

## SPECIAL CATEGORY & CRIMINAL OFFENCES DATA PROCESSING POLICY

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Version Control	Date of Current Review	Date of Next Review	Reviewed by
V1	December 2021	January 2023	A&RM Committee

CORPORATE FIT	
Internal Management Plan	
Risk Register	
Business Plan	
Regulatory Standards	
Equalities Strategy	
Legislation	

## 1. Introduction

As part of Albyn Housing Society's functions as a Registered Social Landlord, it processes Special Category data and Criminal Offence data in accordance with the requirements of Article 9 and 10 of the General Data Protection Regulation ('GDPR') and Schedule 1 of the Data Protection Act 2018 ('DPA').

Schedule 1 Part 4 of the DPA requires Albyn to have in place this document, called an Appropriate Policy Document (APD), when it relies on certain conditions for processing Special Category and Criminal Offence data. This policy will tell you what Special Category and Criminal Offence data Albyn processes, its lawful basis (schedule 1 condition in the DPA) for processing it, the purposes for which it processes it, and how it ensures compliance with the principles of data protection law provided in Article 5 of the GDPR.

This policy is applicable to the trading subsidiaries of Albyn Housing Society, to be referred to hereinafter as 'Albyn'.

## 2. Description of Special Category and Criminal Offence Data Processed

Special category data means information about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation and genetic or biometric data.

Criminal records data means information about an individual's criminal convictions and offences, and information relating to criminal allegations and proceedings.

## 3. Description of data processed

Albyn processes the special category data about its employees that is necessary to fulfil its 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 the Employee Privacy Notice and Recruitment Process Privacy Notice.

Albyn processing for reasons of substantial public interest relates to the data it receives or obtains in order to fulfil its function as a Registered Social Landlord. Further information about this processing can be found in the Customer Privacy Notice.

## 4. Conditions for Processing

Below are listed the DPA Schedule 1 conditions on which Albyn is relying to process special category and criminal offence data.

- Schedule 1 Part 1 Paragraph 1 - Employment, social security and social protection.  
*Examples of processing are staff sickness records and requesting criminal records checks as part of the recruitment process.*
- Schedule 1 Part 2 Paragraph 6 - Statutory, etc. purposes  
*Where Albyn needs to process data for the purposes of performing its function as a Registered Social Landlord.*

- Schedule 1 Part 2 Paragraph 8 – Equality of opportunity  
*Examples of processing is the collection of equality information in order to promote equal opportunities.*
- Schedule 1 Part 2 Paragraph 10 - Preventing or detecting unlawful acts  
*Examples of processing include where Albyn report matters to the Police, local authorities or other regulatory bodies.*
- Schedule 1 Part 2 Paragraph 12 - Regulatory requirements relating to unlawful acts and dishonesty.  
*Examples of our processing include where Albyn reports matters to regulatory authorities or assist with their investigations.*
- Schedule 1 Part 2 Paragraph 18 - Safeguarding of children and individuals at risk.  
*Example of processing includes where Albyn receives reports of customers at risk and needs to take steps to ensure their safety.*
- Schedule 1 Part 2 Paragraph 24 - Disclosure to elected representatives  
*Examples of processing include responding to requests for information from MSPs acting on behalf of their local constituent.*

## **5. How Albyn complies with the data protection principles in Article 5 of the GDPR**

Article 5(2) of the GDPR requires Data Controllers to demonstrate how they comply with the data protection principles provided in Article 5(1). This section illustrates the measures Albyn has taken to demonstrate accountability for the personal data it processes and contains details about how it ensures compliance with the principles of the GDPR.

### **5.1. Accountability**

Albyn has 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 its activities.
- Maintaining documentation of its processing activities.
- Adopting and implementing data protection policies and ensuring it has written contracts in place with our data processors.
- Implementing appropriate security measures in relation to the personal data it processes.
- Carrying out data protection impact assessments for high risk processing.

### **5.2. Lawful, fair and transparent processing**

Albyn provides clear and transparent information to individuals about why it processes their personal data, including the lawful basis in its Privacy Notices. This includes information about why Albyn processes Special Category and Criminal Offence data.

As a Registered Social Landlord Albyn needs to process special category and criminal offence data to meet the requirements of legislation such as the Housing (Scotland) Act (2010), the Equality Act (2010), the Health and Safety Act (1974), and legislation relating to safeguarding.

Albyn processes employment data to meet our legal obligations as an employer.

### **5.3. Purpose limitation**

We process special category and criminal offences data for purposes explained in section 4.

Albyn will not process any personal data for purposes which would be incompatible with the purpose for which the data was originally collected.

### **5.4. Data minimisation**

Albyn collects personal data necessary for the relevant purposes and ensures it is not excessive. The information Albyn processes is necessary for and proportionate to our purposes.

### **5.5. Accuracy**

When Albyn identify data which is inaccurate or out of date, having due regard for the purpose for which the data was processed, it will take necessary steps to rectify, replace or erase it as soon as possible and within one month. If there is a specific reason Albyn cannot rectify or erase the data, for instance because the lawful basis does not permit it, it will record the decision.

### **5.6. Storage limitation**

Special Category and Criminal Offence data processed by Albyn for the purpose of employment or substantial public interest, will be retained for the periods set out in the Albyn Group Retention Policy.

### **5.7. 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.

## **6. Policy Review**

This policy will be retained for the duration of the processing, and for a minimum of 6 months thereafter. The policy will be reviewed in alignment with the Data Protection Policy or revised more frequently if necessary.