Harford Manor School

Foundations For Futures

Policy on processing special categories of personal data. Including Protection of children's biometric information

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Last reviewed by	Cathie Mcleod
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Person(s) responsible for review:	Fi Woodstein/ Cathie McLeod

1. Introduction

This Policy is produced in accordance with Harford Manor School obligations under the EU General Data Protection Regulation (GDPR), the Data Protection Act 2018 (DPA '18) and related legislation. It should be read alongside the Group's Data Protection Policies.

Article 9(1) of the GDPR prohibits the processing of special categories of personal data unless a condition in Article 9(2) is met.

Examples of special categories of personal data include:

- data that reveals **racial or ethnic origin**;
- data that reveals **political opinions**;
- data that reveals **religious or philosophical beliefs**;
- data that reveals **trade union membership**;
- **genetic data**;
- **biometric data** (where used for identification purposes);
- data concerning an individual's **health**; and
- data concerning a person's **sex life** or their **sexual orientation**.

Personal data about criminal offences and convictions are dealt with in Article 10 of the GDPR. The DPA '18 states that the processing of such data meets the requirements of Article 10 only if it meets a condition set out in Parts 1, 2, or 3 of Schedule 1, which requires the controller to have an appropriate policy in place when processing is carried out.

Processing of special categories of personal data is therefore only permitted by Harford Manor School, where it is necessary for specific purposes. The table below details the special categories of personal data that Harford Manor School processes, and the legal bases relied upon:

Employee Data

What we use it for:	Our legal reason: Art 9	Our legal reason: Art 6
Equal opportunities monitoring	Legal Obligations (Employment and social security and social protection law) GDPR Article 9(2)(b)	Compliance with a Legal Obligation to which the Controller is subject GDPR Article 6(1)(c)

Occupational pension scheme	Legal Obligations (Employment and social security and social protection law) GDPR Article 9(2)(b)	Compliance with a Legal Obligation to which the Controller is subject GDPR Article 6(1)(c)
Assess working capacity on health grounds	Legal Obligations (Employment and social security and social protection law) GDPR Article 9(2)(b)	Compliance with a Legal Obligation to which the Controller is subject GDPR Article 6(1)(c)
Keeping record of outcome from the Disclosure and Barring Service (DBS) checks for staff	Legal Obligations (Employment and social security and social protection law) GDPR Article 9(2)(b)	Compliance with a Legal Obligation to which the Controller is subject GDPR Article 6(1)(c)
Where access is required to medical records in connection with sickness and absence investigations etc.	Explicit Consent given GDPR Article 9(2)(a)	Necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract GDPR Article 6(1)(b)

Pupil Data

What we use it for:	**Our legal reason: Art 9**	**Our legal reason: Art 6**
Pupil medical data	Reasons of substantial public interest 9(2)(g) for the condition of 6. Statutory and government purposes OR 16. Support for individuals with a particular disability or medical condition	Performance of a task in the public interest Article 6(1)(e)
Pupil biometric data *	Explicit Consent 9(2)(a)*	Consent 6(1)(a)*

* Where using Biometric data in school, ensure a Data Protection Impact Assessment has been undertaken and the Regulatory Authority (ICO) has been consulted prior to its use. The DfE has produced this guidance about the use of biometric data in school.

https://www.gov.uk/government/publications/protection-of-biometric-information-of-children-in-schools

2. Purpose of the policy

This policy is the policy mentioned in Section 39 of Part 4 of Schedule 1 of the DPA '18. It explains the Harford Manor School's procedures to comply with the GDPR data protection principles when processing special categories of personal data and criminal convictions in accordance with legal obligations under the Employment and Social Security and Social Protection Law. [GDPR Article 9(2)(b)]

3. Compliance with six data protection principles

Accountability Principle

All our processing activities are recorded in a Record of Processing Activities (RoPA) in line with Article 30 of the GDPR as well as having Privacy Notices and Data Protection Policies in place. The RoPA identifies the Article 6 and Article 9 processing conditions and whether the data is retained and erased in line with the Retention Schedule. If the data is not retained or deleted in line with these policies, then a record is kept why this is so. These documents are updated regularly and maintained Where there is a high risk to individuals' interests, Data Protection Impact Assessments are performed.

3.1. Lawful, Fair and Transparent

Harford Manor School aims to fully comply with the GDPR, the DPA '18 and related legislation.

Detailed information about how Harford Manor School's personal data, including special category data is published in Harford Manor School's Privacy Policies for staff and students. We have identified a lawful basis for processing Under Article 6 and a further basis under Article 9.

3.2. Collected for specified, explicit and legitimate purposes

Harford Manor School only processes personal data when permitted to do so by law. Special category personal data and criminal conviction is collected for explicit and legitimate purposes and these have been clearly identified. If the data collected were to be used for a new purpose, (which wasn't a legal obligation, a function set out in law or where necessary

the performance of task carried out in the public interest), we would check that this was compatible with our original purpose or would get specific consent for the new purpose.

3.3. Adequate, relevant and limited to what is necessary

Harford Manor School will not ask for special category personal data that is not potentially required, or necessary for Harford Manor School to deliver its services. Harford Manor School's internal guidance, training and policies require staff to use only the minimum amount of data required to enable specific tasks to be completed. The need to retain this data will be regularly reviewed, and any data no longer needed will be deleted.

3.4. Accurate and kept up to date

Processing complete and accurate information is important to us. Data Subjects are required to notify Harford Manor School of relevant changes to their circumstances, such as changes in their health or an alteration to their criminal record data. The source of the data is recorded when it is collected. There are proportionate processes in place to ensure the data collected is accurate and updated where necessary.

3.5. Kept for no longer than is necessary

Harford Manor School will retain information relevant to the work of Harford Manor School in accordance with legislation and the retention schedule for all records kept for scientific or historical research or statistical purposes, some documents will be archived and/ or anonymised for a period of time before disposal in line with the Retention Schedule.

3.6. Processed in a secure manner

Data security is of great importance to Harford Manor School and to protect your data we have put in place suitable physical, electronic and managerial procedures to safeguard and secure the data.