

# Special Category Data Policy

- *Approved by Group Audit Committee 7 August 2019*

## 1. Introduction

- 1.1 With effect from 25 May 2018, data protection law requires controllers who process special category (i.e. sensitive) personal data, (or personal data relating to criminal convictions and offences) under various parts of the Data Protection Act 2018 to have an “appropriate policy document” in place setting out a number of additional safeguards for this data.
- 1.2 More specifically, the law states that:

“The controller has an appropriate policy document in place in relation to the processing of personal data... if the controller has produced a document which:

  - (a) explains the controller’s procedures for securing compliance with the principles in Article 5 of the General Data Protection Regulation (EU) 2016/679 (the GDPR) (principles relating to processing of personal data) in connection with the processing of personal data in reliance on the condition in question; and
  - (b) explains the controller’s policies as regards the retention and erasure of personal data processed in reliance on the condition, giving an indication of how long such personal data is likely to be retained.”
- 1.3 This document is the policy adopted by the Wheatley Group and its Subsidiaries in relation to this processing. The Wheatley Group’s Subsidiaries are listed in our website under <https://www.wheatley-group.com/about-wheatley/about-us/group-partners>.
- 1.4 This Policy shall apply across the Group and is intended to ensure a standardised approach.

## 2. Objectives of the Policy

- 2.1 This Policy aims to ensure that the Group satisfies the requirements of the Data Protection Act 2018 in terms of having in place a policy statement in relation to the additional ‘Safeguards in place where processing Special Category Data’ and data relating to criminal convictions and offences.

## 3. Background

### 3.1 Policy Statement:

#### **Lawfulness, fairness and transparency:**

All personal data flows into and out of the Wheatley Group are being assessed to determine the legal basis under which that data is processed and the results of the assessment are being documented. We are satisfied that we will have a legal basis for holding the personal data we hold, and that we will also have a valid legal basis for disclosing this personal data to third parties where this happens. Privacy notices have been drafted to comply with the GDPR's requirements (and to reflect the legal basis of processing). Please see each Subsidiary website for further details. We are presently updating our data processor agreements and data sharing agreements to reflect the new legal requirements.

#### **Purpose limitation:**

The purposes for which data is collected are clearly set out in the relevant privacy notices. This includes reference to further use of data for internal management information purposes. A limited set of data is required for research and archiving purposes; the Wheatley Group and its subsidiaries have put in place appropriate safeguards for these activities as required by Article 89 of the GDPR.

#### **Data minimisation:**

In assessing the data flows, the Wheatley Group and its subsidiaries are using the opportunity to critically assess the need for each of the data fields in question and where superfluous data is being captured, we will stop capturing this.

#### **Accuracy:**

The Wheatley Group and its subsidiaries are continually checking data for accuracy and, where any inaccuracies are discovered, these are promptly corrected and any third party recipients of the inaccurate data notified of the correction.

#### **Storage limitation:**

The Wheatley Group and its subsidiaries only keep personal information for the minimum amount of time necessary. Sometimes this time period is set out in the law, but in most cases it is based on business need. We maintain retention schedules which set out how long we hold different types of information. You can obtain a copy of our retention schedules by emailing us at [InformationRequests@wheatley-group.com](mailto:InformationRequests@wheatley-group.com).

#### **Integrity and confidentiality:**

The Wheatley Group has an approved Data Protection Policy, applicable to all its subsidiaries. These set out roles and responsibilities within the organisation in relation to data protection and information security. All staff are required to take data protection and information security training. Our IT systems have appropriate

protective measures in place incorporating defence in depth and the systems are subject to external assessment and validation.

## **4. Disclosure**

- 4.1. The Group is subject to the terms of the Freedom of Information (Scotland) Act 2002 ('FOISA') and the Environmental Information (Scotland) Regulations 2004 ('the EIRs'). These provide individuals with the right of access to any information held by the Group, including this policy, and any information on matters relating to, or arising out of, this policy.
- 4.2. For more information, please see the Group's FOI policy or Data Protection policy which can be found on our staff intranet, WE Connect, and on our website. A hard copy is also available on request. Customers may also request a copy of the policy in other formats and community languages.

## **5. Training**

- 5.1 Employees will be made aware of this Policy and training and support will be provided where applicable.

## **6. Record Keeping**

- 6.1 There are no specific record keeping requirements arising from this policy. The policy is designed to be outwards facing.

## **7. Policy Review**

- 7.1 This Policy may only be changed or varied with the specific authority of the Group Board or Group Audit Committee.
- 7.2 We will review this Policy every 3 years. More regular reviews will be considered where, for example, there is a need to respond to new legislation/Policy guidance. Reviews will consider legislative, performance standard and good practice changes.
- 7.3 We will publish this Policy on our website. A hard copy is available on request. Customers can also get a copy of the Policy on tape, in Braille, in large print or in translation on request.