



DPR-POL-03

Processing of Special Category Data & Criminal Offence Data (Policy)

February 2025

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|----------------------------|--|---------------------|--------------------------|
| 0. | DOCUMENT CONTROL | | |
| 0.1 | SUMMARY | | |
| | The Data Protection Act 2018 requires this policy to be in place where the processing of certain data under specific conditions takes place. | | |
| 0.2 | DOCUMENT INFORMATION | | |
| Role | Name/Position | Date | |
| Author | Andrew Wisedale (Interim DPO) | Feb 2025 | |
| Approved by | GEMT | Feb 2025 | |
| Document Reference | DPR-POL-03 | | |
| 0.3 | DOCUMENT STATUS HISTORY | | |
| Version | Date | Change owner | Reason for Update |
| 1. | Feb 2025 | Andrew Wisedale | New Policy |
| 2. | | | |
| 0.4 | DOCUMENT REVIEW DATE | | |
| Review Due | April 2026 | | |
| Responsible Officer | DPO | | |
| 0.5 | DISTRIBUTION | | |
| Name / Department | Title | | |
| Torus | All staff | | |
| | | | |
| 0.6 | ASSOCIATED DOCUMENTS | | |
| Ref: ICT-POL 07 01 | Title: Information Security Management Policy | | |
| Ref: LGL PRC 02 04 | Title: Data Breach Notification Procedure | | |
| Ref: LGL PRC 04 05 | Title: Data Subject Rights (SAR) Procedure | | |
| Ref: LGL PRC 05 01 | Title: Data Protection Impact Assessment (DPIA) Procedure | | |
| Ref: GOV POL 07 02 | Title: Data Retention and Disposal Policy | | |
| Ref: LGL-PRC-08-02 | Title: Group Data Sharing Procedure | | |
| Ref – LGL – POL TBC | Title: Group Data Protection Policy | | |

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1. Scope

- 1.1** Across the Torus Group operational and corporate functions, we process special category data and criminal offence data in accordance with the requirements of Article 9 and 10 of the General Data Protection Regulation ('UK GDPR') and Schedule 1 of the Data Protection Act 2018 ('DPA 2018').
- 1.2** Special category data is defined at Article 9 of the UK GDPR as personal data revealing:
- Racial or ethnic origin;
 - Political opinions;
 - Religious or philosophical beliefs;
 - Trade union membership;
 - Genetic data;
 - Biometric data for the purpose of uniquely identifying a natural person;
 - Data concerning health; or
 - Data concerning a natural person's sex life or sexual orientation.
- 1.3** Article 10 of the UK GDPR covers processing in relation to criminal convictions and offences or related security measures. In addition, section 11(2) of the DPA 2018 specifically confirms that this includes personal data relating to the alleged commission of offences or proceedings for an offence committed or alleged to have been committed, including sentencing. This is collectively referred to as 'criminal offence data'.
- 1.4** Some of the Schedule 1 conditions for processing special category and criminal offence data require us to have an Appropriate Policy Document ('APD') in place, setting out and explaining our procedures for securing compliance with the principles in Article 5 and policies regarding the retention and erasure of such personal data.
- 1.5** This document explains our processing and satisfies the requirements of Schedule 1, Part 4 of the DPA 2018.

2. Policy Statement

- 2.1** The condition for processing employment, social security and social protection data, (see Schedule 1 paragraphs 1 and 5) plus almost all the substantial public interest conditions in Schedule 1 Part 2 of the DPA 2018, require an APD.
- 2.2** This section of the policy is the APD for Torus. It demonstrates that the processing of special category ('SC') and criminal offence ('CO') data based on these specific Schedule 1 conditions is compliant with the requirements of the UK GDPR Article 5 principles. It outlines our retention policies with respect to this data.
- 2.3** Description of data processed.
- We process the special category data about our employees that is necessary to fulfil our obligations as an employer. This includes information about their health and wellbeing, ethnicity, photographs and their membership of any trade union. Further information about this processing can be found in our employee privacy notice.

- We process the special category data about our tenants and customers that is necessary to fulfil our obligations as a registered provider of social housing. This includes information about their health and wellbeing as it pertains to their housing needs, and the provision of central or local government benefits.

2.4 Our processing for reasons of substantial public interest relates to the data we receive or obtain to fulfil our statutory functions as a registered provider of social housing.

2.5 We also maintain a record of our processing activities in accordance with Article 30 of the UK GDPR.

2.6 Schedule 1 conditions for processing

Special category data

We process SC data for the following purposes in Part 1 of Schedule 1:

Paragraph 1(1) employment, social security and social protection.

We process SC data for the following purposes in Part 2 of Schedule 1. All processing is for the first listed purpose and might also be for others dependent on the context:

Paragraph 6(1) and (2)(a) statutory, etc. purposes

Paragraph 8(1) equality of opportunity or treatment

Paragraph 10(1) preventing or detecting unlawful acts.

Paragraph 14(1) and (2) preventing fraud.

Paragraph 18(1)-(4) safeguarding of children and of individuals at risk

Paragraph 19(1)-(3) safeguarding economic wellbeing of certain individuals.

Paragraph 24(1)-(3) disclosure to elected representatives.

Criminal offence data

We process criminal offence data for the following purposes in parts 1 and 2 of Schedule 1.

Paragraph 1 – employment, social security and social protection

2.7 **Procedures for ensuring compliance with the principles.**

2.8 **Accountability principle.** We have put in place appropriate technical and organisational measures to meet the requirements of accountability. These include:

- The appointment of a data protection officer who reports directly to our highest management level.
- Taking a ‘data protection by design and default’ approach to our activities
- Maintaining documentation of our processing activities
- Adopting and implementing data protection policies and ensuring we have written contracts in place with our data processors.
- Implementing appropriate security measures in relation to the personal data we process.
- Carrying out data protection impact assessments for our high-risk processing.
- We regularly review our accountability measures and update or amend them when required.

2.9 **Principle (a): lawfulness, fairness and transparency.** Processing personal data must be lawful, fair and transparent. It is only lawful if and to the extent it is based on law and either the data subject has given their consent for the processing, or the processing meets at least one of the conditions in Schedule 1. We provide clear and transparent information about why we process personal data including our lawful basis for processing in our privacy notice, employee privacy notice and this policy document.

Our processing for purposes of substantial public interest is necessary for the exercise of a function conferred on Torus, or the Data Controller we act as a processor for, by legislation. We are registered with the Regulator of Social Housing to provide Social Housing, including the management of communities and neighbourhoods. Our processing for the purposes of employment relates to our obligations as an employer.

- 2.10 Principle (b): purpose limitation.** We process personal data for purposes of substantial public interest as explained above. We are authorised by law to process personal data for these purposes. We may process personal data collected for any one of these purposes (whether by us or another controller), for any of the other purposes here, providing the processing is necessary and proportionate to that purpose. If we are sharing data with another controller, we will document that they are authorised by law to process the data for their purpose. We will not process personal data for purposes incompatible with the original purpose it was collected for.
- 2.11 Principle (c): data minimisation.** We collect personal data necessary for the relevant purposes and ensure it is not excessive. The information we process is necessary for and proportionate to our purposes. Where personal data is provided to us or obtained by us, but is not relevant to our stated purposes, we will erase it.
- 2.12 Principle (d): accuracy.** Where we become aware that personal data is inaccurate or out of date, having regard to the purpose for which it is being processed, we will take every reasonable step to ensure that data is erased or rectified without delay. If we decide not to either erase or rectify it, for example because the lawful basis we rely on to process the data means these rights don't apply, we will document our decision.
- 2.13 Principle (e): storage limitation.** All special category data processed by us for the purpose of employment or substantial public interest is, unless retained longer for archiving purposes, retained for the periods set out in our retention schedule. We determine the retention period for this data based on our legal obligations and the necessity of its retention for our business needs. Our retention schedule is reviewed regularly and updated when necessary.
- 2.14 Principle (f): integrity and confidentiality (security).** Electronic information is processed within our secure network. Hard copy information is processed in line with our security procedures. Our electronic systems and physical storage have appropriate access controls applied. The systems we use to process personal data allow us to update personal data at any point in time where appropriate.
- 2.15** Our retention and erasure practices are set out in our retention schedule.
- 2.16** This policy will be retained for the duration of our processing and for a minimum of 6 months after processing ceases.
- 2.17** Additional special category processing. We process special category personal data in other instances where it is not a requirement to keep an appropriate policy document. Our processing of such data respects the rights and interests of the data subjects. We provide clear and transparent information about why we process personal data including our lawful basis for processing in our privacy notice and employment privacy notice.

3. Equality and Diversity

Torus is dedicated to fostering an inclusive and diverse environment in all aspects of its operations, including data protection. We are committed to treating all individuals with fairness, dignity, and respect, regardless of their characteristics or backgrounds. Our data protection practices align with the principles of equality and diversity, aiming to eliminate discrimination and ensure equitable treatment. We recognise the importance of diversity in decision-making processes and strive to create an atmosphere where all individuals, regardless of race, ethnicity, gender, sexual orientation, disability, age, religion, or any other protected characteristic, feel valued and included.

4. Monitoring & Review

The policy is owned, updated, and reviewed by the Group Data Protection Officer.

The policy will be reviewed every year unless there is a change in legislation which means that it must be amended before that date.