

## **APPROPRIATE POLICY DOCUMENT FOR PROCESSING SPECIAL CATEGORY DATA**

1. Birmingham Peoples Centre (BCP) processes the following special category data:

Personal data revealing: racial or ethnic origin; political opinions; religious or philosophical beliefs; trade union membership and data concerning health, sex life and sexual orientation.

2. We process this special category data pursuant to The Data Protection Act 2018 Schedule 1 Part 2 paragraph 5: "Requirement for an appropriate policy document when relying on conditions in this part" and paragraph 8: "Equality of opportunity or treatment".
3. In the processing of special category data, the following conditions apply:
  - (a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes;
  - (b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law;
  - (c) processing is necessary for the establishment, exercise or defence of legal claims.

### **Accountability**

We take responsibility for complying with the GDPR, at the highest management level and throughout our organisation.

We keep evidence of the steps we take to comply with the GDPR.

We put in place appropriate technical and organisational measures, such as:

- adopting and implementing data protection policies (where appropriate) and putting appropriate data protection measures in place throughout the entire lifecycle of our processing operations. This is monitored by regular GDPR audits;
- Maintaining documentation of our processing activities;
- Implementing appropriate security measures: virus software; change of passwords to our case management system every 60 days
- Recording and, where necessary, reporting personal data breaches;
- Appointing a data protection officer

### **Lawfulness**

We have identified appropriate lawful bases for our processing:

- (a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes;

- (b) processing is necessary for compliance with a legal obligation to which the controller is subject;
- (c) processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data.

### **Fairness**

We only handle people's data in ways they would reasonably expect and we do not deceive or mislead people when we collect their personal data. We advise clients when they contact us of what information will be collected from them and why we need this information. Should special category data need to be collected, written consent will be sought from the client for us to record and process this data. The special category data will only be recorded and processed when necessary to deal with the client's Employment claims.

### **Transparency**

We are open and honest and comply with the transparency obligations of the right to be informed. The reason for obtaining the data is explained to the client as is their right to withdraw consent at any time.

### **Purpose limitation**

We have clearly identified our purposes for processing which can be found in our privacy notice.

We regularly review our processing and, where necessary, update our documentation and our privacy notice for individuals.

If we plan to use personal data for a new purpose other than a legal obligation or function set out in law, we check that this is compatible with our original purpose or we get specific consent for the new purpose.

### **Data minimisation**

We only collect personal data we actually need for our specified purposes.

We have sufficient personal data to properly fulfil those purposes.

We periodically review the data we hold and delete anything we don't need.

## **Accuracy**

We ensure the accuracy of any personal data we create.

We have appropriate processes in place to check the accuracy of the data we collect and we record the source of that data which in our case is our client. We confirm with the client whether the data is still accurate.

Should the client be a repeat client, we will ask whether the data is still accurate and will ask for renewal of consent to process the data if required.

We comply with the individual's right to rectification and carefully consider any challenges to the accuracy of the personal data. This right to rectification and who to request the rectification from can be found in our privacy notice.

## **Storage limitation**

We hold data in electronic form from clients for 7 years to comply with legal obligations.

Files and documents we hold from clients will be returned to the clients after closing the case or alternatively, they will be securely destroyed (by incineration or shredding).

We regularly review our information and erase or anonymise personal data when we no longer need it.

We have appropriate processes in place to comply with individual' requests for erasure under the 'right to be forgotten'. The process is included in our privacy notice and also in our advice and client care letters. We also let the clients know of their right when we first make contact with them by phone.

Any personal data collected for statistical purposes is anonymised.

## **Integrity and confidentiality**

We undertake an analysis of the risks presented by our processing and use this to assess the appropriate level of security we need to put in place.

When deciding what measures to implement, we take account of the state of the art and costs of implementation.

We have an information security policy and take steps to make sure the policy is implemented.

We conduct regular audits to ensure the policies are adhered to and where necessary, improve them. Regular audits are also carried out of our measures to ensure they remain effective and act on the results of those tests where they highlight areas for improvement.

We understand the requirements of confidentiality, integrity and availability for the personal data we process.

We have a back up process to restore access to personal data in the event of any incidents.

We use a trusted IT provider, iizuka, to store personal data electronically on their case management system who also implement appropriate technical and organisational measures.