



Policy: Appropriate policy document

Ref: P45

1. Introduction

This is the 'Appropriate policy document' that sets out how Z2K will protect special category and criminal convictions personal data.

As part of Z2K's function as a charity, we process Special Category data in accordance with Article 9 of the General Data Protection Regulation (GDPR) and Schedule 1 of the Data Protection Act (2018) (DPA).

Schedule 1 Part 4 of the DPA requires us to have in place this document, called an 'Appropriate Policy', when we rely on certain conditions for processing Special Category and Criminal Offence data. This policy will tell you what Special Category and Criminal Offence data we process, our lawful basis (schedule 1 condition in the DPA) for processing it, the purposes for which we process it, and how we ensure compliance with the principles of data protection law provided in Article 5 of the GDPR.

2. Description of the data processed

We process the following types of Special Category data:

- Health
- Ethnic/racial background
- Religious belief

We do not process biometric or genetic data.

3. Relevant processing conditions from Schedule 1 of the Data Protection Act 2018 requiring a policy document

3.1 Schedule 1 Part 1 para 1 (employment and social protection), where Z2K needs to process special category data for the purposes of performing its obligations or rights as an employer, or for guaranteeing the social protection of individuals.

3.2 Schedule 1 Part 2 para 8 (equality of opportunity), where Z2K needs to process special category data for the purposes of monitoring 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.

3.3 Schedule 1 Part 2 para 17 (counselling), where Z2K needs to process special category data in order to provide confidential advice or support or of another similar service provided confidentially.

4. How we comply with data protection principles in Article 5 of the GDPR

Article 5(2) of the GDPR requires Data Controllers to demonstrate how they comply with the data protection principles provided in Article 5(1). This section illustrates the measures Z2K has taken to demonstrate accountability for the personal data we process, and contains details about how we ensure compliance with the principles of the GDPR.

4.1 Accountability

We demonstrate our compliance with the data protection principles provided in Article 5 of the GDPR through the following measures and documents:

We have appointed a Data Protection Officer, Tanya Sutton, whose role and responsibilities align with the provisions of Articles 37-39 of the GDPR.

Our Privacy Policy explains to individuals how and why their data is processed by Z2K, what their rights are, and how they can get in touch with our DPO and the regulator.

When we routinely and/or regularly share data with third parties, we enter into written agreements with Data Processors which meet the provisions of Articles 26 and 28 of the General Data Protection Regulation respectively.

We carry out data protection impact assessments (DPIA) for uses of personal data that are likely to result in a risk to individuals' data protection rights and freedoms.

We implement appropriate security measures which are proportionate to the risk associated with the processing.

4.2 Lawful, fair and transparent processing

We provide clear and transparent information to individuals about why we process their personal data, including our lawful basis in our Privacy Policy. This includes information about why we process Special Category data.

As a charity we process Special Category Data for the purposes of carrying out services to our service users. Under Article 6 of the GDPR, our lawful bases for processing this data are consent and legitimate interest. Under Article 9 of the GDPR we fulfil appropriate conditions for processing this data: explicit consent, not-for-profit bodies, legal claims.

We process employment data to meet our legal obligations as an employer.

4.3 Purpose limitation

We process Special Category Data where it is necessary to meet the following purposes:

- Providing a service to individuals seeking Z2K support, services and advice
- Providing individuals with appropriate support in an advice session
- To allow us to fully investigate a complaint or grievance
- To understand dietary requirements based on health or belief
- Recording sickness absence
- Complying with health and safety obligations
- Where processing is necessary to respond to an emergency situation
- Responding to binding requests or search warrants from courts, the government, regulatory or enforcement bodies
- To fully process job applications

We will only process Special Category Data for the listed purposes, and in accordance with a condition in Article 9 of the GDPR and Schedule 1 Parts 1-3 of the DPA.

We will not process any personal data for purposes which would be incompatible with the purpose for which the data was originally collected.

4.4 Data minimisation

We design our data collection forms and other data collection tools to ensure that we only collect the Special Category Data necessary to achieve the purpose. Our purposes are set out in our Privacy Policy.

We are satisfied that we collect and retain Special Category Data for long enough to fulfil our purposes. We collect enough, but no more than we need, in accordance with the data minimisation principle, and we only hold Special Category Data for the period set out in our retention policies.

Our Retention and File Destruction Policies set out the correct disposal action once records containing special category data are no longer required.

4.5 Accuracy

When we identify data which is inaccurate or out of date, having due regard for the purpose for which the data was processed, we will take necessary steps to rectify, replace or erase it as soon as possible and within one month. If there is a specific reason we cannot rectify or erase the data, for instance because the lawful basis does not permit it, we will record the decision.

We have a process and contact details in place for individuals to rectify inaccurate data.

4.6 Storage limitation

Special Category data processed by us for the purpose of employment or substantial public interest, will be retained for the periods set out in our Retention Policy.

4.7 Security

Electronic data is hosted on a 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 according to our internal records management policies and procedures.

5. Retention and erasure policies

Our retention period and disposal actions for records containing Special Category Data can be found in our Retention and File Destruction policies.

6. Appropriate Policy review date

This policy will be retained for the duration of the processing, and for a minimum of 6 months thereafter.

The policy will be reviewed annually, or revised more frequently if necessary.

Monitoring & Review

Date created: August 2020

Date reviewed: September 2020

Date of next review: November 2021

Responsible for Review: Office Manager & CEO