

Special Category Data Appropriate Policy Document

Author/Responsibility	Document Version	Date Reviewed	Next Review Due
Lois McKean	1.3	September 2025	September 2027
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1. INTRODUCTION

When processing personal data, the College will comply with the requirements of the UK General Data Protection Regulations (UK GDPR), the Data Protection Act 2018 (DPA) and any associated legislation. The College is required to have an appropriate policy document policy in place setting out and explaining our procedures and policies in relation to the processing of special category data.¹

This 'appropriate policy document' for the College meets the requirement under Schedule 1, Part 4 of the Data Protection Act to:

- Explain the College's policies and procedures for ensuring compliance with the Article 5 Principles of the UK GDPR; and
- Explain our policies and procedures in regard to the retention and erasure of personal data

The Data Protection Act 2018 outlines safeguards for the processing of sensitive special category data. Sensitive processing is defined in s.35 (8)² as;

- The processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership,
- The processing of genetic data, or of biometric data, for the purpose of uniquely identifying an individual,
- The processing of data concerning health
- The processing of data concerning an individual's sex life or sexual orientation.

When processing special category data the College will ensure it has identified it's lawful basis for processing as set out in Articles 9(2) and 10³ of the UK GDPR including:

- for employment, social security and social protection purposes.
- for substantial public interest purposes.
- for archiving, research or statistics purposes

2. RELEVANT SCHEDULE 1 CONDITIONS AND DATA PROCESSING ACTIVITIES

The College relies on DPA Schedule 1⁴ conditions to process special categories of personal data, for example:

2.1 Conditions Relating to Employment, Health and Research, etc.

- Employment, social security and social protection
 - Processing personal data concerning health in connection with the College's rights under employment law (e.g. processing necessary in response to the COVID-19 pandemic)
 - Processing data relating to criminal convictions in connection with the College's rights under employment law in connection with recruitment, discipline or dismissal
 - Providing human resources and occupational health facilities for employees

¹ [Data Protection Act 2018, Schedule 1, Part 4, paragraph 39](#)

² [Data Protection Act 2018, Part 3, Chapter 2, Section 38\(8\)](#)

³ [UK GDPR Articles 9 & 10](#)

⁴ [Data Protection Act 2018, Schedule 1](#)

2.2 Substantial Public Interest Conditions

- Statutory and government purposes
 - Processing is necessary for reasons of substantial public interest including:
 - processing to ensure the College's compliance with Disability Discrimination Act (1995) and other legislative requirements.
 - Processing necessary in response to the COVID-19 pandemic to ensure we meet our public health and safeguarding legal obligations
- Equal Opportunity or treatment
 - Processing is necessary for the purposes of identifying or keeping under review the existence or absence of equality of opportunity or treatment
- Preventing or detecting unlawful acts
 - Processing necessary to ensure the safeguarding and protection of the College's students, by virtue of Paragraph 36 of Schedule 1 of the DPA Act it is not necessary to demonstrate a substantial public interest in the above processing
- Regulatory requirements relating to unlawful acts and dishonesty etc.
 - Assisting authorities in connection with their regulatory requirements
- Preventing fraud
 - Disclosing personal data in accordance with arrangements made by an anti-fraud organisation
- Safeguarding of children and individuals at risk
 - Carrying out risk assessments and processing AccessNI checks for staff and students
 - Sharing information with relevant agencies if required
- Insurance
 - Processing of personal data which is necessary for an insurance purpose and for reasons of substantial public interest; and
 - Where the College cannot reasonably be expected to obtain consent from the Data Subject
- Occupational Pensions
 - Fulfilling the College's obligation to provide an occupational pension scheme
 - Determining benefits payable to dependents of pension scheme members
- Disclosure to elected representatives
 - Assisting elected representatives such as local government Councillors and Members of Parliament with requests for assistance on behalf of their constituents

2.3 Additional Conditions Relating to Criminal Convictions, etc.⁵

- Extension of conditions in Part 2 of Schedule 1 referring to substantial public interest
 - The College may process personal data relating to criminal convictions in connection with its legislative obligation

⁵ Data Protection Act, Schedule 1, Part 3

3. PROCEDURE FOR SECURING COMPLIANCE

Article 5⁶ of the UK GDPR sets out the data protection principles. These are our procedures for ensuring that we comply with the principles.

3.1 Principle 1

(a) Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.

The College 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 for the purposes as disclosed to the data subject
- ensure that data subjects receive full privacy information so that any processing of personal data is transparent

3.2 Principle 2

(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 College will:

- only collect personal data for specified, explicit and legitimate purposes, and we will inform data subjects what those purposes are in a Privacy Notice at the point of data collection and on the College website
- not use personal data for outside of the purposes for which it was collected. If we do use personal data for a new purpose that is compatible, we will inform and seek the consent of the data subject first.

3.3 Principle 3

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

The College will:

- Only collect the minimum personal data required for the purpose for which it is collected
- Ensure that the personal data collected is adequate and relevant

3.4 Principle 4

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

The College will:

- Ensure the accuracy of personal data and kept up to date where necessary
- Ensure when updated information is received, confirm the identity of the individual and update the information where necessary

3.5 Principle 5

(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 is processed.

The College will:

- Only keep personal data in an identifiable form as long as necessary for the purpose for which it is collected
- Delete or pseudonymise the data once the retention period has elapsed

3.6 Principle 6

(f) Personal data shall be processed in a manner that ensures appropriate security of processing the personal data, including protection against unauthorized or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

The College will:

- Ensure that there is appropriate organisational and technical measures in place to protect personal data
- Ensure staff have completed mandatory training in data protection

⁶ [UK GDPR Article 5 \(1\) \(a-f\)](#)

4. ACCOUNTABILITY PRINCIPLE⁷

The College will be responsible for and demonstrate its compliance with the above data protection principles by:

- Ensuring that records are kept of all personal data activities, and that these are provided to the Information Commissioner on request. The College maintains a Record of Processing Activities (Article 30⁸, UK GDPR) which records all of our personal data activities.
- Carrying out Data Protection Impact Assessment for any high-risk personal data processing and consult the Information Commissioner if appropriate.
- Ensuring a Data Protection Officer is appointed to provide independent advice and monitoring of the College's personal data handling, and that this person has access to report to Senior Management.
- Having in place internal processes to ensure that personal data is only collected, used or handled in a way that is compliant with data protection legislation.

5. DATA RETENTION

Personal data is held and disposed of in line with the FE Sector Retention and Disposal Schedule. When disposing of information, the College will ensure this is carried out in line with the Data in Transit Policy and destroyed securely.

6. DATA PROTECTION OFFICER

The DPO is the point of contact for anyone who wishes to exercise any of their data protection rights or respond to general queries. You can either write to or email on:

Data Protection and Information Compliance Officer
Lois McKean
NWRC
Strand Road
Derry~Londonderry
BT48 7AL
02871 276154
DPO@nwrc.ac.uk

If you still have concerns you can contact the Information Commissioner's Office (ICO) on:

Informational Commissioners Office – Northern Ireland
3rd Floor
14 Cromac Place
Belfast
BT7 2JB

0303 123 113 / 028 9027 8757

7. RELATED POLICIES AND PROCEDURES

There are a number of documents and policies relevant to Data Protection in the College:

- Data Protection Policy
- Data Subject Rights Procedure
- FE Sector Retention and Disposal Schedule
- Access to Information Policy

⁷ [UK GDPR Article 5 \(2\)](#)

⁸ [UK GDPR Article 30](#)

RECORD OF CHANGES (NWRC Special Category Data – Appropriate Policy Document)

Modifications made since the last review are as follows:

Record of Changes				
Review Date	Page No.	Change Comment	Date of Change	Initials
Sept 2025	cover	Updated Document Version, Review Dates, Date Approved at LMT	10.09.2025	LMcK
Sept 2025	2	Added weblinks for DPA 2018 and UK GDPR	10.09.2025	LMcK
Sept 2025	4	Minor edits and weblink for UK GDPR Article 5	10.09.2025	LMcK
Sept 2025	5	Updated name & job title & contact details for DPICO	10.09.2025	LMcK
Sept 2025	5	Added weblink for UK GDPR Article 5 & Article 30	10.09.2025	LMcK