information assets which contain special category data have been identified and Article 6, Article 9 and Schedule 1 conditions (where applicable) have been identified for each asset. Retention periods for each asset, based on the Federation and School’s retention schedule, have also been identified, along with the technical and organisational security measures that are in place to protect each asset.</p> <p>This document is reviewed regularly and updated where there have been changes to the Federation and School’s data processing.</p>
Data Protection Impact Assessments (DPIAs)	<ul style="list-style-type: none"> • Accountability • Lawfulness fairness and transparency • Purpose limitation • Data minimisation • Accuracy 	<p>The Federation and School conducts Data Protection Impact Assessments (DPIAs) where it is undertaking new, high-risk processing, or making significant changes to existing data processing.</p> <p>The purpose of the DPIA is to consider and document the risks associated with a project prior to its implementation, ensuring data protection is embedded by design and default.</p> <p>All of the data protection principles are assessed to identify specific risks. These risks are then evaluated and solutions to mitigate or eliminate these risks are considered. Where a less privacy-intrusive alternative is available, or the project can go ahead without the use of special category data, the Federation and School will opt to do this.</p> <p>All DPIAs are signed by the Federation and School’s Senior Information Risk Owner and Data Protection Officer – this is the headteacher.</p>
Mandatory data protection training	<ul style="list-style-type: none"> • Accountability • Security 	<p>All staff undertake mandatory data protection training, which is refreshed at least every two years. Annual training is provided, where resources allow.</p> <p>Staff members who have particular responsibility for managing the risks to personal data, such as the Senior Information Risk Owner (SIRO), Specific Point of Contact (SPOC) and Information Asset Owner (IAO), undertake additional specialist training where applicable. In the Federation of Terrington & Foston and Stillington School, this means the headteacher (SIRO & IAO) and the Stillington school administrator (SPOC).</p> <p>Where new processes are introduced as a result of additions or changes to processing, additional training will be provided to staff members involved with the project. The requirement for this will be identified as part of Data Protection Impact Assessment.</p>

Document/ procedure	Principles	How document procedure aids compliance
<p>Retention schedule and destruction log</p>	<ul style="list-style-type: none"> • Purpose limitation • Data minimisation 	<p>The Federation and School does not retain special categories of data for any longer than it is necessary to do so in order to fulfil our specific purposes.</p> <p>The Federation and School has a retention schedule in place which is based on guidance issued by the Information and Records Management Society (IRMS). Where there is no legislative or best practice guidance in place, the Senior Information Risk Owner will decide how long the information should be retained based on the necessity to keep the information for a legitimate purpose or purposes. The administrator in each school has responsibility for ensuring the retention periods for records are adhered to.</p> <p>The Federation and School also maintains a destruction log, which documents what information has been destroyed, the date it was destroyed and why it has been destroyed.</p>
<p>Technical and organisational security measures and procedures.</p> <p>Recording and reporting personal data breaches where necessary</p>	<ul style="list-style-type: none"> • Security • Accountability • Accuracy 	<p>The Federation and School employs the following technical and organisational security measures where appropriate to protect the personal and special category data that the Federation and School processes:</p> <ul style="list-style-type: none"> • Password protection of electronic devices and systems • Encryption of portable devices • Encryption of emails • Recorded delivery of sensitive paper documents • Secure, fireproof storage of paper records using a key management system • Clear desk policy • Audit trails on electronic systems • Regular backups that can be restored in the event of an emergency • Access/ permission controls • Secure destruction of paper records • Information governance policies (detailed above) • Physical building security measures (locked doors, visitor sign-in procedure, alarm system, CCTV etc.) • Cyber security risk prevention measures (firewalls and anti-virus software, phishing email awareness, download restrictions etc.) <p>A full description of security measures employed by the Federation and School can be found in the Federation and School’s Information Security Policy referenced above.</p> <p>In the event that these measures should fail and a personal data breach occurs, the incident will be recorded in a log, investigated and reported to the Federation and School’s Data Protection Officer where necessary.</p>

Document/ procedure	Principles	How document procedure aids compliance
		Severe incidents are reported to the Information Commissioner's Office. This process is documented in greater detail in the Information Security Breach Reporting Policy referred to above.
Written contracts with data processors	<ul style="list-style-type: none"> • Accountability • Security 	Where the Federation and School shares personal data with a data processor, a written contract is obtained. All existing contracts are checked to ensure that all mandatory data protection clauses are present and all new contracts are assessed prior to forming an agreement with the processor.
Compliance with data rights requests	<ul style="list-style-type: none"> • Lawfulness, fairness and transparency • Accountability • Accuracy 	The Federation and School maintains a log of all data rights requests and has appropriate processes set out in the Federation and School's policies for handling such requests.
Data Protection Officer	<ul style="list-style-type: none"> • Accountability 	The Federation and School has appointed a Data Protection Officer to oversee the Federation and School compliance with the data protection principles. This is Veritau Ltd , based at County Hall in Northallerton.

Retention of special category and criminal convictions data

The retention periods of special category and criminal convictions data are set out in the Federation and School's retention schedule, which is based on the Information and Records Management Society (IRMS) Toolkit for Schools. Retention periods of specific information assets are identified in the Federation and School's information asset register and the Federation and School has adopted a Records Management Policy, as referred to above.

Reviewed by: **Sarah Moore (SIRO)** on **07/02/2022**

Due for further review: **February 2023**