

# Data Protection Appropriate Policy Document (APD)

<b>Date ratified</b>	May 2025
<b>Committee Responsible for Policy</b>	Business Committee and FGB
<b>Date to be updated</b>	May 2026
<b>Headteacher Signature</b>	<i>S. Richards</i>
<b>Chair of Governors/ Committee Signature</b>	<i>N Grande</i>

## Holy Trinity has adopted the Merton model APD November 2022

### 1 Introduction

- 1.1 Schedule 1, Part 4 of the Data Protection Act 2018 (DPA 2018) outlines the requirement for an Appropriate Policy Document (APD) to be in place when processing special category data and criminal offence data under certain specified conditions. This is the 'Appropriate Policy Document' for Holy Trinity C of E Primary School
- 1.2 The purpose of this statutory policy is to explain the basis on which we process special category and criminal convictions data and to demonstrate that our processing is compliant with principles set out in data protection legislation.

### 2 Special category data

- 2.1 Special category data is defined as personal data revealing:
  - Racial or ethnic origin
  - Political opinions
  - Religious or philosophical beliefs
  - Trade union membership
  - Genetic data
  - Biometric data (where used for identification purposes)
  - Data concerning health, or
  - Data concerning a natural person's sex life or sexual orientation.

### 3 Criminal convictions and offences data

- 3.1 Article 10 GDPR covers processing in relation to criminal convictions and offences. In addition, section 11(2) of the DPA 2018 specifically confirms that this includes "*personal data relating to the alleged commission of offences or proceedings for an offence committed or alleged to have been committed, including sentencing*". This is collectively referred to as 'criminal offence data'.

### 4 Conditions for processing special category and criminal offence data

- 4.1 Within the UK GDPR, all processing of special category data must meet an Article 9(2) condition in order for that processing to be lawful. The Article 9(2) conditions for processing special category data are:
  - Article 9(2)(a) Explicit consent
  - Article 9(2)(b) Employment, social security and social protection
  - Article 9(2)(c) Vital interests
  - Article 9(2)(d) Not-for-profit bodies
  - Article 9(2)(e) Made public by the data subject

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- Article 9(2)(f) Legal claims or judicial acts
- Article 9(2)(g) Reasons of substantial public interest (with a basis in law)
- Article 9(2)(h) Health or social care (with a basis in law)
- Article 9(2)(i) Public health (with a basis in law)
- Article 9(2)(j) Archiving, research and statistics (with a basis in law)

4.2 If processing is reliant on conditions (b), (h), (i) or (j), an associated condition in UK law, set out in Part 1 of Schedule 1 of the DPA 2018 must be met.

4.3 If processing is reliant on Article 9(2)(g) Reasons of substantial public interest, an associated condition in UK law, set out in Part 2 of Schedule 1 of the DPA 2018 must be met.

4.4 The school processes special category data under the following Article 9 and Schedule 1 conditions:

Article 9 condition	Examples of Processing	Schedule 1 Condition (where required)
Article 9(2)(a) data subject has given explicit consent	E.g. processing pupil and staff dietary requirements or consent for pupil pastoral support.	Not required
Article 9(2)(b) necessary in the field of employment law.	E.g. processing staff sickness absences, recording details of trade union membership, processing criminal offence data for the purposes of preemployment checks and declarations by an employee in line with contractual obligations.	<b>Part 1, Schedule 1 condition:</b> Para 1: Employment, social security and social protection
Article 9(2)(c) necessary to protect the vital interests of the data subject	E.g. using health information about a member of staff or a student in a medical emergency.	Not required
Article 9(2)(f) necessary for the establishment, exercise or defence of legal claims.	E.g. processing relating to any employment tribunal or other litigation.	Not required

Article 9(2)(g) necessary for reasons of substantial public interest.	E.g. processing student health information in order to ensure they receive appropriate educational support.  Identifying individuals at risk by recording and reporting concerns from pupils and staff  Obtaining further support for children and individuals at risk by sharing information with relevant agencies.	<b>Part 2, Schedule 1 conditions:</b>  Para 6(1) and (2)(a): Statutory etc. and government purposes  Para 8(1) and (2): Equality of opportunity or treatment  Para 10(1): Preventing or detecting unlawful acts  Para 16(1): Support for individuals with a particular disability or medical condition  Para 18(1): Safeguarding of children and of individuals at risk
Article 9(2)(h)	E.g. the provision of occupational health services to our employees.	<b>Part 1, Schedule 1 condition:</b>
<b>Article 9 condition</b>	<b>Examples of Processing</b>	<b>Schedule 1 Condition (where required)</b>
necessary to assess the working capacity of the employee.		Para 1: Employment, social security and social protection
Article 9(2)(j) for archiving purposes in the public interest.	E.g. maintaining a school archive of photos and significant school events for historical purposes.	<b>Part 1, Schedule 1 condition:</b>  Paragraph 4 Research etc

## 5 How we are compliant with the data protection principles

5.1 Principle (a): **Personal data shall be processed lawfully, fairly and in a transparent manner** in relation to the data subject. The school will ensure that:

- for each occasion where we process personal data, we have established the lawful basis of the processing under the UK GDPR
- where our processing is based on explicit consent, we have taken steps to ensure clear, freely given consent has been given and is recorded. We have made it clear to all parties how consent can easily be withdrawn at any time
- we provide clear and transparent information about why we process personal data through our privacy notices and associated policies
- a Data Protection Policy is established for the protection of personal data held within Holy Trinity C of E Primary School. This has been approved by governors and communicated to all employees and other relevant people.

5.2 Principle (b): **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 school will ensure that:

- we only collect personal data for specified, explicit and legitimate purposes, and, having regard for the purpose of the processing, we will inform data subjects what those purposes are in a privacy notice
  - we do not use personal data for purposes that are incompatible with the purposes for which it was collected. If we do use personal data for a new purpose that is compatible, and having regard for the purpose of the processing, we will inform the data subject first.
- 5.3 Principle (c): **Personal data shall be adequate, relevant and limited to what is necessary** in relation to the purposes for which they are processed ('data minimisation'). The School will ensure that:
- we collect personal data necessary for the relevant purposes and ensure it is not excessive
  - the information we process is necessary for and proportionate to our purposes
  - where personal data is provided to us or obtained by us, but is not relevant to our stated purposes, we will erase it.
- 5.4 Principle (d): **Personal data shall be accurate and, where necessary, kept up to date**; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy'). The school will ensure that:
- 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 don't apply, we will document our decision.
- 5.5 Principle (e): **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; ('storage limitation'). The school will ensure that:
- all special category data processed by us is retained for the periods set out in our Retention Schedule
  - we determine the retention period for this data based on our legal obligations and the necessity of its retention for our business needs. Our retention schedule is reviewed regularly and updated when necessary.
- 5.6 Principle (f): **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 ('integrity and confidentiality')." The school will ensure that:
- data protection by design is at the heart of developing and maintaining our core systems and procedural developments
  - all employees have completed mandatory training and receive annual refresher training in meeting their responsibilities under data protection legislation
  - all of our employees are subject to confidentiality obligations with respect to personal data
  - where we use data processors to process any personal data on our behalf, we have established data processing agreements
  - routine data transfers that are necessary for our core school business processes are secure and use industry standard encryption methods. We regularly review our processes for data transfer in line with new technological developments.
  - we have a robust IT infrastructure which has been implemented using the secure by design principle and we hold the Cyber Essentials Plus certification to guard against the most common cyber threats and demonstrate our commitment to cyber security

- hard copy information is processed in line with our security procedures
- our electronic systems and physical storage have appropriate access controls applied.

## 6 Review

- 6.1 The school will be responsible for ensuring that this policy is maintained and reviewed at regular intervals.
- 6.2 Date of next review: May 2024

## 7 Other Documentation

This policy should be read in conjunction with:

- Data Protection Policy
- Records Management Policy / Records Retention and Disposal Schedule
- Data Breach Guidance
- Privacy Notices