# Appendix to the Data Protection Policy

# Processing Special Category Data and Criminal Records Data Policy

In accordance with the Data Protection Act 2018 Schedule 1 processing special category data and criminal records data required that a data controller must have an appropriate policy in place, for Canterbury City Council this is that policy. Special category data and criminal records data are both forms of personal data that warrant additional levels of care due to the sensitivity of the data, this policy provides assurance of that care.

Special category data is defined by Article 9(1) of the General Data Protection Regulation 2016 and criminal records data is defined by Article 10 and supplemented by S11(2) of the same regulations.

## Procedures for securing compliance with General Data Protection Regulation 2016 Article 5

Article 5 of the General Data Protection Regulation sets out the data protection principles. These are our procedures for ensuring that we comply with them.

## Principle 1

Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.

We will:

* ensure that personal data is only processed where a lawful basis applies, and where processing is otherwise lawful
* only process personal data fairly, and will ensure that data subjects are not misled about the purposes of any processing
* ensure that, when appropriate, data subjects receive full privacy information so that any processing of personal data is transparent

## Principle 2

Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.

We will:

* only collect personal data for specified, explicit and legitimate purposes, and we will inform data subjects what those purposes are in a privacy notice
* not use personal data for purposes that are incompatible with the purposes for which it was collected. If we do use personal data for a new purpose that is compatible, we will inform the data subject first

## Principle 3

Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

We will only collect the minimum personal data that we need for the purpose for which it is collected. We will ensure that the data we collect is adequate and relevant.

## Principle 4

Personal data shall be accurate and, where necessary, kept up to date.

We will ensure that personal data is accurate, and kept up to date where necessary. We will take particular care to do this where our use of the personal data has a significant impact on individuals.

## Principle 5

Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.

We will only keep personal data in identifiable form as long as is necessary for the purposes for which it is collected, or where we have a legal obligation to do so. Once we no longer need personal data it shall be deleted or rendered permanently anonymous.

## Principle 6

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.

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

## Accountability principle

The controller shall be responsible for, and be able to demonstrate compliance with these principles.

Canterbury City Council’s Data Protection Officer is responsible for ensuring that the organisation is compliant with these principles.

We will:

* ensure that records are kept of all personal data processing activities, and that these are provided to the Information Commissioner on request
* carry out a Data Protection Impact Assessment for any high risk personal data processing, and consult the Information Commissioner if appropriate
* ensure that a Data Protection Officer is appointed to provide independent advice and monitoring of the departments’ personal data handling, and that this person has access to report to the highest management level of the department
* have in place internal processes to ensure that personal data is only collected, used or handled in a way that is compliant with data protection law

## Data controller’s policies as regards retention and erasure of personal data

We will ensure, where special category or criminal convictions personal data is processed, that:

* there is a record of that processing, and that record will set out, where possible, the envisaged time limits for erasure of the different categories of data
* where we no longer require special category or criminal convictions personal data for the purpose for which it was collected, we will delete it or render it permanently anonymous
* data subjects receive, when appropriate, full privacy information about how their data will be handled, and that this will include the period for which the personal data will be stored, or if that is not possible, the criteria used to determine that period

## Duty to retain and review this policy

We will retain this policy whilst we process special category data or criminal data and for 6 months following the end of such processing.

We will review this policy annually and upon learning of any change to the law that affects the processing of special category data or criminal records data.