**The Wharf Nursery**

**GODALMING LEARNING PARTNERSHIP**

# Special Category Data Policy

# April 2026

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This policy has been written with consideration given to school & Governing Body working practices. By adopting this Godalming Learning Partnership policy, schools reduce their policy management workload.

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# Special Category Data Policy

### 1. Aims

Our school aims to ensure that all special category data collected about staff, pupils, parents, governors, visitors and other individuals is collected, stored and processed in accordance with the Data (Use & Access) Act 2025, the UK General Data Protection Regulation (UK GDPR) and the provisions of the Data Protection Act 2018 (DPA 2018).

This policy applies to all personal data, regardless of whether it is in paper or electronic format.

### 2. Introduction

As part of the school's statutory 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').

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 (where used for identification purposes)
- Data concerning physical or mental health, or
- Data concerning a natural person's sex life or sexual orientation.

Article 10 of the UK GDPR covers processing in relation to criminal convictions and offences. 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'.

Some of the legal 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 data protection principles and to have policies regarding the retention and erasure of such personal data.

This document satisfies the requirements of Schedule 1, Part 4 of the DPA 2018 and explains our processing of special category and criminal offence data. In addition, it provides some further information about our processing of special category and criminal offence data where a policy document isn't a specific requirement. The information supplements our privacy notices (which are available on our website).

## 3. Conditions for processing special category and criminal offence data

We process special categories of personal data under the following UK GDPR Articles:

- Article 9(2)(a) – the data subject has given explicit consent to the processing (when none of the other lawful bases apply). *When we seek consent, we make sure that the consent is unambiguous and for one or more specified purposes, is given by an affirmative action and is recorded as the condition for processing. Examples of our processing that require consent include pupil and staff dietary requirements or consent for pupil pastoral support.*
- Article 9(2)(b) – processing is necessary in the field of employment law. *An example of this processing includes staff sickness absences.*
- Article 9(2)(c) - processing is necessary to protect the vital interests of the data subject or of another natural person. *An example of this would be using health information about a member of staff in a medical emergency.*
- Article 9(2)(f) – for the establishment, exercise or defence of legal claims. *Examples of our processing include processing relating to any employment tribunal or other litigation.*
- Article 9(2)(g) - reasons of substantial public interest. *The school is a public authority. Our role includes the education and safeguarding of pupils. Our processing of personal data in this context is necessary for the carrying out of our role. An example of our processing includes processing pupil health information in order to ensure pupils receive appropriate education taking into account any additional health needs they have*
- Article 9(2)(h) - necessary to assess the working capacity of the employee. *An example of this would be the provision of occupational health services to our employees.*
- Article 9(2)(j) – for archiving purposes in the public interest. *An example of this is that we maintain an archive of photos and significant school or Godalming Learning Partnership events for historical purposes.*
- We process criminal offence data under Article 10 of the GDPR. *Examples of our processing of criminal offence data include pre-employment checks and declarations by an employee in line with contractual obligations or being informed about a parent's criminal convictions where that may affect the safeguarding or wellbeing of relevant pupils.*

## 4. Processing which requires an Appropriate Policy Document ("APD")

### 4.1. Description of data processed

Almost all processing of special categories of data for purposes of substantial public interest, plus processing of special categories of data for purposes of employment law, social security law and social protection law, requires an APD.

This document is the APD for our school. It demonstrates that the processing of special category and criminal offence data based on these specific conditions is compliant with the requirements of the UK GDPR data protection principles. It also outlines our retention policies with respect to this data

We process the special category data about our pupils that is necessary to fulfil our obligations as a school. This includes information about their health and wellbeing status and ethnicity. Further information about this processing can be found in our pupil and parent privacy notice.

We process the special category data about our employees, volunteers and those responsible for governance, that is necessary to fulfil our obligations as an employer. This includes information about their health and wellbeing, ethnicity, sexual orientation, and their membership of any trade union. Further information about this processing can be found in our workforce privacy notice.

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

### 4.2. Schedule 1 conditions for processing

We process Special Category data for the following purposes outlined in the DPA 2018 Schedule 1:

- Paragraph 1 employment law, social security law and social protection law
- Paragraph 2 health or social care purposes
- Paragraph 3 public health
- Paragraph 4 archiving purposes in the public interest.
- Paragraph 6 statutory purposes
- Paragraph 8 equality of opportunity or treatment
- Paragraph 10 preventing or detecting unlawful acts
- Paragraph 12 regulatory requirements relating to unlawful acts
- Paragraph 17 counselling
- Paragraph 18 safeguarding of children and individuals at risk.

We process criminal offence data for the following purposes in Schedule 1:

- Paragraph 11 employment law, social security law and social protection law
- Paragraph 6 statutory purposes
- Paragraph 18 safeguarding of children and individuals at risk

## 4.3. Procedures for ensuring compliance with the principles

**The 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 data processing activities.

Adopting and implementing data protection policies and ensuring we have appropriate 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.

**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 of the DPA 2018.

We provide clear and transparent information about why we process personal data including our lawful basis for processing in our privacy notices, in our Data Protection Policy and this policy document.

Our processing for purposes of substantial public interest is necessary for the exercise of the functions conferred on the school by the legislation referred to in our main Data Protection Policy document.

Our processing for the purposes of employment relates to our obligations as an employer.

**Principle (b) - purpose limitation:**
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.

**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.

**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.

**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.

**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 erase or update personal data at any point in time where appropriate.

## 5. Appropriate Policy Document review date

This policy will be retained for the duration of our processing and for a minimum of 6 months after processing ceases. This policy will be reviewed on a biennial basis along with all our data protection policies and documents, or as necessary.

Because this is a new policy, its first review will take place after one year, in April 2027 and then along with all other data protection documentation beginning April 2028.