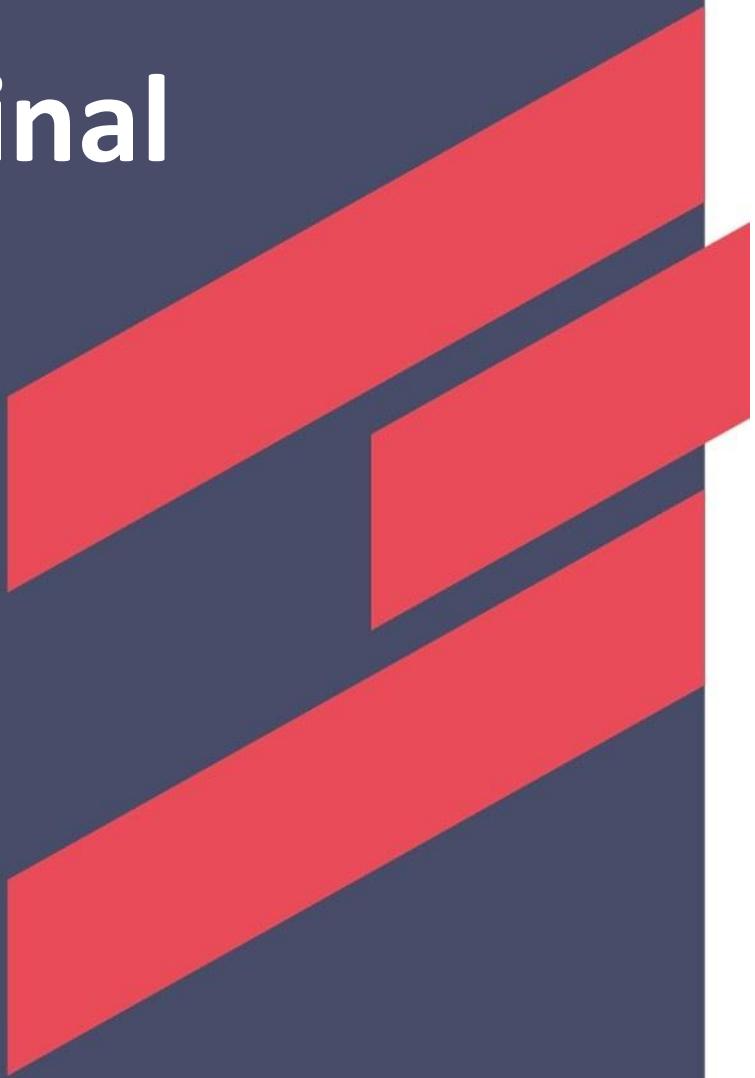




# Appropriate Policy Document (special categories of personal data and criminal convictions)



# Appropriate Policy Document

Policy Owner	Director of Technology, Facilities and Compliance
Version	1
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Approved by	Central Services Committee
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Applies to	All Employees and external stakeholders
Exceptions	N/A
Audience	All employees and external stakeholders

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## Section 1: Overview

### 1.1. Purpose

1.1.1. This is the "appropriate policy document" for Ambition Institute setting out how we will protect Special Categories of Personal Data and Criminal Convictions Data.

1.1.2. This policy supports Ambition Institute's Data Protection Policy.

### 1.2. Scope

1.2.1. This document meets the requirement of Schedule 1, Part 4 of the Data Protection Act 2018 that an appropriate policy document be in place where Processing Special Categories of Personal Data and Criminal Convictions Data in certain circumstances.

1.2.2. This policy applies to all business units and functions of Ambition Institute.

1.2.3. This policy does not form part of any employee's contract of employment, and we may amend it at any time.

## Section 2: Policy and Procedure

### 2.1. Why we process special categories of personal data and criminal convictions data

2.1.1. We process Special Categories of Personal Data and Criminal Convictions Data for the following purposes:

- > assessing an employee's fitness to work;
- > complying with Health and Safety obligations;
- > complying with the Equality Act 2010;
- > checking applicants' and employees' right to work in the UK; and
- > verifying that candidates are suitable for employment or continued employment.
- > undertaking checks as a legal obligation e.g. DBS for education professionals

### 2.2. Personal data protection principles

2.2.1. The UK GDPR requires personal data to be processed in accordance with the six principles set out in Article 5(1). Article 5(2) requires controllers to be able to demonstrate compliance with Article 5(1).

2.2.2. We comply with the principles relating to the Processing of Personal Data set out in the UK GDPR which require Personal Data to be:

- > Processed lawfully, fairly and in a transparent manner (Lawfulness, Fairness and Transparency);
- > collected only for specified, explicit and legitimate purposes (Purpose Limitation);

- adequate, relevant and limited to what is necessary in relation to the purposes for which it is Processed (Data Minimisation);
- accurate and where necessary kept up to date (Accuracy);
- not kept in a form which permits identification of Data Subjects for longer than is necessary for the purposes for which the data is Processed (Storage Limitation); and
- Processed in a manner that ensures its security using appropriate technical and organisational measures to protect against unauthorised or unlawful Processing and against accidental loss, destruction or damage (Security, Integrity and Confidentiality).

2.2.3. We are responsible for and must be able to demonstrate compliance with the data protection principles listed above (Accountability).

## **2.3. Compliance with data protection principles**

### *2.3.1. Lawfulness, fairness and transparency*

2.3.1.1. Personal Data must be processed lawfully, fairly and in a transparent manner in relation to the Data Subject.

2.3.1.2. We will only Process Personal Data fairly and lawfully and for specified purposes. The UK GDPR restricts our actions regarding Personal Data to specified lawful purposes. We can Process Special Categories of Personal Data and Criminal Convictions Data only if we have a legal ground for Processing and one of the specific Processing conditions relating to Special Categories of Personal Data or Criminal Convictions Data applies. We will identify and document the legal ground and specific Processing condition relied on for each Processing activity.

2.3.1.3. When collecting Special Categories of Personal Data and Criminal Convictions Data from Data Subjects, either directly from Data Subjects or indirectly (for example from a third party or publicly available source), we will provide Data Subjects with our Employee Privacy Notice setting out all the information required by the UK GDPR, which is concise, transparent, intelligible, easily accessible and in clear plain language which can be easily understood.

<b>Lawful Processing basis</b>	<b>Processing condition for Special Categories of Personal Data</b>
<b>Data concerning health</b>  Compliance with a legal obligation ( <i>Article 6 (1)(c)</i> ) or necessary for the performance of a contract with the Data Subject ( <i>Article 6(1)(b)</i> ).  <b>AND</b>  Article 9(2)(b) - where processing is necessary for the purposes of performing or exercising obligations	Necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on the controller or the Data Subject in connection with employment, social security or social protection.  ( <i>Paragraph 1(1)(a), Schedule 1, DPA 2018.</i> )

<p>or rights which are imposed or conferred by law on Ambition Institute or the Data Subject in connection with employment, social security or social protection law.</p>	
<p><b>Racial or ethnic origin data</b> Compliance with a legal obligation (<i>Article 6(1)(c)</i>). <b>AND</b> Article 9(2)(b) - where processing is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on Ambition Institute or the Data Subject in connection with employment, social security or social protection law.</p>	<p>Necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on the controller or the Data Subject in connection with employment, social security or social protection.</p> <p>(<i>Paragraph 1(1)(a), Schedule 1, DPA 2018.</i>)</p>
<p><b>Criminal Convictions Data</b> Compliance with a legal obligation (<i>Article 6(1)(c)</i>). <b>OR</b> In Ambition Institute's legitimate interests (<i>Article 6(1)(f)</i>) which are not outweighed by the fundamental rights and freedoms of the Data Subject. <b>AND</b> We process criminal convictions and offences data under Article 10 of the GDPR.</p>	<p>Necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on Ambition Institute or the Data Subject in connection with employment, social security or social protection. (<i>Paragraph 1(1)(a), Schedule 1, DPA 2018.</i>)</p> <p>Meets one of the substantial public interest conditions set out in Part 2 of Schedule 1 to the DPA 2018 (such as preventing or detecting unlawful acts). (<i>Paragraph 10(1), Schedule 1, DPA 2018.</i>)</p>
<p><b>Equal opportunity data</b> In Ambition Institute's legitimate interests (<i>Article 6(1)(f)</i>) which are not outweighed by the fundamental rights and freedoms of the Data Subject. <b>AND</b> Article 9(2)(g) - where processing is necessary for reasons of substantial public interest.</p>	<p>Necessary for the purposes of identifying or keeping under review the existence or absence of equality of opportunity or treatment between groups of people specified in relation to that category with a view to enabling such equality to be promoted or maintained.</p> <p>(<i>Paragraph 8(1)(b), Schedule 1, DPA 2018.</i>)</p>

### *2.3.2. Purpose limitation*

2.3.2.1. Personal Data must be collected only for specified, explicit and legitimate purposes. They must not be further processed in any manner incompatible with those purposes.

2.3.2.2. We will only collect Personal Data for specified purposes and will inform Data Subjects what those purposes are in a published Employee Privacy Notice. We will not use Personal Data for new, different or incompatible purposes from those disclosed when it was first obtained unless we have informed the Data Subject of the new purposes and they have consented where necessary.

### *2.3.3. Data minimisation*

2.3.3.1. Personal Data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed.

2.3.3.2. We will only collect or disclose the minimum Personal Data required for the purpose for which the data is collected or disclosed. We will ensure that we do not collect excessive data and that the Personal Data collected is adequate and relevant for the intended purposes.

### *2.3.4. Accuracy*

2.3.4.1. Personal Data must be accurate and, where necessary, kept up to date. It must be corrected or deleted without delay when inaccurate.

2.3.4.2. We will ensure that the Personal Data we hold and use is accurate, complete, kept up to date and relevant to the purpose for which it is collected by us. We check the accuracy of any Personal Data at the point of collection and at regular intervals afterwards. We take all reasonable steps to destroy or amend inaccurate or out-of-date Personal Data. We comply with the individual's right to rectification and carefully consider any challenges to the accuracy of the Personal Data.

### *2.3.5. Storage limitation*

2.3.5.1. We only keep Personal Data in an identifiable form for as long as is necessary for the purposes for which it was 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.

2.3.5.2. We maintain a Data Retention Policy and related procedures to ensure Personal Data is deleted after a reasonable time has elapsed for the purposes for which it was being held unless we are legally required to retain that data for longer.

2.3.5.3. We will ensure Data Subjects are informed of the period for which data is stored and how that period is determined in any applicable Privacy Notice. We have appropriate processes in place to comply with requests for erasure where appropriate.

### *2.3.6. Security, integrity, confidentiality*

2.3.6.1. 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.

2.3.6.2. We will implement and maintain reasonable and appropriate security measures against unlawful or unauthorised Processing of Personal Data and against the accidental loss of or damage to Personal Data.

2.3.6.3. We undertake an analysis of the risks presented by our processing and use this to assess the appropriate level of security we need to put in place. For example:

- > We have an Information Security Policy and take steps to make sure the policy is implemented.
- > We use encryption and/or pseudonymisation where it is appropriate to do so.
- > We understand the requirements of confidentiality, integrity and availability for the personal data we process.
- > We make sure that we can restore access to personal data in the event of any incidents, such as by establishing an appropriate backup process.
- > We conduct regular testing and reviews of our measures to ensure they remain effective and act on the results of those tests where they highlight areas for improvement.
- > We ensure that any Processor we use also implements appropriate technical and organisational measures.

### *2.3.7. Accountability principle*

2.3.7.1. We are responsible for and able to demonstrate compliance with these principles. The Director of Compliance is responsible for ensuring that we are compliant with these principles. Any questions about this policy should be submitted to the Director of Compliance.

2.3.7.2. We will:

- > Ensure that records are kept of all Personal Data Processing activities and that these are provided to the Information Commissioner's Office (ICO) on request.
- > Carry out a DPIA for any high-risk Personal Data Processing to understand how Processing may affect Data Subjects and consult the ICO if appropriate.
- > Ensure, if required, that a DPO is appointed to provide independent advice and monitoring of Personal Data handling, and that the DPO has access to report to the highest management level.
- > Have internal processes to ensure that Personal Data is only collected, used or handled in a way that is compliant with Data Protection Laws.

## **2.4. Policies on retention and erasure of personal data**

- 2.4.1. We take the security of Special Categories of Personal Data and Criminal Convictions Data very seriously. We have administrative, physical and technical safeguards in place to protect Personal Data against unlawful or unauthorised Processing, or accidental loss or damage. We will ensure, where Special Categories of Personal Data or Criminal Convictions Data are Processed that:
- 2.4.2. The Processing is recorded, and the record sets out, where possible, a suitable time period for the safe and permanent erasure of the different categories of data in accordance with our Data Retention Policy.
- 2.4.3. Where we no longer require Special Categories of Personal Data or Criminal Convictions Data for the purpose for which it was collected, we will delete it or render it permanently anonymous as soon as possible.
- 2.4.4. Where records are destroyed, we will ensure that they are safely and permanently disposed of.

- 2.4.5. Company Personnel receive an Employee Privacy Notice setting out how their Personal Data will be handled when we first obtain their Personal Data, and 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. The Employee Privacy Notice is also available upon request.

## **2.5. Review**

- 2.5.1. This policy on Processing Special Categories of Personal Data and Criminal Convictions Data is reviewed annually.
- 2.5.2. The policy will be retained where we process Special Categories of Personal Data and Criminal Convictions Data and for a period of at least six months after we stop carrying out such processing.
- 2.5.3. A copy of this policy will be provided to the ICO on request and free of charge.
- 2.5.4. For further information about our compliance with Data Protection Laws, please contact the Associate Director of Compliance.

### Section 3: Version Control

3.1.1. All Ambition policies are regularly reviewed by the Policy Owner. Feedback from employees and relevant stakeholders will be considered during the review process, and revisions will be made as necessary to reflect changes in laws, regulations, or company practices.

Version	Issue/release date	Summary of changes	Approver
1	August 2024	Initial draft	Central Services Committee