



BUCKINGHAMSHIRE
NEW UNIVERSITY

EST. 1891



Appropriate Policy for Processing Sensitive Personal Information



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Purpose

- 1 As part of Buckinghamshire New University's (BNU) public function as a provider of higher education services, we process special category and criminal offence data in accordance with the requirements of Article 9 and 10 of the UK General Data Protection Regulation (GDPR) and Schedule 1 of the Data Protection Act 2018 (DPA 2018).
- 2 This policy will tell you what special category and criminal offence data we process, our lawful bases for processing that data, the purposes for which we process it, and how we ensure compliance with the principles of data protection law provided in the UK GDPR. Some of the information is already held in other documents on the BNU website, and we have linked to the relevant documents when it is necessary to do so.
- 3 This policy satisfies the requirement of the DPA 2018 Schedule 1 Part 4 for a Data Controller (that is the University) to have in place an *appropriate policy document*. This should be read in conjunction with the University's Data Protection Policy.

Applicability and scope

- 4 This Policy covers all processing carried out by BNU which:
 - is subject to UK GDPR Articles 9 and 10
 - relies on conditions set out in the DPA 2018 Schedule 1: *Special categories of personal data and criminal convictions etc. data*, in particular:
 - Part 1 Conditions relating to employment, health and research etc.
 - Part 2 Substantial public interest conditions
 - Part 3 Additional conditions relating to criminal convictions etc.

Description of data processed

- 5 We process the following special category data revealing or concerning:
 - racial or ethnic origin
 - physical or mental health
 - political opinions
 - sex life or sexual orientation
 - religious or philosophical beliefs
 - trade union membership
 - genetic data
 - biometric data (where used for identification purposes)
- 6 We process the following criminal conviction data revealing or concerning:
 - Offences (including alleged offences)
 - Criminal proceedings, outcomes and sentences (regulated qualifications including allegations of fraud and malpractice; recent criminal convictions related to staff)

Conditions for processing special category and criminal offence data

- 7 We process special categories of data under the following UK GDPR Articles:
 - Article 9(2)(b) to carry out obligations under employment, social security or social protection law, or a collective agreement.

- Article 9(2)(c) where processing is necessary to protect the vital interests of a data subject or another individual.
- Article 9(2)(f) for the establishment, exercise or defence of legal claims.
- Article 9(2)(g) for reasons of substantial public interest.
- Article 9(2)(j) for archiving research and statistics.

8 We process criminal offence data in accordance with Article 10 of the UK GDPR.

Schedule 1 condition for processing

9 We process special category and criminal offence data for the following purposes:

- **Employment, social security and social protection** (Schedule 1, Part 1, paragraph 1) in order to exercise our rights as an employer, or for guaranteeing the social protection of individuals.
- **Research** (Schedule 1, Part 1, paragraph 4) research and / or statistical purposes, where it is carried out in accordance with Article 89(1) of the UK GDPR, and is in the public interest.
- **Statutory etc and government purposes** (Schedule 1, Part 2, paragraph 6) to comply with our statutory obligations.
- **Equality of opportunity or treatment** (Schedule 1, Part 2, paragraph 8) in 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.
- **Preventing or detecting unlawful acts** (Schedule 1, Part 2, paragraph 10) of preventing or detecting an unlawful act.
- **Regulatory requirements relating to unlawful acts and dishonesty** (Schedule 1, Part 2, paragraph 12) which involves taking steps to establish whether another person has committed an unlawful act, or been involved in dishonesty, malpractice or other seriously improper conduct.
- **Counselling** (Schedule 1, Part 2, paragraph 17) for the provision of confidential counselling, advice or support or of another similar service provided confidentially.
- **Safeguarding of children and of individuals at risk** (Schedule 1, Part 2, paragraph 18) to protect an individual from neglect or physical, mental or emotional harm, or protecting the physical, mental or emotional well-being of an individual aged under 18, or aged 18 or over and at risk.
- **Legal Claims** (Schedule 1, Part 3, paragraph 33) obtaining legal advice, establishing, exercising or defending legal rights or in connection with any legal proceedings (including prospective legal processing).

Procedures for ensuring compliance with the principles

10 The following sections describe how we comply with the data protection principles provided in Article 5 of the UK GDPR.

Accountability Principle

11 We have put in place appropriate technical and organisational measures to meet the requirements of accountability. These include:

- appointing a Data Protection Officer whose role and responsibilities align with the provisions of Articles 37-39 of the UK GDPR;
- documentation of our processing activities;
- having appropriate data protection policies in place;
- carrying out Data Protection Impact Assessments (DPIA) for uses of personal data that are likely to result in high risk to individuals' interests;
- publishing privacy notices which explain to individual's how and why their data is processed, what their rights are, and how they can get in contact with the University's Data protection Officer and the Information Commissioners Office (ICO); and
- having written contracts in place with organisations with whom we routinely or regularly share data.

Principle (a): lawfulness, fairness and transparency

12 Processing personal data must be lawful, fair and transparent. It is only lawful if and to the extent it is based on law and either the data subject has given their consent for the processing, or the processing meets at least one of the conditions in Schedule 1 of the DPA 2018. This includes:

- providing clear and transparent information about why we process personal data including our lawful basis for processing in our [privacy notices](#), and this policy document;
- as a public authority, needing to process Special Category Data for the substantial public interest conditions outlined in our privacy notices to meet the requirements of legislation such as the Higher Education and Research Act 2017, the Equality Act 2010, the Health and Safety Act 1974, the Counter Terrorism and Security Act 2015, and legislation relating to safeguarding; and
- processing employment data to meet our obligations as an employer.

Principle (b): purpose limitation

13 We only process Special category and criminal offence data where it is necessary to do so for specified purposes and where we have a lawful basis to do so under Articles 6, 9 and 10 UK GDPR and, where required, when we have identified a condition under Schedule 1 of the DPA 2018.

14 If we are sharing data with another controller, we will document that they are authorised by law to process the data for their purpose.

15 If we are sharing data with a processor, we will document their processing and purposes in a contract and data processing schedule.

16 We will not process Special Category data for purposes incompatible with the original purpose it was collected.

Principle (c): data minimisation

17 We only collect the Special category and criminal offence data we actually need for our specified purposes.

18 We periodically review the data we hold, and delete anything we do not need.

Principle (d): accuracy

19 Where we become aware that personal data is inaccurate or out of date, having regard to the purpose for which it is being processed, we will take every reasonable step to ensure that data is

erased or rectified without delay. If we decide not to either erase or rectify it, for example because the lawful basis we rely on to process the data means these rights do not apply, we will document our decision.

Principle (e): storage limitation

20 All special category data processed by us for the purpose of employment or substantial public interest is, unless retained longer for archiving purposes, retained for the periods set out in our [Records Lifecycle Management Scheme](#). We determine the retention period for this data based on our legal obligations and the necessity of its retention for our business needs.

Principle (f): integrity and confidentiality (security)

21 Electronic information is hosted within our secure network, and on the secure servers of third-party cloud storage providers with whom we have contractual agreements. Electronic and hard copy data is managed in line with our information security policies and procedures.

Retention and erasure policies

22 Our retention and erasure practices are set out in our [Records Management Policy](#) and [Records Lifecycle Management Scheme](#).

Policy review date

23 This policy will be reviewed on an annual basis or revised more frequently if necessary.

Additional special category and criminal offence data

24 We process special category personal data in other instances where it is not a requirement to keep an appropriate policy document. Our processing of such data respects the rights and interests of the data subjects. We provide clear and transparent information about why we process personal data including our lawful basis for processing in our published [privacy notices](#).

Key relevant documents

25 This policy should be read and understood in the context of other University Policies including:

- Data Protection Policy
- Records Management Policy
- Records Lifecycle Management Scheme
- Privacy Notices

Appendix: Equality Impact Assessment

1. What is changing and why?				
The Appropriate Policy for Processing Sensitive Personal Information provides details about the legal basis and safeguards that BNU has put in place for sensitive processing, the processing of special categories of personal data and criminal offence data.				
2. What do you know?				
This document satisfies the requirement of the Data Protection Act 2018 Schedule 1 Part 4 for a Data Controller to have in place an 'appropriate policy document'				
3. Assessing the impact				
	Could benefit	May adversely impact	What does this mean? <i>Impacts identified from what you know (actual and potential)</i>	What can you do? <i>Actions (or why no action is possible) to advance equality of opportunity, eliminate discrimination, and foster good relations</i>
a) How could this affect different ethnicities? <i>Including Gypsy, Roma, Traveller, Showmen and Boaters, migrants, refugees and asylum seekers.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This policy provides guidance to minimise the risk to the rights and privacy of individuals	
b) How could this affect cisgender and transgender men and women (including maternity/pregnancy impact), as well as non-binary people?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This policy provides guidance to minimise the risk to the rights and privacy of individuals	
c) How could this affect disabled people or carers? <i>Including neurodiversity, invisible disabilities and mental health conditions.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This policy provides guidance to minimise the risk to the rights and privacy of individuals	
d) How could this affect people from different faith groups?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This policy provides guidance to minimise the risk to the rights and privacy of individuals.	
e) How could this affect people with different sexual orientations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This policy provides guidance to minimise the risk to the rights and privacy of individuals	

f) How could this affect different age groups or generations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This policy provides guidance to minimise the risk to the rights and privacy of individuals	
g) How could this affect those who are married or in a civil partnership?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This policy provides guidance to minimise the risk to the rights and privacy of individuals	
h) How could this affect people from different backgrounds such as: socio-economic disadvantage, homeless, alcohol and/or substance misuse, people experiencing domestic and/or sexual violence, ex-armed forces, looked after children and care leavers.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This policy provides guidance to minimise the risk to the rights and privacy of individuals	
i) How could this affect people with multiple intersectional experiences?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This policy provides guidance to minimise the risk to the rights and privacy of individuals	
4. Overall outcome				
No major change needed <input checked="" type="checkbox"/>	Adjust approach <input type="checkbox"/>	Adverse impact but continue <input type="checkbox"/>	Stop and remove <input type="checkbox"/>	
5. Details of further actions needed				
None required				
6. Arrangements for delivery and future monitoring				
The policy will be reviewed on an annual basis to ensure that it still meets the requirement of the Data Protection Regulations. Any changes to the Act and analysis of the policy in practise will inform future changes. The Information Governance Manager is responsible for reviewing the policy on an annual basis.				
7. Completed by:	Jenny Horwood	Technical Project Manager	Date	04/07/2023
8. Signed off by:	Nicholas Roussel-Milner	Director DTS	Date	11/07/2023



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