

Appropriate Policy Document

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Purpose	As part of its data protection compliance obligations, the Trust must identify the lawful bases it is relying on to process personal data		
This policy links to:	GDPR		

If you would like this information in another language or format, please speak to the Compliance Officer.

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1.0 Introduction

- 1.1 This document is the Trust's "Appropriate Policy Document" or **APD**. The Trust must have an APD in place before carrying out certain types of processing of personal data. This document applies to The Trust and its associated academies.
- 1.2 As part of its data protection compliance obligations, the Trust must identify the lawful bases it is relying on to process personal data (such as legal obligation, public task or consent). Where the Trust processes special category personal data¹, it must identify a condition for that processing as well. The Trust has already identified its lawful bases for processing personal data and its conditions for processing special category personal data. As a further step, the Trust must, in certain cases, have in place an APD when processing special category personal data or personal data concerning criminal convictions and offences². This document is the Trust's APD.
- 1.3 This document is split into three parts:
 - 1.3.1 Part 0 explains when an APD is required.
 - 1.3.2 Part 2 contains the APD itself: and
 - 1.3.3 Part 3 explains the Trust's further obligations regarding the APD requirement.

2.0 When is an "Appropriate Policy Document" required?

- 2.1 An APD is required for processing that meets the following two conditions:

Condition 1: the processing is of special category personal data or personal data concerning criminal convictions and offences.

Condition 2: the processing condition under the Data Protection Act 2018 (**DPA**) chosen by the Trust is one that requires an APD. Schedule 1 to the DPA states which conditions require an APD.

- 2.2 Where an APD is required the applicable processing of personal data must be documented in the APD contained in section 2 below.
- 2.3 The following examples help illustrate when an APD is needed:
 - 2.3.1 The Trust employs a registered nurse. Processing health and medical information in this context will not require an APD. This is because the relevant condition for processing this data is in paragraph 2 of Schedule 1 of the Data Protection Act (processing for health or social care purposes) and paragraph 2 does not require an APD.
 - 2.3.2 The Trust collects personal data concerning staff for equal opportunity monitoring purposes. This includes personal data concerning racial and ethnic origin, religious beliefs, and sexual orientation (all of which are special category personal data). The Trust is relying on paragraph 8 of Schedule 1 of the DPA, which concerns processing personal data for equality of opportunity or treatment purposes. Paragraph 8 requires an APD. Therefore, as both conditions have been met, an APD is required.

¹ Special category personal data is personal data that reveals racial or ethnic origin, political opinions, trade union membership, religious or philosophical beliefs, health information or information concerning an individual's sex life or sexual orientation. It also includes genetic data or biometric data processed for the purpose of uniquely identifying an individual.

² Personal data concerning criminal convictions and offences includes personal data concerning the alleged commission of offences or proceedings for an offence committed or alleged to have been committed by the data subject or the disposal of such proceedings, including sentencing. The Information Commissioner's Office also considers that information showing an absence of criminal convictions is criminal offence data.

- 2.4 Each record must be kept until six months after the Trust has ceased to carry out the processing which relates to that record. The Trust must review each record and, if appropriate, update it, from time to time.

3.0 The Trust's Appropriate Policy Document

3.1 Description of data processed and examples of why we use this information

- **Racial or ethnic origin** - we process information about individuals' racial or ethnic origin to help to ensure that we are complying with equal opportunities monitoring requirements.
- **Religious or philosophical beliefs** - we process information about religious or philosophical beliefs to help us accommodate the needs of our community, for example, to assist with catering where individuals do not eat certain foods.
- **Trade union membership** - we will process information about trade union membership to enable us to meet our obligations towards individuals in respect of their membership.
- **Biometric data** - we will process biometric data where technology is utilised for the purposes of uniquely identifying an individual, for example, for recording lunches taken or to gain access to particular buildings.
- **Health data and genetic data** - we process health data (and in limited circumstances genetic data) so that we can look after all members of our community. For example, we will hold information about pupil allergies so that we can look after them or information about a disability so that we can make reasonable adjustments.
- **Sex life or sexual orientation** - we hold information about individuals' sex life or sexual orientation where necessary to assist us in meeting our equal opportunities monitoring.
- **Criminal offence data** - we process information relating to criminal convictions and offences to enable us to carry out the appropriate background checks and due diligence required to operate lawfully as a Trust. This includes where the check reveals an absence of criminal convictions. We may also process this information where necessary to safeguard members of the community such as our pupils, parents and staff.

- 3.2 Further detail can be found in the Trust's privacy notices, in the Trust's Article 30 Record and in the table below.

4.0 Article 9 UK GDPR conditions

Purpose for processing special category and criminal offence data	Categories of special category and criminal offence data	Article 9 Condition(s)	Data Protection Act Schedule 1 Condition(s) (if required)
To look after the health and wellbeing (including mental health) of pupils, parents, staff and visitors (e.g. making reasonable adjustments for pupils with disabilities, recording information about health issues, providing mental health support, for emergency medical treatment).	Health data Genetic data Religious or philosophical beliefs Sex life or sexual orientation Criminal offence data	Article 9(2)(c) - vital interests Article 9(2)(g) - substantial public interest Article 9(2)(h) - health or social care Article 9(2)(i) - public health	N/A Paragraph 6 (statutory and government purposes) Paragraph 17 (counselling) Paragraph 18 (safeguarding) Paragraph 2 (health or social care purposes) Paragraph 3 (public health)
To comply with the Trust's safeguarding and child protection obligations (e.g. sharing information with the local authority).	Health data Religious or philosophical beliefs Sex life or sexual orientation Criminal offence data	Article 9(2)(g) - substantial public interest	Paragraph 18 (safeguarding)
To provide educational services (e.g. special educational needs provision, teaching purposes).	Health data Religious or philosophical beliefs	Article 9(2)(g) - substantial public interest	Paragraph 6 (statutory and government purposes)

For the purposes of carrying out the obligations and exercising specific rights of the Trust and staff in the field of employment, social security or social protection.	Health data Criminal offence data Sex life or sexual orientation Racial or ethnic origin Trade union membership	Article 9(2)(b) - employment, social security and social protection	Paragraph 1 - (social security, social protection or employment law)
For the prevention or detection of an unlawful act (e.g. sharing information with the police).	Criminal offence data Health data Genetic data Sex life or sexual orientation Racial or ethnic origin Religious or philosophical beliefs Trade union membership	Article 9(2)(g) - substantial public interest	Paragraph 10 (preventing or detecting unlawful acts)
To protect members of the public against: a) dishonesty, malpractice or other seriously improper conduct b) unfitness or incompetence c) mismanagement in the administration of a body or association d) failures in services provided by a body or association e.g. sharing information with the Teaching Regulation Agency and Disclosure and Barring Service.	Criminal offence data Health data Genetic data Sex life or sexual orientation Racial or ethnic origin Religious or philosophical beliefs Trade union membership	Article 9(2)(g) - substantial public interest	Paragraph 11 (protecting the public)
For the purposes of complying with, or assisting other persons to comply with, a	Criminal offence data Health data	Article 9(2)(g) - substantial public interest	Paragraph 12 (regulatory requirements)

regulatory requirement which involves a person taking steps to establish whether another person has— (i) committed an unlawful act, or (ii) been involved in dishonesty, malpractice or other seriously improper conduct e.g. sharing information with the Teaching Regulation Agency and Disclosure and Barring Service.	Genetic data Sex life or sexual orientation Racial or ethnic origin Religious or philosophical beliefs Trade union membership		
To comply with the Trust's legal and regulatory obligations (e.g. dealing with parental complaints, in relation to Ofsted inspections, health and safety, responding to subject access requests)	Health data Genetic data Sex life or sexual orientation Criminal offence data Racial or ethnic origin Political opinions Trade union membership Religious or philosophical beliefs	Article 9(2)(g) - substantial public interest	Paragraph 6 (statutory and government purposes)
For the establishment, exercise or defence of legal claims (e.g. instructing lawyers for debt recovery and defending employment claims).	Health data Genetic data Sex life or sexual orientation Criminal offence data Racial or ethnic origin Trade union membership Religious or philosophical beliefs	Article 9(2)(f) - establishment, exercise or defence of legal claims	N/A
For insurance purposes (e.g. notifying insurance company of a possible claim)	Health data Genetic data Racial or ethnic origin Religious or philosophical beliefs	Article 9(2)(g) - substantial public interest	Paragraph 20 (insurance)

Equal opportunity monitoring in relation to pupils, parents and staff.	Racial or ethnic origin Sexual orientation Religious or philosophical beliefs.	Article 9(2)(g) - substantial public interest	Paragraph 8 (equality of opportunity or treatment).
Archiving purposes in the public interest.	Health data Genetic data Sex life or sexual orientation Criminal offence data Racial or ethnic origin Trade union membership Religious or philosophical beliefs	Article 9(2)(j) - archiving, research and statistics	Paragraph 4 (Research etc).
Using pupil and staff biometric information for entry to school buildings / school lunches / library books / device access].]	Biometric information	Article 9(2)(a) - explicit consent	N/A
Staff biometric information for entry to school buildings / school lunches.	Biometric information	Article 9(2)(a) - explicit consent	N/A

5.0 Data Protection Act 2018 conditions for processing

5.1 Reliance on the following requires an APD:

Schedule 1, Part 1, Paragraph 1 - obligation imposed on the Trust under social security, social protection or employment law

Schedule 1, Part 2, Paragraph 6 - necessary for a function conferred by an enactment or rule of law

Schedule 1, Part 2, Paragraph 8 - equality of opportunity or treatment

Schedule 1, Part 2, Paragraph 10 - preventing or detecting unlawful acts (an APD is not required to disclose data to the relevant authorities or to prepare to disclose it)

Schedule 1, Part 2, Paragraph 11 - protecting the public against dishonesty

Schedule 1, Part 2, Paragraph 12 - where the information is necessary to comply with a regulatory requirement to establish whether there has been an unlawful act, improper conduct etc.

Schedule 1, Part 2, Paragraph 17 - necessary for provision of counselling

Schedule 1, Part 2, Paragraph 18 - safeguarding of children and individuals at risk

Schedule 1, Part 2, Paragraph 20 - the purposes of insurance

5.2 The data protection principles and how the Trust complies

How the Trust complies with Principle 1 (Fairness, transparency and lawfulness e.g. identify lawful basis)	How the Trust complies with Principle 2 (Collected for specified, explicit and legitimate purposes and not further processed in a way that is incompatible with those purposes)	How the Trust complies with Principle 3 (Adequate, relevant and limited to what is necessary)	How the Trust complies with Principle 4 (Accurate and, where necessary, kept up to date)	How the Trust complies with Principle 5 (Kept in accordance with retention periods)	How the Trust complies with Principle 6 (Kept secure)	How the Trust complies with the Accountability Principle	Explanation of the Trust's policies as regards the retention and erasure of personal data giving an indication of how long such personal data is likely to be retained
The Trust's privacy notices provide data subjects with information about how their personal data (including	The Trust has identified a purpose for processing and a Schedule 1 condition (please see section above).	Our data collection forms have been drafted to collect the right amount of personal data.	Individuals are asked to confirm that the personal data the Trust holds about them is accurate as follows:	Data is only kept in accordance with the Trust's Information and Records Retention Policy. Please see the final	Staff training Through the provision of detailed guidance to staff such as the	The Trust maintains appropriate documentation of its processing activities. This	The Trust has an Information and Records Retention Policy, which explains for how

special category data) is used. This includes information about the lawful bases that the Trust relies on. We provide our staff, pupils and parents with a link to where they can find the privacy notices. We also make our privacy notices available on our websites. An overview of the Trust's approach to compliance with data protection law can be found in our "Overarching Data Protection Policy - Our Approach"	The personal data is segregated within our systems to help limit how it is used. Our data collection forms are specific regarding why we need information. Staff are trained on compliance with this principle.	The systems are configured with different levels of access permission to ensure data can only be accessed on a "need to know" basis.	- Pupils and parents: Annual Data collection forms - Staff: Change of details submitted via HR or CINTRA. Staff are trained to update the Trust's central records (e.g., if a parent tells them that their address has changed).	column in the Trust's Article 30 Record.	Information Security Policy Role specific training Secure IT system, individually password protected accounts. Sensitive types of personal data, stored digitally on systems; CPOMS, SIMS, SMARTLOG, CINTRA.	includes the Trust's Article 30 Record (Recording of Processing Activities) The Trust has appropriate data protection policies The Trust carries out DPIAs where appropriate The Trust has: robust controls informed by the requirements of the UK GDPR. appropriate reporting structures; and assessment and evaluation procedures. The Trust has instilled a good level of understanding and awareness	long personal data is kept. The Trust also has a policy on the secure destruction of personal data.
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						of data protection amongst its staff. implemented comprehensive but proportionate policies and procedures for handling personal data; and kept records of what it is doing and why.	
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6.0 Article 30 Record

- 6.1 Under the UK GDPR, the Trust must (subject to a number of minor exemptions which do not apply here) keep a record containing the following information: the name and contact details of the controller (i.e. the Trust) and any joint controller; the purposes of processing personal data; a description of the categories of data subject and categories of personal data; the categories of recipients; information concerning international transfers (and in some cases the safeguards in place); information concerning retention periods; a general description of the technical and organisational security measures in place. This record is known as the Article 30 Record.
- 6.2 Where an APD is required, the DPA 2018 will also require additional information to be included in the Article 30 Record as follows:
- 6.2.1 A reference to which DPA 2018 condition is relied on.
 - 6.2.2 Which lawful basis the Trust is relying on, e.g., is the Trust relying on public task, contract, or necessary for compliance with legal obligation as the basis for the processing; and
 - 6.2.3 Whether the personal data is retained or erased in accordance with the APD.

6.3 This information is contained in the final three columns of] the Trust's Article 30 Record using the following format:

Which Article 6 lawful basis is relied on (e.g. public interest task / legal obligation)?	Which Data Protection Act 2018 condition is relied on?	Whether the personal data is retained and erased in accordance with the Appropriate Policy Document and if not the reasons why?
Processing is necessary for the performance of a contract (Article 6(1)(b)).	Schedule 1, paragraph 1 - employment, social security and social protection.	✓
Processing is necessary for compliance with a legal obligation to which the Trust is subject (Article 6 (1)(c)).	Schedule 1, paragraph 6 - necessary for a function conferred by an enactment or rule of law.	✓
Processing is necessary in order to protect the vital interests of the data subject or of another natural person (Article 6(1)(d)).	Schedule 1 paragraph 8 - Equality of opportunity or treatment.	✓
Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller (Article 6 (1)(e)).	Schedule 1 paragraph 10 - preventing or detecting unlawful acts	✓
Processing is necessary for the purposes of legitimate interests pursued by the controller or by a third party (Article 6 (1)(f)).	Schedule 1 paragraph 12 - where the information is necessary to comply with a regulatory requirement to establish whether there has been an unlawful act, improper conduct etc	✓
	Schedule 1 paragraph 17 - necessary for provision of counselling	✓
	Schedule 1 paragraph 18 - safeguarding of children and individuals at risk.	✓