

# **Appropriate Policy Document Schedule 1 Part 4 Data Protection Act 2018**

This document has been developed to meet the requirements in the Data Protection Act 2018 for an appropriate policy document which details the basis and conditions for processing and the safeguards the Leeds CCG have put in place to process special category data.

It meets the requirement of Schedule 1 part 1 of the Data Protection Act 2018 that an appropriate policy document be in place where the processing of special category personal data is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on the controller or the data subject in connection with employment, social security or social protection.

It also meets the requirements at paragraph 5 of Schedule 1 to the Data Protection Act 2018 that an appropriate policy document be in place where the processing of special category personal data is necessary for reasons of substantial public interest. The specific conditions under which data may be processed for reasons of substantial public interest are set out in paragraphs 6 to 28 of Schedule 1 of the Data Protection Act 2018.

The CCG relies on DPA Schedule 1 conditions to process special categories of data for example:

## **2.1 Conditions relating to employment, health and Research**

Employment, social security and social protection

- Processing personal data concerning health in connection to the CCG's rights under employment law
- Providing human resources and occupational health facilities for employees
- Processing data relating to criminal convictions in connection with recruitment, discipline or dismissal

## **2.2 Substantial public interest condition**

Equality of opportunity or treatment

- Ensuring compliance with our obligations under legislation such as the Equality Act 2010 and Sex Discrimination Act 1970

Preventing fraud

- Disclosing personal data in accordance with the Cabinet Office's National Fraud Initiative

Safeguarding of children and of individuals at risk

- To assess and evaluate safeguarding concerns so that we can work effectively with NHS partners and other agencies to help promote the welfare of children or adults and to protect them from abuse and neglect.

Disclosure to elected representative

- Providing information to elected representatives such as Members of Parliament in response to a data subjects request for assistance

## **Procedures for securing compliance:**

Article 5 of the General Data Protection Regulation sets out the data protection principles. These are our procedures for ensuring we comply with them:

### **Principle 1**

Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject. The CCG 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 will ensure that data subjects are not misled about the purposes of any processing
- ensure that data subjects receive full privacy information so that any processing of personal data is transparent.

### **Principle 2**

Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with the purposes. The CCG will:

- only collect personal data for specified, explicit and legitimate purposes and will inform data subjects what those purposes are in a privacy notice
- not use personal data for purposes that are incompatible with the purposes for which it was collected. If personal data is used for a new purpose that is compatible we will inform the data subject first.

### **Principle 3**

Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed. The CCG will:

- only collect the minimum personal data that is needed for the purposes for which it is collected.
- ensure that the data we collect is adequate and relevant.

### **Principle 4**

Personal data shall be accurate and where necessary, kept up to date. The CCG will:

- ensure that personal data is accurate and kept up to date where necessary. We will take particular care to do this where our use of the personal data has significant impact on individuals

### **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. The CCG will:

- only keep personal data in identifiable form for as long as is necessary for the purposes for which it was collected or where we

have a legal obligation to do so. Once we no longer need the data it shall be deleted or rendered permanently anonymous.

### **Principle 6**

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

The CCG will:

- ensure that there are appropriate technical or organisational measures in place to protect personal data.

### **Accountability principle**

The data controller shall be responsible for and be able to demonstrate compliance with these principles.

The CCG information Governance team are responsible for ensuring the CCG are compliant with these principles. The team will:

- ensure that records are kept of all personal data processing activities and these are provided to the Information commissioner on request
- enable completion of Data Protection Impact Assessments for any high-risk personal data processing and consult the Information commissioner if appropriate
- have appointed a Data Protection Officer to provide independent advice and monitoring of the CCG's personal data handling and that this person has access to report to the highest management level
- have in place internal processes to ensure that personal data is only collected, used or handled in a way that is compliant with data protection law.

### **Retention and erasure of personal data**

We will ensure, where special category personal data is processed that:

- there is a record of that processing and that record will set out, where possible, the envisaged time limits for erasure of the different categories of data
- where we no longer require special category data for the purpose for which it was collected, we will delete it or render it permanently anonymous
- data subjects receive full privacy information about how their data will be handled and that this will include the period for which the personal data will be stored or if that is not possible, the criteria used.

For further information about NHS Leeds Clinical Commissioning Group's compliance with Data Protection law please see our Privacy notice or contact us via email: [Leedsccg.DPO@nhs.net](mailto:Leedsccg.DPO@nhs.net)