Appropriate Policy Document:

How we handle special categories of personal data and criminal offence data

1. Introduction

This Appropriate Policy Document sets out how Plymouth CAST complies with Schedule 1 of the Data Protection Act 2018 and Article 5 of the UK GDPR (principles for processing personal data), when processing special category data and criminal offence data.

It explains what our lawful bases are when handling this data and how we meet the data protection principles.

This should be read alongside our Privacy Notice, Data Protection Policy and Record Retention Schedule which are available to view on our website.

2. Definitions

Personal data

This means any information relating to an identified or identifiable living individual.

Special category data

This is personal data that reveals an individual's:

- Racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade union membership
- Genetic data
- Biometric data for identification
- Health information
- Sex life or sexual orientation

Criminal offence data

This is personal data relating to the alleged commission of offences or proceedings for an offence committed or alleged to have been committed, including sentencing.

3. Lawful basis

When we collect, use, share or store (process) special category data or criminal offence data, we rely on the following lawful bases, where relevant:

Lawful Basis	Examples when relied on
Article 9(2)(a): Explicit consent	This is where the school asks for a person's specific agreement to process this data and where they have a genuine choice, for example: ● Recording dietary needs, allergies or medical details that are not required by law, but help with meals, trips, or clubs. ● Collecting details of religious beliefs or practices for voluntary activities (e.g. prayer groups, faith-based assemblies, or optional admissions criteria in some schools). ● Using biometric data (e.g. fingerprints for catering, library systems, or secure access). ● Running voluntary wellbeing or diversity surveys that may involve special category information. ● Using pupil photographs or videos in a way that reveals special category data, for example, showing religious dress or symbols, capturing participation in religious services, or highlighting a disability or health condition.
Article 9(2)(b): Employment, social security and social protection	This is where the school needs to process this data to carry out its duties or exercise specific rights in relation to employment, social security or social protection law. **Employment** Processing staff data to meet obligations as an employer, for example: ● Recording staff sickness and absence for sick pay or HR management ● Referring staff to occupational health and storing reports ● Recording and acting on staff disability information to make reasonable adjustments under the Equality Act 2010 ● Collecting data on pregnancy or maternity leave to administer statutory rights ● Keeping accident and injury records under health and safety law ● Carrying out criminal and governance suitability checks for staff, governors, trustees and volunteers (DBS and s128 checks). **Social security** Processing data to comply with laws relating to benefits, pay and entitlements, e.g.: ● Handling staff medical information required for statutory sick pay

	● Processing health data linked to statutory maternity/paternity/adoption pay ● Providing information for pension schemes that require health-related data ● Administering deductions or contributions linked to national insurance, pensions or benefits **Social protection** Processing to safeguard children and ensure their welfare, for example: ● Recording pupil health or disability information needed for special educational needs (SEND) support ● Sharing relevant data with the local authority or health services to access support plans or Education Health and Care Plans (EHCPs) ● Recording and sharing sensitive information for safeguarding purposes, where necessary to protect a child at risk of harm ● Managing accident logs and reporting to authorities under child welfare or health and safety duties
Article 9(2)(c): Vital interests	This is where the processing is necessary to protect someone's life, usually in an emergency where the individual cannot give consent, for example: ● Sharing pupil or staff medical information (e.g. asthma, diabetes, epilepsy, allergies) with emergency services in a medical emergency. ● Providing relevant data to medical staff if a child is badly injured on a school trip and urgent treatment is needed. ● Passing on information about a pupil or staff to social services or the police in a life-threatening situation.
Article 9(2)(d): Not-for-profit bodies with a religious aim	This is where our school (a faith school) processes this data as part of its not-for-profit activities; the processing is limited to our members and we do not share the data outside our organisation without consent, for example: ● Recording pupils' faith details for admissions ● Supporting religious practices (dietary rules, prayer, dress) ● Keeping records for chaplaincy or worship ● Confirming staff/governor/trustee faith where required by the school's ethos.
Article 9(2)(f): Establishment, exercise or defence of legal claims	This where it is necessary for dealing with legal cases or potential disputes, for example:

	● Using medical or safeguarding records as evidence in employment tribunals. ● Providing pupil records (eg SEND assessments, behaviour logs) in court hearings or appeals. ● Sharing safeguarding or welfare information in court proceedings. ● Using staff or governor data in defending a personal injury claim (e.g. accident at work). ● Retaining data for use in ongoing or potential litigation against or by the school.
Article 9(2)(g): Substantial public interest	This is where it is necessary for reasons of substantial public interest, for example: **Equality of opportunity or treatment** ● Collecting and analysing data on staff or pupils' ethnicity, disability, or religion to monitor diversity and meet equality duties. **Preventing or detecting unlawful acts** ● Sharing staff, parent, student or visitor information where there is suspicion of criminal activity. **Protecting the public against dishonesty or malpractice** ● Sharing staff, governor or trustee data during investigations into dishonesty, malpractice or other seriously improper conduct. **Regulatory requirements** ● Providing data to Ofsted, the Department for Education, or the local authority during inspections or statutory returns. **Safeguarding children and individuals at risk** ● Recording and sharing data about a child at risk of harm with social services or police. ● Keeping logs of safeguarding concerns or welfare notes about pupils and staff.
Article 9(2)(j): Archiving in the public interest	This is where it is necessary for archiving, research or statistical purposes in the public interest, for example: ● Archiving pupil records in accordance with the Public Records Act 1958 and transferring them to the Local Authority or National Archives when required. ● Keeping historical records for long-term public interest or research. ● Retaining sensitive records for safeguarding reviews or serious case reviews, to contribute to national learning. ● Participating in education research projects (e.g. working with universities or government-approved bodies) that require access to anonymised or pseudonymised special category data.

	● Collecting and analysing equality monitoring data (e.g. race, disability, religion) to contribute to statutory reporting and national statistics on education outcomes.

4. Compliance with the data protection principles

This section explains our school's procedures for securing compliance with Article 5 of the UK GDPR (*principles relating to the processing of personal data*).

Lawfulness, fairness and transparency

When processing special category data, we identify both a lawful basis under Article 6 UK GDPR and an additional condition under Article 9 UK GDPR or Schedule 1 of the Data Protection Act 2018. Criminal offence data is processed only where a lawful basis under Article 6 and a specific condition under Schedule 1 of the Data Protection Act 2018 is met.

Fairness is ensured by processing data only in ways individuals would reasonably expect, and solely for the purposes set out in our privacy notices. Transparency is maintained through our privacy notices and this policy, which explain clearly why we process special category and criminal offence data, the lawful bases relied upon, and the safeguards in place.

Purpose limitation

We process special category and criminal offence data only for specified, explicit and legitimate purposes, such as fulfilling our safeguarding duties, meeting legal and employment obligations, or acting in the substantial public interest.

We explain these purposes clearly in our privacy notices and in this policy. If we collect data for one reason, we will only use it again for another purpose if it is closely linked, necessary, proportionate and lawful. When we share data with another organisation, we check and record that they are legally allowed to use it for their purpose. This ensures that data is handled responsibly and that our processing remains lawful, fair, and in accordance with individuals' reasonable expectations.

Data minimisation

We ensure that the personal data we collect and process is limited to what is required for the purposes outlined in our privacy notices and is proportionate to those purposes. We do not collect or retain information that is unnecessary or excessive.

Accuracy

We take all reasonable steps to ensure that the personal data we process is accurate and kept up to date in relation to the purposes for which it is used. Where we become aware that data is inaccurate or out of date, we will correct or erase it without undue delay. If we determine that erasure or rectification is not appropriate, for example, because the lawful basis for processing means these rights do not apply, we will record and justify our decision.

Storage limitation

Special category data and criminal offence data are retained only for the periods set out in our Record Retention Schedule which is available to view on our website, unless a longer period is required for archiving in the public interest. Retention periods are defined by applicable

legislation, regulatory standards, and the operational needs of the school. The Record Retention Schedule is reviewed regularly and updated as needed.

Integrity and confidentiality (security)

We apply a wide range of technical and organisational measures to safeguard special category and criminal offence data. These include strict access controls, encrypted servers for digital records, secure facilities for paper files, and robust site and visitor security procedures.

All staff, volunteers and governors are subject to criminal and governance suitability checks (as required), confidentiality obligations, and regular training, underpinned by clear policies on data protection and security. For external transfers, we use encrypted email and secure file-sharing.

We also carry out due diligence on service providers, conduct Data Protection Impact Assessments where required, and maintain strong resilience measures, including regular backups, security updates, and up-to-date virus and malware protection.

Accountability

We have appropriate technical and organisational measures in place to meet our accountability obligations. These include:

- The appointment of a data protection officer who reports directly to our highest management level.
- Taking a 'data protection by design and default' approach to our activities.
- Maintaining documentation of our processing activities.
- Adopting and implementing data protection policies and ensuring we have written contracts in place with our data processors.
- Implementing appropriate security measures in relation to the personal data we process.
- Carrying out data protection impact assessments for our high risk processing.
- Regularly reviewing our accountability measures and update or amend them when required.

Review

This document will be reviewed annually.