

Members: Appropriate Policy Document

Processing special category data & criminal offence data based on substantial public interest conditions

Version	Status	Date	Next Review Date
V1.1	Published	May 2021	May 2023

This is the “appropriate policy document” for elected Members of Hampshire County Council. It sets out how I will protect your special category and criminal convictions personal data, when as an elected Member, I am using your data in my constituency role to represent residents in my Ward.

It meets the requirement at paragraph 1 of Schedule 1 to the Data Protection Act 2018 that an appropriate policy document be in place where the processing of special category personal data is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on the controller or the data subject in connection with employment, social security or social protection.

It also meets the requirement at paragraph 5 of Schedule 1 to the Data Protection Act 2018 that an appropriate policy document be in place where the processing of special category personal data is necessary for reasons of substantial public interest. The specific conditions under which data may be processed for reasons of substantial public interest are set out at paragraphs 6 to 28 of Schedule 1 to the Data Protection Act 2018. Depending on the circumstances, there are a number of specific conditions which I might need to rely on.

The specific conditions I am most likely to rely on are paragraph 6 whereby processing is permitted if it is necessary for the exercise of a function conferred on me, or on another person such as the County Council, by an enactment or a rule of law, and where it’s also necessary for substantial public interest reasons, and paragraphs 23 and 24 which cover processing by me which is necessary to respond to requests by individuals, and disclosures to me which are necessary for me to respond to requests.

Definitions

Special category data is information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership, and genetic data, biometric data for the purpose of uniquely identifying a natural person, data

concerning health or data concerning a natural person's sex life or sexual orientation.

Criminal conviction data is information relating to criminal convictions and offences or related security measures and 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'.

Compliance with the data protection principles

My procedures for ensuring compliance with the principles are detailed below.

Accountability principle

I shall be responsible for and be able to demonstrate compliance with these principles. I will:

- ensure that I complete and keep up to date, a list of what personal information I use, for what purpose and who I share it with, and provide this to the Information Commissioner on request.
- ensure that I keep my privacy notice up-to-date and accurate.
- take advice from Council officers if I think that my using data in a particular way could create a high risk for individuals.
- make sure I take account of how individuals' privacy could be affected by my use of their data, particularly in my communications on social media.

Principle (a): lawfulness, fairness and transparency

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. I will:

- ensure that personal data is only processed where a lawful basis applies, and where processing is otherwise lawful. When I am processing data which is not special category data, If I am acting in the public interest or in the exercise of my official role as a Member, I will have a proper legal basis under Article 6 of the GDPR. When I am processing data which is special category data, I will make sure that I do this on one or other of the legal bases in Schedule 1 mentioned above.
- only process personal data fairly, and will ensure that data subjects are not misled about the purposes of any processing. I will make sure I take account of how people's privacy might be affected by my use of their data. When I need to share data about someone's health, I will take particular care not to share any more than the minimum necessary to deal effectively with the specific issue I am seeking to resolve.
- ensure that full privacy information is available so that any processing of personal data is transparent, by making sure my privacy notice is accurate and up to date.

Principle (b): purpose limitation

Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes. I will:

- only collect personal data for specified, explicit and legitimate purposes, and I will tell data subjects what those purposes are in my privacy notice.
- not use personal data for purposes that are incompatible with the purposes for which it was collected. If I do need to use personal data for a new purpose that is compatible, I will tell the data subject first.

Principle (c): data minimisation

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

I will only collect the minimum personal data that I need for the purpose for which it is collected, and I will make sure I only collect data which is adequate and relevant.

Principle (d): accuracy

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

I will ensure that personal data is accurate, and kept up to date where necessary, by referring back to people when I need to. I will be particularly careful about this when I know that my using data which is out of date could have a significant impact on the people concerned.

Principle (e): storage limitation

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.

If I need to keep personal data, I will also need to keep it in an identifiable form, so that I can make sure I deal with matters on behalf of constituents and others quickly and effectively.

Generally, for constituency matters I will review whether I still need to keep your special category data after I have held it for 12 months, and none of your data will be kept longer than my term of office, unless it is necessary for me to pass this on to my successor or to one of the other Ward Members.

I will make sure that all your data is securely destroyed, and I will take advice from Council officers about how best to do this.

Principle (f): integrity and confidentiality (security)

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. Generally, even when I am the data controller, I will still process data on the Council's devices, and these are up to the proper standard.

6. Policies

I will ensure, where special category or criminal convictions personal data is processed, that:

- my list of processing activities includes this.
- where I no longer need special category or criminal convictions personal data for the purpose for which it was collected, I will delete it securely and take advice from Council officers about how best to do this.
- data subjects receive full privacy information about how their data will be handled, including the period for which their personal data will be stored, in my privacy notice.

7. APD review date

This policy will be retained for the duration of our processing and for a minimum of 6 months after processing ceases.

This policy will be reviewed every two years or revised more frequently if necessary.

8. Contact details

You can find my contact details [here](#).