

## **Special Category and criminal conviction personal data Tendring District Council**

This is the “appropriate policy document” for Tendring District Council that sets out how Special Category and criminal conviction personal data will be protected.

It meets the requirement at paragraph 1, Schedule 1 of 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 of 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 of the [Data Protection Act 2018](#).

### **Procedures for securing compliance**

Article 5 of the General Data Protection Regulation also sets out the data protection principles. These are the Council’s procedures for ensuring that it complies with them.

#### **Principle 1**

***Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the Data Subject (‘lawfulness, fairness and transparency’).***

The Council will:

- ensure that personal data is only processed where a lawful basis applies, and where processing is otherwise lawful;
- only process personal data fairly, and will ensure that Data Subjects are not misled about the purposes of any processing;
- ensure that Data Subjects receive full privacy information so that any processing of personal data is transparent. This is achieved by publishing all privacy notices on the Council’s website, making them available on request in hardcopy at all of the Council’s public reception areas, and advising individuals about the purpose their data is being processed at the point of collection.

#### **Principle 2**

***Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes (‘purpose limitation’).***

The Council will 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, we will inform the Data Subject first.

Where the processing of personal data is required to meet a legal obligation, this will be made clear in the privacy notices.

### Principle 3

***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 Council will only collect the minimum personal data that is needed for the purpose for which it is collected. Measures will be taken to ensure that the data collected is adequate and relevant.

### Principle 4

***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 Council will ensure that personal data is accurate and kept up to date where necessary by reviewing and updating on a regular basis. We will take particular care to do this where our use of the personal data has a significant impact on individuals.

### Principle 5

***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 Council will only keep personal data in identifiable form as long as is necessary for the purpose(s) for which it is collected, or where there is a legal obligation to do so. Once it is no longer required, it shall be securely deleted or rendered permanently anonymous.

### Principle 6

***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 Council utilises a range of both technical and organisational measures to secure and protect its systems, infrastructure and data. These measures are reviewed and updated on a regular basis in line with international standards and best practice.

### Accountability principle

***The Controller shall be responsible for, and be able to demonstrate compliance with, these principles ('accountability').***

The Data Protection Officer is responsible for monitoring Tendring District Council's compliance with these principles. Contact details for the Data Protection Officer are provided in the published [privacy notice](#).

The Council will:

- ensure that records are maintained for all personal data processing activities, and these will be provided to the Information Commissioner (ICO) on request;
- carry out a Data Protection Impact Assessment (DPIA) for any high-risk or high volume processing of personal data and consult with the Information Commissioner if appropriate;

- ensure that a Data Protection Officer (DPO) is appointed to provide independent advice and monitoring of the Council's handling of personal data, and that this person has access to report to the highest management level of the organisation;
- have internal processes in place to ensure that personal data is only collected, used or otherwise processed in a way that is compliant with data protection law.

### **Retention and Erasure of personal data**

The Council will ensure that:

- there is a record of the processing, and that record will set out, where possible, the envisaged time limits for erasure of the different categories of data;
- where the Council no longer requires Special Category or criminal conviction personal data for the purpose for which it was collected, it will securely delete it or render it permanently anonymous;
- Data Subjects receive full [privacy information](#) about how their data will be handled, and that this will include the period for which the personal data will be stored or, if that is not possible, the criteria used to determine that period. The Council's [Retention Schedule](#) sets out the timescales associated with different categories of data and is published on its website.