



# Appropriate Policy Document

**for use when relying on specified conditions for the processing of special categories of personal data, and personal data relating to criminal convictions and offences**



## Document information

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Linked documentation	<ol style="list-style-type: none"> <li>1. Data Protection Policy</li> <li>2. Data Sharing Policy</li> <li>3. Data Protection Impact Assessment Policy</li> <li>4. Personal Data Breach Plan</li> <li>5. Access to Information Policy</li> <li>6. ROPA</li> </ol>	
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## Introduction

This is the ‘appropriate policy document’ required when Lewes District Council or Eastbourne Borough Council (‘the councils’) seek to rely on any of the following conditions specified in Schedule 1 to the Data Protection Act 2018 (‘Schedule 1’), for the processing of special category and criminal convictions personal data:

- Paragraph 1 – condition for processing in connection with employment, social security or social protection.
- Except as otherwise provided in Part 2, any substantial public interest condition (i.e. paragraphs 6-28).
- Paragraph 35(1) – condition for processing in connection with a conviction or caution for child indecency offences specified in paragraph 35(2).

The content of this appropriate policy document meets the requirements of paragraph 39 of Schedule 1, in that it –

- (i) explains the councils’ procedures for securing compliance with the principles in Article 5 of the General Data Protection Regulation (‘GDPR’) (principles relating to processing of personal data) in connection with the processing of personal data in reliance on the condition in question; and
- (ii) explains the councils’ policies as regards the retention and erasure of personal data processed in reliance on the condition, giving an indication of how long such personal data is likely to be retained.

In accordance with paragraph 40(1) of Schedule 1, where the councils process personal data in reliance on a condition described in paragraph 38 of Schedule 1, they will during the relevant period<sup>1</sup> –

- (a) retain the appropriate policy document,
- (b) review and (if appropriate) update it from time to time, and
- (c) make it available to the Information Commissioner, on request, without charge

## 1. Procedures for securing compliance

The councils’ procedures for complying with the Article 5 data protection principles are as follows.

### Principle 1

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

The councils will:

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<sup>1</sup> For the meaning of “relevant period”, see paragraph 40(2) of Schedule 1

- 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 data subjects receive full privacy information so that any processing of personal data is transparent (provision of privacy notices).
- Use Data Protection Impact Assessments to ensure proposed processing is carried out fairly.

### **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.*

The councils will:

- Collect personal data only for specified, explicit and legitimate purposes and will inform data subjects what those purposes are (provision of privacy notices).
- Not use personal data for purposes that are incompatible with the purposes for which it was collected. Prior to personal data being used for a new purpose that is compatible, the councils will inform the data subject.

### **Principle 3**

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

- The councils will collect only the minimum personal data needed for the purpose for which it is collected.
- Data collected will be adequate and relevant.
- Use Data Protection Impact Assessments to ensure proposed processing is not excessive.

### **Principle 4**

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

- The councils will ensure that personal data is accurate and kept up to date where necessary. Particular care will be taken where use of the personal data has a significant impact on individuals.
- Data matching exercises carried out where possible.
- Correct personal data when notified of inaccuracies.

### **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.*

- The councils will keep personal data in identifiable form only as long as is necessary for the purposes for which it is collected, unless required otherwise by law.

- Once no longer needed, personal data shall be securely deleted or rendered permanently anonymous.
- Personal data is held and disposed of in line with the councils' Retention and Disposal Schedule.

### **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.*

- The councils will ensure that there are appropriate organisational and technical measures in place to protect personal data.
- The councils are compliant with recommended central government IT security standards.

## **2. Accountability principle**

Under GDPR Article 5(2), the councils are responsible for and must be able to demonstrate compliance with these principles. The councils have, in accordance with GDPR Article 37, appointed a Data Protection Officer to provide independent advice and monitoring of the councils' personal data handling and this person has access to report to the highest management level.

The councils will:

- Ensure that records are kept of all personal data processing activities, and that these are provided to the Information Commissioner on request (ROPA).
- Carry out a Data Protection Impact Assessment for any high risk personal data processing, and consult the Information Commissioner if appropriate.
- Have in place internal processes to ensure that personal data is collected, used or handled only in a way that is compliant with data protection law.

## **3. Councils' policies for retention and erasure of personal data**

The councils 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 (ROPA).
- Where special category or criminal convictions personal data is no longer required for the purpose for which it was collected, it will be securely deleted or rendered permanently anonymous.
- Data subjects receive full privacy information about how their data will be handled, including the period for which the personal data will be stored, or, if that is not possible, the criteria used to determine that period (provision of privacy notices).

#### **4. Further information**

For further information, please contact:

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