

# Special Category Data Policy

## Document information

Approved by: Data Board	Date: 13 June 2024
Frequency of review: Every two years	Next review date: 13 June 2026
ELT Owner: Chief Finance and Operating Officer	Policy lead: Data Protection Officer

## 1. Purpose and scope

- 1.1 This document meets the requirements of the Data Protection Act 2018 (DPA) for the charity to have an Appropriate Policy Document (APD) in place when processing special category (SC) data under specified conditions.
- 1.2 Under DPA Schedule 1 paragraphs 1 (1) (b) and 5, almost all of the substantial public interest conditions in Schedule 1 Part 2, plus the condition for processing employment, social security and social protection data, require organisations to have an APD in place.
- 1.3 In processing SC data in compliance with this APD, Parkinson's UK is doing so in compliance with the requirements of the UK General Data Protection Regulation (GDPR) Article 5 principles.
- 1.4 This APD complements our general record of processing under UK GDPR Article 30 and provides SC data with further protection and accountability, in accordance with Schedule 1 Part 4 paragraph 41 of the Data Protection Act 2018.

## 2. Policy statement

- 2.1 This policy addresses the substantial public interest conditions relating to the lawful basis for processing special category data under UK GDPR Article 9 (2), in accordance with guidance from the Information Commissioner's Office.

### Special category data

- 2.2 UK GDPR Article 9 (2) sets out the following types of personal data, known as 'special category data', as likely to be more sensitive than ordinary personal data, and gives them extra protection. These are data which reveal:
  - (a) racial or ethnic origin;
  - (b) political opinions;
  - (c) religious or philosophical beliefs;
  - (d) trade union membership;
  - (e) genetic information;
  - (f) biometric information (where used for identification purposes);
  - (g) health information;
  - (h) information about a person's sex life; and
  - (i) information about a person's sexual orientation.

### Protecting significant risks

- 2.3 The special provisions applied to special category data are to guard against significant risks to an individual's fundamental rights and freedoms, e.g. religion and expression, which might arise in relation to disclosure of their special category data. Given the potential risks to fundamental rights, it is important to identify special category data and approach it carefully.
- 2.4 This APD sets out the information which must be provided when we wish to process SC data.

## 2.5 Conditions for processing special category

We process special categories of personal data under the following the UK GDPR Articles:

### (a) Article 9(2)(a) – explicit consent

In circumstances where we seek consent, we make sure that the consent is unambiguous and for one or more specified purposes, is given by a positive action and is recorded as the condition for processing, such as when requesting health data from customers to assess the health impact of our policies.

### (b) Article 9(2)(b) - employment or social protection

Where processing is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law or the data subject in connection with employment, social security or social protection. For example our processing of staff sickness absences.

### (c) Article 9(2)(c) - vital interests

Where processing is necessary to protect the vital interests of the data subject or of another natural person, such as our processing would be using health data about a member of staff in a medical emergency.

### (d) Article 9(2)(f) - legal claims

For the establishment, exercise or defence of legal claims, such as processing relating to any employment tribunal or other litigation.

### (e) Article 9(2)(g) - substantial public interest

Where processing is necessary for employment, social security and social protection, Equality of opportunity or treatment, support for individuals with a particular disability or medical condition and safeguarding of children and individuals at risk.

### Substantial public interest conditions for processing (Schedule 1, DPA)

## 2.6 We process special category data for the following purposes in Part 1 Schedule 1:

### (a) paragraph 1 – employment, social security and social protection

## 2.7 We process special category data for the following purposes in Part 2 Schedule 1:

- (a) paragraph 8 - Equality of opportunity or treatment;
- (b) paragraph 10- Preventing or detecting unlawful acts;
- (c) paragraph 14 - Support for individuals with a particular disability or medical condition;
- (d) paragraph 18 - Safeguarding of children and individuals at risk.

## 2.8 Criminal offence data – We process criminal offence data for the following purposes

in Parts 1 of Schedule 1:

- (a) paragraph 1 – employment, social security and social protection

Procedures for ensuring compliance with the principles

2.9 We process special category data in compliance with the data protection principles in Part 3, Chapter 2 of the DPA 2018:

- (a) Principle 1 - Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.

To stay compliant with this principle we will:

- i. Make sure that we only process personal data lawfully and where we have identified a clear lawful basis to do so.
- ii. Process personal data fairly and make sure that data subjects are not misled about the purposes of any of our processing.
- iii. Provide data subjects with full privacy information so that we are transparent in how and why we process personal data.

- (b) 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.

To stay compliant with this principle we will:

- i. Only collect personal data for specified, explicit and legitimate purposes, and we will inform data subjects what those purposes are in a privacy notice.
- ii. Not use personal data for purposes that are incompatible with the original purpose

- (c) Principle 3 - Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

To stay compliant with this principle we will:

- i. Ensure that we do not collect data that we do not need and will only collect the minimum personal data that is necessary for the purpose for which it is collected.
- ii. We will ensure that the data we do collect is adequate for our purpose and relevant.

- (d) Principle 4 - Personal data shall be accurate and, where necessary, kept up to date.

To stay compliant with this principle we will:

- i. Make sure that the personal data we hold is accurate
- ii. Ensure there are processes for us or individuals to correct and keep data up to date where necessary.

- (e) 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.

To stay compliant with this principle we will:

- i. Only keep personal data in identifiable form as long as is necessary for the purposes for which it is collected, or where we have a legal obligation to do so.
- (f) Principle 6 - Personal data shall be processed in a manner that ensures appropriate security of the personal data, including protection against personal data breaches.

To stay compliant with this principle we will:

- i. Make sure that there are appropriate organisational and technical measures in place to protect personal data.

#### Further information

- 2.10 For enquiries relating to this policy, email the Data Protection Officer at [dataprotection@parkinsons.org.uk](mailto:dataprotection@parkinsons.org.uk).

### 3. How this policy supports staff

All staff undertake the mandatory Data Protection Training Module. They are therefore aware of the need to process SC data in line with data protection regulatory requirements, which this policy supports.

### 4. Responsibilities

The following responsibilities apply in relation to this policy:

- (a) The Data Protection Officer is responsible for ensuring policy compliance and implementation throughout the organisation.

### 5. Monitoring and compliance

- 5.1 Compliance checks will be undertaken by Parkinson's UK's Data Protection Officer.
- 5.2 Failure to comply with this policy, resulting in harm or potential harm to the charity, its employees, members or supporters or their reputations, may result in a performance review under our Disciplinary Policy.

### 6. Appendices

#### Appendix 1: Related documents

Parkinson's UK's Disciplinary Policy

## Appendix 2: Record of review

Date of approval	Summary of changes