**Special Category Personal Data Policy Template**

### Scope

The Policy applies to:

* **all employees (permanent, temporary, contracted and voluntary), officers, College representatives and suppliers** who handle and use RCOG special categories personal data (SCPD) within the directorate or department concerned, where the College is the 'Controller' for the personal data being processed), whether we hold it on our systems (manual and automated) or if others hold it on their systems for us
* **all special categories personal data processing** we carry out for others (where we’re the 'Processor' for the personal data being processed)
* **all formats**, e.g. printed and digital information, text and images, documents and records, data and audio recordings.

Where we process SCPD for a number of different purposes, you do not need a separate policy document for each condition or processing activity – one document can cover them all – and you may reference policies and procedures, which are relevant.

### Objectives

The objective of this policy is to demonstrate the College is processing of special categories personal data (SCPD) based on specific [Schedule 1 conditions within the DPA](http://www.legislation.gov.uk/ukpga/2018/12/schedule/1/enacted) and requirements of the General Data Protection Regulation (GDPR) Article 5 principles. In particular, it outlines our retention policies with respect to this data as per Schedule 1, Part 4 of the DPA.

### Definitions

See [Data Protection Policy](https://www.rcog.org.uk/en/about-us/policies/data-protection-policy/).

### Roles and responsibilities

See [Data Protection Policy](https://www.rcog.org.uk/en/about-us/policies/data-protection-policy/) plus:

* Information Asset Owner – [insert job title here]
* Information Asset Administrator – [insert job title here]
* IG Lead – [insert job title here].

### Policy

#### Description of data processed

Provide a brief description of each category of SCPD being processed. You may wish to refer to the College Information Asset Register and/or Retention Scheduled for that particular data. This will assist you in ensuring any supplementary Privacy Notices provided to your Data Subjects contain sufficient detail for them to understand how you are processing their SCPD and how long you will retain it for.

This policy therefore complements your section on the Information Asset Register.

|  |
| --- |
|  |

#### Schedule 1: condition for processing

Provide one of the following to demonstrate compliance with the “condition for processing”:

* the name and paragraph number of your relevant [Schedule 1 condition(s) for processing](http://www.legislation.gov.uk/ukpga/2018/12/schedule/1/enacted)
* a link to the College [Privacy Policy](https://www.rcog.org.uk/en/legal/privacy-policy-cookies/)
* a link to the relevant information assets in your Information Asset Register:

|  |
| --- |
|  |

#### Procedures for ensuring compliance with the principles

You need to explain, in brief and with reference to the conditions outlined above, how your procedures ensure your compliance with the principles below.

In explaining your compliance with the principles you must consider the specifics of your processing with respect to the SCPD you identified above.

There is no requirement for you to reproduce information is recorded elsewhere – **questions may be answered with a link or reference to other documentation, to your policies and procedures, Data Protection Impact Assessments (DPIAs) or to your privacy notices.**

|  |
| --- |
| **Accountability principle**  |
| 1. Do we maintain appropriate documentation of our processing activities?
2. Do we have appropriate data protection policies?
3. Do we carry out data protection impact assessments (DPIA) for uses of personal data that are likely to result in high risk to individuals’ interests?

See general [checklist](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/) for Accountability and Governance. |
| **Principle (a): lawfulness, fairness and transparency**  |
| 1. Have we identified an appropriate lawful basis for processing and a further Schedule 1 condition for processing SC/CO data?
2. Do we make appropriate privacy information available with respect to the SC/CO data?
3. Are we open and honest when we collect the SC/CO data and do we ensure we do not deceive or mislead people about its use?

See general [checklist](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/principles/lawfulness-fairness-and-transparency/) for Lawfulness, fairness and transparency.  |
| **Principle (b): purpose limitation**  |
| 1. Have we clearly identified our purpose(s) for processing the SC/CO data?
2. Have we included appropriate details of these purposes in our privacy information for individuals?
3. If we plan to use personal data for a new purpose (other than a legal obligation or function set out in law), do we check that this is compatible with our original purpose or get specific consent for the new purpose?

See general [checklist](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/principles/purpose-limitation/) for purpose limitation. |
| **Principle (c): data minimisation**  |
| 1. Are we satisfied that we only collect SC/CO personal data we actually need for our specified purposes?
2. Are we satisfied that we have sufficient SC/CO data to properly fulfil those purposes?
3. Do we periodically review this particular SC/CO data, and delete anything we don’t need?

See general [checklist](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/principles/data-minimisation/) for Data minimisation. |
| **Principle (d): accuracy**  |
| 1. Do we have appropriate processes in place to check the accuracy of the SC/CO data we collect, and do we record the source of that data?
2. Do we have a process in place to identify when we need to keep the SC/CO data updated to properly fulfil our purpose, and do we update it as necessary?
3. Do we have a policy or set of procedures, which outline how we keep records of mistakes and opinions, how we deal with challenges to the accuracy of data and how we ensure compliance with the individual is right to rectification?

See general [checklist](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/principles/accuracy/) for Accuracy. |
| **Principle (e): storage limitation**  |
| 1. Do we carefully consider how long we keep the SC/CO data and can we justify this amount of time?
2. Do we regularly review our information and erase or anonymise this SC/CO data when we no longer need it?
3. Have we clearly identified any SC/CO data that we need to keep for public interest archiving, scientific or historical research, or statistical purposes?

See general [checklist](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/principles/storage-limitation/) for Storage limitation. |
| **Principle (f): integrity and confidentiality (security)** |
| 1. Have we analysed the risks presented by our processing and used this to assess the appropriate level of security we need for this data?
2. Do we have an information security policy (or equivalent) regarding this SC/CO data and do we take steps to make sure the policy is implemented? Is it regularly reviewed?
3. Have we put other technical measures or controls in place because of the circumstances and the type of SC/CO data we are processing?

See general [checklist](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/security/) for Security.  |

#### Retention and erasure protocols

Please explain your retention and erasure policies with respect to each category of SCPD or link to the relevant sections in the [College Retention Schedule](https://www.rcog.org.uk/globalassets/documents/about-us/policies/rcog-retention-schedule.pdf).

|  |
| --- |
|  |