
Bury College Policy and Procedures

Appropriate Policy Document

Document Information				
Directorate:		Finance and Corporate Services		
Document Owner:		Data Protection Officer		
Document Type		Policy		
Date:		November 2024		
Version:		1.0		
Review Period:		3 years		
Date Approved:		06/11/2024 & 27/11/2024		
Approved by:		Leadership Team / As this Document complements the Data Protection Policy, Resources Committee approval is also required		
Requires Publishing on College Website		Yes		
Equality Impact Assessed:		Yes		
Version Control Tracking				
Version	Date	Revision Description	Editor	Status
V1.0	November 2024	New Policy - developed using the ICO APD template 20191104 V1.0.	DPO	Draft

1. About this Policy

The Appropriate Policy Document (APD) provides information about the lawful basis and safeguards Bury College (the College) has in place to process Special Category and Criminal Offence Data. This is to satisfy some of the conditions for using such data in Schedule 1, Part 4 of the UK Data Protection Act 2018 (DPA), which require the organisation as the controller to set out and explain the procedures for securing compliance.

The APD also complements the Data Protection Policy.

2. PERSONAL DATA PROCESSED

2.1 The College processes the following Special Category Data:

- a) Information about race or ethnicity, religious beliefs.
- b) Information about health and wellbeing, including any medical condition; health, sickness and safety records, sickness absence, occupational health interactions and disability information, including mental health.
- c) Information relating to maternity, paternity, shared parental or adoption leave.

2.2 The College also processes Criminal Offence Data, which is information about any relevant criminal convictions and offences.

3. CONDITIONS FOR PROCESSING

3.1 Processing Special Category Data

- a) UK GDPR, Article 9(2)(a) – explicit consent. This could apply to gather information about your race, ethnicity and religious beliefs.
- b) UK GDPR, Article 9(2)(b) – where processing is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by UK law on to the College or the data subject in connection with employment, social security, or social protection. For examples where the College processes staff sickness and absences information. Further condition for the lawful use of this data is in the DPA, Schedule 1, Part 1, paragraph 1 – employment, social security and social protection.
- c) UK GDPR, Article 9(2)(c) – where processing is necessary to protect vital interests. An example of this processing would be using health information about a member of staff or learner in a medical emergency.
- d) UK GDPR, Article 9(2)(f) – for the establishment, exercise, or defence of legal claims. Examples of this processing include processing relating to any employment tribunal or other litigation.

3.2 Processing Criminal Offence Data

- a) UK GDPR, Article 10 – as authorised by UK law. This is only applicable to certain roles. Further condition for the lawful use of this data is in the DPA, Schedule 1, Part 1, paragraph 1 – employment, social security and social protection.

4. MEASURES FOR ENSURING COMPLIANCE WITH PRINCIPLES

4.1 Accountability principle

1. In accordance with the accountability principle, the College maintains records of processing activities under Article 30 of the UK GDPR and section 61 of the DPA 2018. The College will carry out data protection impact assessments (where appropriate) in accordance with Articles 35 and 36 of the UK GDPR and section 64 of the DPA 2018 to ensure data protection by design and default.
2. The College follows the data protection principles set out in Article 5 of the UK GDPR, and Part 2 of the DPA 2018 for processing, as follows:
 - a) The appointment of a data protection officer who reports directly to the highest management level.
 - b) Taking a 'data protection by design and default' approach.
 - c) Maintaining documentation of processing activities.
 - d) Adopting and implementing data protection policies.
 - e) Implementing contracts with data processors.
 - f) Implementing appropriate security measures in relation to the personal data.
 - g) Carrying out data protection impact assessments (where required).
 - h) Regular review of accountability measures.

4.2 Compliance with the data protection principles

1. Principle (a): lawfulness, fairness and transparency
 - a) The College provides clear and transparent information about the processing of personal data including the lawful basis for that processing in the College's Records of Processing Activities (ROPA), Privacy Statement and this policy document.
2. Principle (b): purpose limitation
 - a) The College process personal data as necessary to provide services and, if appropriate, following a controller's specific instructions.
 - b) The College shall not process personal data for purposes incompatible with the original purpose it was collected for.
 - c) Where the College is required to share personal data with the third party, The College will complete any necessary due diligence checks, such as

vendor assessments, data protection impact assessment, or complete data sharing agreements.

3. Principle (c): data minimisation
 - a) The College shall collect personal data necessary for the relevant purposes and ensure it is not excessive. The information processed is necessary for and proportionate.
 - b) Where personal data is provided to The College or obtained but is not relevant to our stated purposes, it will be erased.

4. Principle (d): accuracy
 - a) The College shall ensure that where personal data is identified as inaccurate or out of date, having regard to the purpose for which it is being processed, and the College will take every reasonable step to ensure that data is erased or rectified without delay. If the College decides not to either erase or rectify it, for example because the lawful basis means those rights don't apply, the decision will be documented.

5. Principle (e): storage limitation
 - a) All Special Category Data processed by the College for the purpose of employment or substantial public interest is, unless retained longer for archiving purposes, retained for specific periods. These are reviewed regularly and updated when necessary.

6. Principle (f): integrity and confidentiality (security)
 - a) The College ensures that electronic information is processed within secure networks. Hard copy information is processed in line with our security procedures. The systems used to process personal data allow data to be erase or updated as required. Electronic systems and physical storage have appropriate access controls applied, such as two-factor authentication.

Preliminary Equality Impact Assessment

Screening for effects on equality	
Name of policy being assessed.	Appropriate Policy Document
Policy Holder and/or person with authority to make changes to policy:	Naomi Korn Associates/ Vice Principal Finance & Corporate Resources
Position:	DPO
Directorate:	Finance and Corporate Services
New/Revised/Reviewed Policy:	<u>New Policy</u>
What is the aim, objective or purpose of the policy, procedure, strategy or decision?	
<p><i>The Appropriate Policy Document (APD) provides information about the lawful basis and safeguards Bury College (the College) has in place to process Special Category and Criminal Offence Data. This is to satisfy some of the conditions for using such data in Schedule 1, Part 4 of the UK Data Protection Act 2018 (DPA), which require the organisation as the controller to set out and explain the procedures for securing compliance.</i></p> <p><i>The APD also complements the Data Protection Policy.</i></p>	
Who was consulted when the policy was first written?	
<i>GDPR Consultant</i>	
Who does the policy affect?	
<i>Staff, Students, Governors and Clients (all data subjects)</i>	
Who implements the policy, and what steps will be taken to ensure the effective implementation of the policy?	
<i>Leadership Team, Managers, HR, Staff and DPO</i>	
What pre-existing evidence is available to facilitate the screening of the policy?	
<ul style="list-style-type: none"> • <i>Data Protection Policy</i> • <i>Data Protection SAR and other requests log</i> • <i>Data Protection Breach form</i> • <i>Data Protection Breach log</i> • <i>DPIA form</i> • <i>DPIA log</i> 	

Preliminary Equality Impact Assessment

What impact is the policy likely to have on the following characteristics?					
Protected characteristic*	Positive impact	Negative impact	Neutral impact	Unclear	Further comments
Age (or age group)	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	
Disability	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	
Race (including ethnicity and nationality)	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	
Religion or belief	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	
Sex	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	
Sexual orientation	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	
Looked after learners	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	
Social-economic	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	
Carers	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	
Ex-offenders	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	

*Protected Characteristics as identified by the Equality Act 2010.

Preliminary Equality Impact Assessment

If any answers are 'negative' can any adverse impact be justified on the basis of a legal requirement? Yes No

If 'yes', please explain:

Please detail any suggested actions identified to improve positive impact or remove negative impact of this policy.

Issue identified	Suggestion action to address this issue

Should a Full Equality Impact Assessment be carried out?

Yes No

If 'yes', is the priority High or Low

Yes No

Please explain the justification of Full Equality Impact Assessment Decision

How will this policy be approved? *Leadership Team and Resources Committee*

This Preliminary Impact Assessment was checked and signed off by the policy holder:

Name & Signature	<i>Naomi Korn Associates/ Vice Principal Finance & Corporate Resources</i>	
Date	<i>16th October 2024</i>	

Once completed please return (a) a signed hard copy of the form and (b) an electronic version (to be published on the intranet) to