Information Governance Support Services by Stockport Council

IGSS/P/005

St. Paul's C of E Primary School

Appropriate Policy Document



Approved by the Resources Committee: Autumn 2026

Review Date: Autumn 2027

Information Governance Support Services by Stockport Council

Contents

Contents 2
1. Introduction 3
2. Relationship with existing policies 3
3. Scope 3
4. Description of data processed 4
5. Lawful basis for Processing 4
6. Conditions for processing 5
7. Substantial Public Interest 6
8. Criminal Offence Data 8
9. Procedures for ensuring compliance with the principles 10
    9.1. Accountability 10
    9.2. Lawfulness, fairness, and transparency 10
    9.3. Purpose limitation 10
    9.4. Data minimisation 11
    9.5. Accuracy 11
    9.6. Storage limitation 11
    9.7. Integrity and confidentiality (security) 11
10. Retention and erasure policies 12
11. Changes to this Appropriate Policy Document and Review Date 12
12. Further information 12
Review 13

1. Introduction

The Data Protection Act 2018 (DPA 2018) requires organisations that process personal data to meet specific legal obligations. As part of our statutory and corporate functions, St Paul's C of E Primary School processes special category data and criminal offence data, including data relating to criminal convictions and offences, in accordance with Articles 9 and 10 of the UK General Data Protection Regulation ('UK GDPR') and Schedule 1 of the DPA 2018.

The School is committed to making sure that it is transparent about the ways in which we use personal information, and that we have the right controls in place to make sure it's used responsibly and is kept safe.

This document explains our processing and satisfies the requirements of Schedule 1, Part 4 of the DPA 2018, which requires the School to have an appropriate policy document in place for the processing of special category and criminal offence data under certain specified conditions. It sets out the safeguards that the School has put in place, explains our procedures for securing compliance with the principles in Article 5 of the UK GDPR, and describes our policies regarding the retention and erasure of such personal data.

We process special category personal data in other instances where it is not a requirement to keep an appropriate policy document. Our processing of such data respects the rights and interests of the data subjects, and we provide clear and transparent information about why we process personal data including our lawful basis for processing in our privacy notice.

2. Relationship with existing policies

This document should be read in conjunction with the School data protection policy, the records retention schedule, safeguarding and child protection record keeping guidance and other legislation regulations or statutory guidance (including, audit, equal opportunities, and ethics) affecting the School.

3. Scope

This policy covers processing carried out by the School that is subject to UK GDPR Article 9, concerning special category data, and UK GDPR Article 10, concerning criminal offence data, where the School relies on relevant conditions in Schedule 1 of the DPA 2018. In particular, this includes:

- Schedule 1, Part 1 - Conditions relating to employment, health, and research etc.
- Schedule 1, Part 2 - Substantial public interest conditions
- Schedule 1, Part 3 - Additional conditions relating to criminal convictions etc.

4. Description of data processed

The School processes the following types of Special Category and Criminal Offence data:

- Personal data revealing racial or ethnic origin.
- Trade union membership.
- Genetic data and biometric data processed for the purpose of uniquely identifying a natural person.
- Data concerning health.
- Data concerning a natural person's sex life or sexual orientation.
- Criminal offence data, including DBS outcomes, barred list check information, safeguarding allegations or concerns, relevant investigation records, and offence-related information shared by police, courts, local authority safeguarding teams or other agencies where lawful and necessary.

5. Lawful basis for Processing

The School is bound by statute, and its functions are set out in numerous Acts of Parliament and many of these functions have associated legal and statutory functions and duties to provide a range of services to pupils and the wider community.

All processing of personal data must have a lawful basis under Article 6 of the UK GDPR. Depending on the context, the School may rely on one or more of the following Article 6 lawful bases: legal obligation, public task or official authority, contract, vital interests, or consent where consent is appropriate and valid. Special category data processing must also meet a condition under Article 9 of the UK GDPR, and criminal offence data processing must meet Article 10 requirements and be authorised by law with appropriate safeguards.

Within the UK GDPR, all processing of special category data must meet an Article 9(2) condition in order for that processing to be lawful. As part of the School's statutory and corporate functions and duties, we process special category and criminal offence data under the following paragraphs of Article 9 of the UK GDPR:

- Article 9(2)(a) (the data subject has given explicit consent to the processing of those personal data for one or more specified purposes)
- The School will only rely on consent or explicit consent where it is freely given, specific, informed, unambiguous and capable of being withdrawn. In statutory, safeguarding, employment, public task or legal obligation contexts, the School will usually rely on an alternative lawful basis and relevant Article 9 or Schedule 1 condition rather than consent.
- Article 9(2)(b) (processing is necessary for the purposes of carrying out the

obligations and exercising specific rights of the School or the data subject in the field of employment and social security and social protection law).

- Article 9(2)(c) (processing is necessary to protect the vital interests of the data subject or of another natural person).
- Article 9(2)(e) (processing relates to personal data which are manifestly made public by the data subject).
- Article 9(2)(f) (processing is necessary for the establishment, exercise, or defence of legal claims).
- Article 9(2)(g) (processing is necessary for reasons of substantial public interest).
- Article 9(2)(h) (processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services).
- Article 9(2)(i) (processing is necessary for reasons of public interest in the area of public health).
- Article 9(2)(j) (processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes).

6. Conditions for processing

Section 10 of the DPA 2018 provides that processing under Articles 9(2)(b), (h), (i) or (j) is only permitted by UK law if it meets a condition in Part 1 of Schedule 1. The conditions that the School relies on are:

- Paragraph 1 which relates to Article 9(2)(b) of the GDPR and allows the processing of special category data in connection with employment, social security, and social protection where obligations or rights are imposed or conferred by law on the controller or the data subject.
    - For the purpose of processing personal data concerning health and carrying out our obligations as an employer 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.
- Paragraph 2(1) which relates to Article 9(2)(h) of the GDPR and enables processing of special categories of data for health or social care purposes. These purposes are defined as "health or social care purposes" in paragraph 2(2)
    - Referring staff to occupational health and processing health information where necessary for occupational health, health or social care purposes. Safeguarding referrals will usually be considered under the

safeguarding condition in Schedule 1, Part 2, paragraph 18 where that condition applies.

- Paragraph 3 which relates to Article 9(2)(i) of the GDPR and enables processing of special categories of data for the purposes of public interest in the area of public health.
    - the provision of public health, monitoring and statistics and responding to new threats to public health in children and young people settings, including education.
- Paragraph 4 which relates to Article 9(2)(j) of the GDPR, and allows processing that is necessary for archiving purposes, scientific or historical research purposes or statistical purposes if the processing is carried out in accordance with Article 89(1) of the GDPR (as supplemented by Section 19 of the DPA 18) and is in the public interest.

7. Substantial Public Interest

Section 10(3) of the DPA 2018 sets out that, in order for processing of special category and criminal offence data to be necessary for the purposes in Article 9(2)(g) of the UK GDPR (reasons of substantial public interest), it must meet one of the conditions in Part 2 of Schedule 1 of the DPA 2018.

These conditions must have a basis in law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

The School processes special category data under the following substantial public interest conditions, where relevant to the specific processing activity.

The School will rely only on those Schedule 1 conditions that are relevant to the specific processing activity, necessary for the identified purpose, proportionate, and supported by a basis in law and appropriate safeguards.

- Paragraph 6 which permits processing of special categories of data that is in the substantial public interest and is necessary for the exercise of a function conferred on a person by an enactment or rule of law. For example:
    - Fulfilling the School's obligations under UK legislation for the provision of education to school-aged children.
    - Complying with other legal requirements, such as the requirement to disclose information in connection with legal proceedings.
    - Criminal offence data may also be processed under this condition.
- Paragraph 8 which permits processing of personal data revealing health or ethnic origin, personal data revealing religious or philosophical beliefs, data concerning health and personal data concerning an individual's sexual orientation for the monitoring of equality. For example:

- Equality of opportunity or treatment and ensuring compliance with the School's obligations under legislation such as the Equality Act 2010.
- Ensuring we provide equal access to our services, to all pupils in recognition of our legal and ethical duty to represent and serve pupils.
- Ensuring the School fulfils its obligations with its Public Sector Equality Duty when carrying out its public function.

- Paragraph 9 permits processing of special category data where necessary for promoting or maintaining diversity in senior positions. The School will rely on this condition only where this specific processing purpose applies and the statutory condition is met.
- Paragraph 10 which permits processing of special categories of data for the purposes of the prevention or detection of any unlawful act. For example:
  - Processing data concerning criminal records in connection with employment in order to reduce the risk to the School and the local community.
- Paragraph 11 which permits processing of special categories of data which is necessary for the purposes of discharging certain protective functions which are designed to protect members of the public. For example:
  - Processing data concerning dishonesty, malpractice, unfitness, or other improper conduct in order to protect the School and local community.
  - Carrying out investigations and disciplinary actions relating to employees.
- Paragraph 12 which permits processing of special categories of data for the purposes of complying with, or assisting others to comply with, a regulatory requirement relating to unlawful acts, dishonesty etc. For example:
  - Assisting other authorities in connection with their regulatory requirements.
- Paragraph 16 which permits processing of special categories of data by a not-for-profit body which provides support to individuals with a particular disability or medical condition, for the purpose of raising awareness of the disability or medical condition or assisting those affected by it. For example:
  - To support individuals with a particular disability or medical condition where the School can lawfully rely on this condition and the processing is necessary and proportionate.
  - To provide services or raise awareness of a disability or medical condition in order to deliver services to individuals.
- Paragraph 17 which permits processing of special categories of data required to discharge functions involving the provision of services such as confidential counselling and advice. For example:

- For the provision of confidential counselling, advice, or support or of any other similar service provided confidentially.

- Paragraph 18 which permits processing of special categories of data required for the protection of children or of adults at risk. For example:
  - Protecting vulnerable children and young people from neglect, physical, mental, or emotional harm.
  - Identifying individuals at risk.
  - Obtaining further support for children and individuals at risk by sharing information with relevant agencies.
- Paragraph 20 permits processing of special category data where it is necessary for an insurance purpose, including managing insurance claims, risk or liability where relevant.
- Paragraph 21 permits processing of special category data in connection with certain occupational pension schemes, where the School is responsible for or contributes to relevant pension administration. For example:
  - Fulfilling the School's obligation to provide an occupational pension scheme.
- Paragraph 23 permits processing of special category data by elected representatives responding to requests, where it is carried out by an elected representative or a person acting with their authority. The School will rely on this only where the specific statutory condition applies.
- Paragraph 24 permits disclosure of special category data to an elected representative or a person acting with the authority of such a representative, where the statutory condition is met and disclosure is necessary and proportionate. For example:
  - Assisting elected representatives such as local Councillors and Members of Parliament with requests for assistance on behalf of their constituents.

These conditions apply to the School's statutory and corporate functions. All processing is for the first listed purpose and might also be for others, depending on the context.

8. Criminal Offence Data

Criminal offence data is personal data that's treated in a similarly sensitive way to special category data. It records criminal convictions and offences or related security measures. Criminal offence data includes:

- the alleged committing of an offence
- the legal proceedings for an offence that was committed or alleged to have been committed, including sentencing.

The School processes criminal offence data when recording the outcome of Disclosure and Barring Service (DBS) checks for employees, non-employed staff and volunteers. As this data relates to criminal convictions, collecting and retaining it means the School is processing criminal offence data. This applies even though the check has not revealed any conviction.

The School may process personal data relating to criminal convictions in connection with its statutory public function or as part of recruitment and employment checks to safeguard and protect pupils and the wider community against dishonesty.

Article 10 of the UK GDPR permits processing of personal data relating to criminal convictions and offences only where the processing is carried out under the control of official authority, or where it is authorised by domestic law and appropriate safeguards are in place. The School will process criminal offence data only where there is a clear Article 6 lawful basis, the Article 10 requirements are met, and a relevant Schedule 1 condition or other lawful authority supports the processing.

Where criminal offence data is processed for the School's statutory functions, including functions carried out in the public interest or in the exercise of official authority, the School will identify the relevant lawful basis and Schedule 1 condition before processing. Paragraph 8 of Schedule 1, Part 2 applies only to specified special category data for equality monitoring and will not be relied on for criminal offence data.

The School may further process criminal offence data when the additional processing conditions relating to criminal offence data are met under Part 3 of Schedule 1 of the DPA 2018. Those conditions are:

- Paragraph 29 which permits processing of personal data relating to criminal convictions etc. if the data subject has given his or her consent.
- Paragraph 30 which permits processing of personal data relating to criminal convictions etc. where necessary to protect an individual's vital interests and if the data subject is physically or legally incapable of giving consent.
- Paragraph 32 which permits processing of personal data relating to criminal convictions etc. of personal data that has been put in the public domain by the data subject.
- Paragraph 33 which permits processing of personal data relating to criminal convictions etc. necessary for the purpose of legal proceedings; obtaining legal advice; or establishing, exercising, or defending legal rights.
- Paragraph 36 permits reliance on certain Part 2 Schedule 1 conditions for Article 10 criminal offence data processing without the separate requirement that the processing is for reasons of substantial public interest, where the relevant condition is otherwise met.
- Paragraph 37 extends the insurance condition so that criminal offence data may be processed where necessary for an insurance purpose, where the statutory condition is met.

The School will only rely on consent for criminal offence data where consent is valid, freely given, specific, informed and capable of withdrawal. In safeguarding, safer recruitment, employment or statutory contexts, the School will usually rely on another applicable Schedule 1 condition or legal authority instead.

9. Procedures for ensuring compliance with the principles.

9.1. Accountability

The School demonstrates full compliance with the data protection principles provided in Article 5 of the UK GDPR through the following measures and documents:

- The appointment of a data protection officer
- Adopting and implementing data protection policies
- Maintaining documentation of our processing activities, including the Record of Processing Activities (RoPA).
- Recording and where necessary reporting personal data breaches.
- Putting appropriate contractual arrangements in place with third-party data processors.
- Conducting a Data Protection Impact Assessment where a new processing activity is proposed and is likely to result in a high risk to the rights and freedoms of individuals.
- Implementing appropriate security measures in relation to the personal data processed by the School.

9.2. Lawfulness, fairness, and transparency

To comply with this principle, the School will ensure that:

- personal data is only processed lawfully and where a clear lawful basis to do so has been identified.
- personal data is processed fairly, and data subjects are not misled about the purposes of processing.
- privacy notices are provided to data subjects to ensure that the School is transparent about how and why they process personal data.

9.3. Purpose limitation

To comply with this principle, the School will ensure that:

- we only collect personal data for specified explicit and legitimate purposes.
- we inform data subjects what those purposes are in a privacy notice.
- we do not use personal data for purposes incompatible with those for which it was collected. Where personal data is used for a new lawful purpose, the

School will inform data subjects where required.

9.4. Data minimisation

To comply with this principle, the School will ensure that:

- we only collect personal data we actually need for our specified purposes.
- we have sufficient personal data to properly fulfil those purposes.
- the data we collect is adequate and relevant.
- we periodically review the data we hold and delete anything we no longer need.

9.5. Accuracy

To comply with this principle, the School will ensure that:

- we have appropriate processes in place to check the accuracy of the data we collect, and we record the source of that data.
- we have a process in place to identify when we need to keep the data updated to properly fulfil our purpose, and we update it as necessary.
- if we need to keep a record of a mistake, we clearly identify it as a mistake.
- our records clearly identify any matters of opinion, and where appropriate whose opinion it is and any relevant changes to the underlying facts.
- we comply with the individual's right to rectification and carefully consider any challenges to the accuracy of the personal data.
- we keep a note of any challenges to the accuracy of the personal data.

9.6. Storage limitation

To comply with this principle, the School will ensure that we:

- only keep personal data in identifiable form as long as is necessary to fulfil the purposes for which it is collected, or where we have a legal obligation to do so.
- erase or anonymise personal data no longer needed.
- where we have identified any data that we need to keep for historical purposes, we will indicate this clearly in our privacy notices.
- review and update our retention schedule regularly.

9.7. Integrity and confidentiality (security)

To comply with this principle the School will ensure that:

- there are appropriate organisational and technical measures in place to protect personal data.
- it will analyse the risks involved in our processing of data to put an appropriate

level of security in place.

- special category data and criminal offence data are protected by suitable and specific safeguards, including role-based access, need-to-know controls, secure systems, audit trails where available, confidentiality obligations, staff training, appropriate data sharing controls, Data Protection Impact Assessments where required, breach reporting procedures, and retention and disposal controls.

10. Retention and erasure policies

The School has appropriate policies in relation to the retention and disposal of personal data. The School's Record of Processing Activities contains details of retention periods for processing activities, together with information on the lawful basis for processing. Special category data and criminal offence data will be retained only for as long as necessary for the purpose for which it was collected, or where there is a legal requirement to retain it.

- Personal data is held and disposed of in line with our Retention Schedule and Records Management Policy.
- Secure disposal methods are applied and duly recorded as per our School records and safe data destruction checklist.
- When retention periods expire, records will be securely deleted, destroyed or anonymised, unless there is a lawful reason to retain them for longer, such as an ongoing safeguarding, legal, regulatory or complaint-related matter.

11. Changes to this Appropriate Policy Document and 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 periodically reviewed and updated.

12. Further information

For further information about this policy and the School's compliance with data protection law, please contact: igschoolsupport@stockport.gov.uk.

Review

Version	Author	Policy approved by	Approval date	Review date	Changes made?
V1	IG Team	IG Team	30/06/2023	01/09/2024	New Policy
V2	IG Team	IG Team	24/09/2024	01/09/2026	No changes
V3	IG Team	IG Team	01/09/2026	01/09/2027	Full review and update completed.