

SPECIAL CATEGORY DATA POLICY



**Resilience
Multi Academy
Trust**

Summary	Special Category Data Policy		
Responsible Person/Author:	Adam Marham - COO		
Applies to: (please circle/delete as appropriate)	Colleagues <input checked="" type="checkbox"/>	Student <input checked="" type="checkbox"/>	Community <input checked="" type="checkbox"/>
Ratifying Committee(s) and Date of Final Approval:	Trust Board – 28 April 2025		
Available On:	Trust and Academy websites. SharePoint and on demand		
Effective from:	29 April 2025		
Date of Next Formal Review:	April 2027		
Review Period	2 Years		
Status	Non-statutory		
Owner	RMAT		
Version:	1		

DOCUMENT CONTROL

Date	Version	Action	Amendments
1	1	Policy created	

Contents

DOCUMENT CONTROL	2
Introduction	4
Definitions	4
• Criminal convictions data	4
• Information Commissioner’s Office (ICO)	4
• Personal data	4
• Privacy notice	4
• Process, processing or processed	4
• Special category data	4
• Workforce	5
Workforce Special Category Data	5
Student and Parent Special Category Data	6
Compliance with the data protection principles	6
Lawful, Fair and Transparent.	6
Workforce	7
Students and Parents	7
Purpose Limitation	8
Data Minimisation	8
Accuracy	8
Storage Limitation	8
Security, Integrity and Accountability	9
Accountability	9
Policies on retention and deletion	9
Appendix 1 – Linked Documents to the Special Category Data Policy	11

Introduction

1. This policy is intended to clearly set out the requirements of the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA 2018) which are relevant to RMAT's use of sensitive personal data, known as "special category data".
2. It applies to all special category data which is processed by RMAT about our workforce and the special category data of students and parents which is also processed on behalf of RMAT.
3. This policy has been drafted to meet the requirements of the DPA 2018 that an appropriate policy document be put in place where processing special category data and criminal convictions data in certain circumstances.

Definitions

4. For the purposes of this policy:
 - **Criminal convictions data** means any personal data relating to criminal convictions and offences, including personal data relating to criminal allegations and proceedings (any the absence of any criminal record).
 - **Information Commissioner's Office (ICO)** means in the UK, the Information Commissioner's Office (ICO) is the data protection regulator. The website of the ICO is at www.ico.org.uk.
 - **Personal data** means any information that relates to an identifiable, living individual.
 - **Privacy notice** means the privacy information we provide where we collect information either directly or indirectly from data subjects, which is referred to as a privacy notice. This notice will contain information about: our identity and contact details as data controller and those of the DPO; the purpose or purposes and legal basis for which we intend to process that personal data; the types of third parties, if any, with which we will share or to which we will disclose that personal data; whether the personal data will be transferred outside the UK and if so the safeguards in place; the period for which their personal data will be stored, by reference to our Records Management Policy; the existence of any automated decision making in the processing of the personal data along with the significance and envisaged consequences of the processing and the right to object to such decision making; and the rights of the data subject to object to or limit processing, request information, request deletion of information or lodge a complaint with the ICO.
 - **Process, processing or processed** means any operation performed on personal data. This includes collecting, recording, organising, storing, adapting, altering, retrieving, consulting, using, disclosing, disseminating or otherwise making available or destroying personal data.
 - **Special category data** means personal data revealing racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health conditions, sex life, sexual orientation, biometric or genetic data.

- **Workforce** means any individual employed by RMAF such as colleagues and those who volunteer in any capacity including LRB members/Trustees / Members/ parent helpers.

Workforce Special Category Data

5. The UK GDPR and the DPA 2018 set out strict rules about the way in which special category data and criminal convictions data are collected, accessed, used and disclosed. Some of the Schedule 1 conditions in the DPA 2018 for processing special category data require us to have an appropriate policy document in place, setting out and explaining our procedures for securing compliance with the principles set out in Article 5 UK GDPR and our policies regarding the retention and erasure of special category data. This policy explains our processing and satisfies the requirements of Schedule 1, Part 4 of the DPA 2018.
6. We process the special category data and criminal convictions data of our workforce under the UK GDPR under the following lawful bases, depending on the specific purpose for processing:
 - Article 9(2)(a) UK GDPR – explicit consent
 - Article 9(2)(b) UK GDPR – where processing is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on the Trust or an individual in connection with employment, social security or social protection.
 - Article 9(2)(c) UK GDPR – where processing is necessary to protect the vital interests of an individual.
 - Article 9(2)(g) UK GDPR – for reasons of substantial public interest.
 - Article 9(2)(f) UK GDPR – for the establishment, exercise or defence of legal claims.
7. We process special category data and criminal conviction data of our workforce for the following purposes:
 - Assessing an individual's fitness to work
 - Assessing an individual's suitability to work within an education setting
 - Complying with health and safety obligations
 - Complying with our legal obligations to safeguard children and young people in accordance with Keeping Children Safe in Education statutory guidance
 - Complying with equality legislation
 - Checking applicants' and employees' right to work in the UK
 - Verifying that candidates are suitable for employment or continued employment.

Student and Parent Special Category Data

8. We process the special category data and criminal convictions data of students and parents under the UK GDPR on the following legal bases, depending on the specific purpose for processing:
 - Article 9(2)(a) UK GDPR – explicit consent
 - Article 9(2)(b) UK GDPR – where processing is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on the Trust or an individual in connection with employment, social security or social protection.
 - Article 9(2)(c) UK GDPR – where processing is necessary to protect the vital interests of an individual.
 - Article 9(2)(g) UK GDPR – for reasons of substantial public interest.
 - Article 9(2)(f) UK GDPR – for the establishment, exercise or defence of legal claims.
9. We process special category data and criminal conviction data of students and parents for the following purposes:
 - Ensuring medical needs are met
 - Making reasonable adjustments for the provision of learning
 - Monitoring equality of opportunity
 - Complying with our legal obligations to safeguard children and young people in accordance with Keeping Children Safe in Education statutory guidance
 - Complying with equality legislation
 - Supporting children with special educational needs

Compliance with the data protection principles

10. The UK GDPR requires personal data to be processed in accordance with the six principles set out in Article 5(1) UK GDPR. Article 5(2) UK GDPR requires organisations to be able to demonstrate compliance with Article 5(1) UK GDPR.
11. We comply with the principles relating to processing of special category data and criminal convictions data set out in the UK GDPR which require personal data to be lawful fair and transparent.

Lawful, Fair and Transparent.

12. Personal data must be processed lawfully, fairly and in a transparent manner in relation to the individual.

13. We will only process personal data fairly and lawfully and for specified purposes. We will only process special category data if we have a legal ground for processing as set out in the UK GDPR and one of the specific processing conditions relating to special category data in the DPA 2018.
14. When collecting special category data and criminal convictions data, we will provide individuals with a privacy notice setting out all the information required by the UK GDPR in a privacy notice which is concise, transparent, intelligible, easily accessible and in clear plain language which can be easily understood.
15. We have identified and documented the legal grounds and specific processing conditions for processing special category data as follows:

Workforce

Special Category Data	Lawful Basis for Processing Personal Data	Lawful Basis for Processing Special Category Data	Processing Condition for Special Category Data
Health Information	Compliance with a legal obligation (<i>Article 6(1)(c) UK GDPR</i>) or necessary for the performance of a contract (<i>Article 6(1)(b) UK GDPR</i>).	Compliance with employment obligations (<i>Article 9(2)(b) UK GDPR</i>)	Compliance with employment law (<i>Paragraph 1(1)(a), Schedule 1, DPA 2018.</i>)
Racial or ethnic origin, religious and sexuality data	Compliance with a legal obligation (<i>Article 6(1)(c) UK GDPR</i>)	Compliance with employment obligations (<i>Article 9(2)(b) UK GDPR</i>)	Compliance with employment law (<i>Paragraph 1(1)(a), Schedule 1, DPA 2018.</i>)
Equal opportunities data	Necessary for the purposes of our legitimate interests (<i>Article 6(1)(f) UK GDPR</i>)	Necessary for reasons of substantial public interest (<i>Article 9(2)(g)</i>)	Necessary for monitoring equality and diversity (<i>Paragraph 8(1)(b), Schedule 1, DPA 2018.</i>)
Criminal offences data	Compliance with a legal obligation (<i>Article 6(1)(c) UK GDPR</i>)	Compliance with employment obligations (<i>Article 9(2)(b) UK GDPR</i>)	Compliance with employment law (<i>Paragraph 1(1)(a), Schedule 1, DPA 2018.</i>)

Students and Parents

Special Category Data	Lawful Basis for Processing Personal Data	Lawful Basis for Processing Special Category Data	Processing Condition for Special Category Data
Health Information	Compliance with a legal obligation (<i>Article 6(1)(c) UK GDPR</i>) or necessary for the performance of a contract (<i>Article 6(1)(b) UK GDPR</i>).	Compliance with employment or social protection obligations (<i>Article 9(2)(b) UK GDPR</i>)	Compliance with employment or social protection obligations (<i>Paragraph 1(1)(a), Schedule 1, DPA 2018.</i>)

Special Category Data	Lawful Basis for Processing Personal Data	Lawful Basis for Processing Special Category Data	Processing Condition for Special Category Data
Racial or ethnic origin, religious and sexuality data	Compliance with a legal obligation (<i>Article 6(1)(c) UK GDPR</i>)	Compliance with employment or social protection obligations (<i>Article 9(2)(b) UK GDPR</i>)	Compliance with employment or social protection obligations (<i>Paragraph 1(1)(a), Schedule 1, DPA 2018.</i>)
Equal opportunities data	Necessary for the purposes of our legitimate interests (<i>Article 6(1)(f) UK GDPR</i>)	Necessary for reasons of substantial public interest (<i>Article 9(2)(g)</i>)	Necessary for monitoring equality and diversity (<i>Paragraph 8(1)(b), Schedule 1, DPA 2018.</i>)
Criminal offences data	Compliance with a legal obligation (<i>Article 6(1)(c) UK GDPR</i>)	Compliance with employment or social protection obligations (<i>Article 9(2)(b) UK GDPR</i>)	Compliance with employment or social protection obligations (<i>Paragraph 1(1)(a), Schedule 1, DPA 2018.</i>)

Purpose Limitation

16. All personal data must be collected only for specified, explicit and legitimate purposes. It must not be further processed in any manner incompatible with those purposes.
17. We will only collect personal data for specified purposes and will inform individuals what those purposes are in a published privacy notice.

Data Minimisation

18. Personal data shall be adequate, relevant and limited to what is necessary in relation to the purpose for which it is processed.
19. We will only collect or disclose the minimum personal data required for the purpose for which the data is collected or disclosed. We will ensure that we do not collect excessive data, and that the personal data collected is adequate and relevant for the intended purposes.

Accuracy

20. Personal data must be accurate and, where necessary, kept up to date. It must be corrected or deleted without delay when it is inaccurate.
21. We will ensure that the personal data we hold, and use is accurate, complete, kept up to date and relevant to the purpose for which it is collected by us. We check the accuracy of any personal data at the point of collection and at regular intervals afterwards. We take all reasonable steps to destroy or amend inaccurate or out-of-date personal data.

Storage Limitation

22. We only keep personal data in an identifiable form for as long as necessary for the purposes for which it was collected, or where we have a legal obligation to do so. Once we no longer need personal data it shall be deleted or rendered permanently anonymous.
23. We maintain a Records Management Policy to ensure that personal data is deleted after a reasonable time has elapsed for the purposes for which it was being held, unless we are legally required to retain that data for longer.
24. We will ensure individuals are informed of the period for which data is stored and how that period is determined in any applicable privacy notice.

Security, Integrity and Accountability

25. 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 and organisational measures.
26. We will implement and maintain reasonable and appropriate security measures against unlawful or unauthorised processing of personal data and against the accidental loss of or damage to personal data.

Accountability

27. We are responsible for, and able to demonstrate compliance with these principles. We shall:
 - Ensure that records are kept of all data processing activities, and that these are provided to the ICO on request.
 - Carry out a data protection impact assessment for any high-risk personal data processing to understand how processing may affect individuals and consult the ICO if appropriate
 - Ensure that a Data Protection Officer is appointed to provide independent advice and monitoring of personal data handling, and that the Data Protection Officer has access to report to the highest management level.
 - Have internal processes to ensure that personal data is only collected, used or handled in a way that is compliant with the UK GDPR and the DPA 2018.

Policies on retention and deletion

28. We take the security of special category data and criminal conviction data very seriously. We have technical and organisational safeguards in place to protect personal data against unlawful or unauthorised processing, or accidental loss or damage. We will ensure, where special category and/or criminal conviction data is processed that:
 - The processing is recorded, and the record sets out where possible, a suitable period for the safe and permanent erasure of the different categories of data in accordance with our Records Management Policy.

- Where we no longer require special category or criminal conviction data for the purpose for which it was collected, we will delete it or render it permanently anonymous as soon as possible.
- Where records are destroyed, we will ensure that they are safely and permanently disposed of in accordance with our Records Management Policy.
- Individuals have access to a privacy notice setting out how their personal data will be handled when we first obtain their personal data and 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. Our student and parents' privacy notice is also available on our website and our intranet for our workforce.

Appendix 1 – Linked Documents to the Special Category Data Policy

Trust Policies and Documents

Data Protection Policy
Freedom of Information Policy and Publication Scheme
ICT and E-Safety Policy
Privacy Notice – Governance and Volunteers
Privacy Notice – Colleagues
Privacy Notice – Students and Families
Records Management Policy
Safeguarding and Child Protection Policy

Statutes and Secondary Legislation

[Data Protection Act 2018 as amended by the Data Protection, Privacy and Electronic Communications \(Amendments Etc\) \(EU Exit\) Regulations 2019 and the Data Protection, Privacy and Electronic Communications \(Amendments Etc\) \(EU Exit\) Regulations 2020](#)

[General Data Protection Regulation as amended by the Data Protection, Privacy and Electronic Communications \(Amendments Etc\) \(EU Exit\) Regulations 2019 and the Electronic Communications \(Amendments Etc\) \(EU Exit\) Regulations 2020](#)

[Protection of Freedoms Act 2012](#)

[The Education \(Pupil Information\) \(England\) Regulations 2005](#)

Government Guidance

[Data Protection: A Toolkit for Schools](#)

[DfE Data protection for Education providers](#)

[Understanding and dealing with issues relating to parental responsibility](#)