

1. INTRODUCTION

As a provider of services and an employer we process Special Category and Criminal Offence data in accordance with Article 9 of the General Data Protection Regulation (2016/679) (GDPR) and Schedule 1 of the Data Protection Act (2018) (DPA) and any associated legislation.

This Appropriate Policy Document will cover all processing of special category personal data carried out by The Barnet Group for which all of the following conditions are met:

- we (data controller) are processing personal data which is the subject of Articles 9 or 10 of EU GDPR;
- we (data controller) are processing this personal data in reliance of a condition listed in Parts 1, 2 or 3 of Schedule 1 of the DPA;
- the condition listed in Parts 1, 2, or 3 of Schedule 1 includes a requirement for the data controller to have an Appropriate Policy Document.

Schedule 1, Part 4 of the DPA requires us to have in place this Appropriate Policy Document when we rely on certain conditions for processing Special Category and Criminal Offence data. This policy will tell you what Special Category and Criminal Offence data we process, our lawful basis (schedule 1 condition in the DPA) for processing it, the purposes for which we process it, and how we ensure compliance with the principles of data protection law provided in Article 5 of the GDPR.

We will also tell you how long we will hold the Special Category and Criminal Offence data.

This Appropriate Policy Document applies to:

- Barnet Homes;
- TBG Open Door ('Opendoor Homes');
- Your Choice (Barnet);
- Bumblebee Lettings; and
- TBG Flex,

referred to collectively as 'The Barnet Group'.

2. DESCRIPTION OF THE DATA PROCESSED

We process the following types of Special Category and Criminal Offence data:

- Health and disability
- Religious/philosophical belief
- Ethnic/racial background
- Sexual life/sexual orientation
- Trade Union membership
- Criminal Offence data

3. SCHEDULE 1 CONDITION FOR PROCESSING

Below we have listed the Schedule 1 conditions on which we are relying, and which need to be covered by this document. In this list, Special Category Data is abbreviated as SC; Criminal Offence Data is abbreviated as CO.

Schedule 1 Part 1 para 1 (employment and social protection), where The Barnet Group needs to process SC/CO data for the purposes of performing its obligations or rights as an employer, or for guaranteeing the social protection of individuals. This includes processing data relating to criminal

convictions under Article 10 EU GDPR in connection with our rights under employment law in connection with recruitment, discipline or dismissal.

Schedule 1 Part 2 – substantial public interest conditions

Schedule 1 Part 2 para 6 (statutory etc and government purposes), where The Barnet Group needs to process SC/CO data for the purpose of fulfilling its obligations under UK legislation for the provision of services to customers, and for the purpose of complying with other legal requirements, such as the requirement to disclose information in connection with legal proceedings.

Schedule 1 Part 2 para 8 (equality of opportunity), where The Barnet Group needs to process SC/CO data for the purposes of ensuring compliance with its obligations under legislation such as the Equality Act 2010, ensuring that Barnet Homes fulfils its public sector equality duty when carrying out its work, monitoring equality of opportunity or treatment between groups of people specified in relation to that category with a view to enabling such equality to be promoted or maintained in recognition of our legal and ethical duty to represent and serve communities.

Schedule 1 Part 2 para 9 (racial and ethnic diversity at senior levels of organisations), where The Barnet Group needs to process SC/CO data for the purposes of identifying suitable individuals to hold senior positions, and promoting or maintaining diversity in the racial and ethnic origins of individuals who hold senior positions in the organisation.

Schedule 1 Part 2 para 10 (prevention of crime), where The Barnet Group needs to process CO data for the purpose of preventing or detecting unlawful acts, including processing data concerning criminal records in connection with employment in order to reduce the risk to the organisation and the community, and carrying out any enforcement action in connection with statutory duties where these exist.

Schedule 1 Part 2 para 11 (protecting the public from dishonesty) where The Barnet Group needs to process CO data to protect members of the public from malpractice, unfitness, incompetence, or mismanagement in the administration of a body or organisation, and obtaining consent would prejudice the exercise of the protective function, including processing data concerning dishonesty, malpractice, or other improper conduct in order to protect the local community, and carrying out investigations and disciplinary actions relating to our employees.

Schedule 1 Part 2 para 12 (regulatory requirements relating to unlawful acts and dishonesty) where The Barnet Group needs to process CO data to comply with a requirement which involves taking steps to establish whether an individual has committed an unlawful act, or been involved in dishonesty, malpractice or other seriously improper conduct, including assisting other authorities in connection with their statutory and regulatory requirements.

Schedule 1 Part 2 para 14 (preventing fraud) where The Barnet Group needs to process CO data for the purposes of preventing fraud or a particular kind of fraud, including the disclosure of personal data in accordance with arrangements made by an anti-fraud organisation.

Schedule 1 Part 2 para 15 (suspicion of terrorist financing or money laundering) where The Barnet Group needs to process CO data for the purposes of making a disclosure in good faith under section 21CA of the Terrorism Act 2000, or section 339ZB of the Proceeds of Crime Act 2002.

Schedule 1 Part 2 para 16 (support for individuals with a particular disability or medical condition) where The Barnet Group needs to process SC data as a not-for-profit body which provides support to individuals with a particular disability or medical condition or to raise awareness of a disability or medical condition in order to deliver services to service users and their carers, and including processing personal data revealing racial or ethnic origin, data concerning health, and personal data concerning an individual's sex life or sexual orientation.

Schedule 1 Part 2 para 18 (safeguarding of children and of individuals at risk), where The Barnet Group needs to process SC/CO data in order to protect the physical, mental, or emotional

well-being of an individual under the age of 18, or over the age of 18 and at risk, including obtaining further support for children and individuals at risk by sharing information with relevant agencies, only where, in the circumstances, consent cannot be given by the data subject, cannot be reasonably obtained from the data subject, or where the processing must be carried out without the consent of the data subject because obtaining the data subject's consent would prejudice the provision of the protection, and is necessary for reasons of substantial public interest.

Schedule 1 Part 2 para 19 (safeguarding of economic wellbeing of certain individuals), where The Barnet Group needs to process SC/CO data for the purposes of protecting the economic well-being of an individual at economic risk who is aged 18 or over, including sharing information with our partners to assist them to support individuals, only where, in the circumstances, consent cannot be given by the data subject, cannot be reasonably obtained from the data subject, or where the processing must be carried out without the consent of the data subject because obtaining the data subject's consent would prejudice the provision of the protection.

Schedule 1 Part 2 para 24 (disclosure to elected representatives), where The Barnet Group needs to process SC data for the purposes of disclosure to an elected representative or a person acting with the authority of such a representative, where requests are made for assistance on behalf of their constituents.

4. HOW WE COMPLY 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 we have taken to demonstrate accountability for the personal data we process, and contains details about how we ensure compliance with the principles of the GDPR.

4.1 Accountability

We demonstrate our compliance with the data protection principles provided in Article 5 of the GDPR through the following measures and documents:

We have appointed a Data Protection Officer whose role and responsibilities align with the provisions of Articles 37-39 of the GDPR.

Our Record of Processing Activities (ROPA) sets out the personal data categories we process, the purposes, the lawful basis, our retention periods for the data, our legitimate interests, Schedule 1 conditions for processing, recipients of personal data, any international transfers of data, and our means of keeping data secure.

Our Privacy Policies on our websites explain to individuals how and why their data is processed by The Barnet Group, what their rights are, and how they can get in touch with our DPO and the regulatory authority.

When we routinely and/or regularly share data with third parties, we enter into written agreements with Data Controllers and Data Processors which meet the provisions of Articles 26 and 28 of the General Data Protection Regulation respectively.

When we make decisions on whether to share data with third parties on an occasional or one-off basis, we do so in accordance with our Information Sharing protocol.

We carry out data protection impact assessments (DPIAs) for uses of personal data that are likely to result in a risk to individuals' data protection rights and freedoms.

We implement appropriate security measures which are proportionate to the risk associated with the processing.

We maintain logs of security incidents, data protection rights requests, and details on information sharing with partners.

We undertake regular data protection audits.

All employees receive annual data protection training, and all new employees must complete data protection training within one month of joining the organisation.

We have in place internal processes and procedures to ensure that personal data is only collected, used, or handled in a way that is compliant with data protection law.

4.2 Lawful, fair, and transparent processing

We provide clear and transparent information to individuals about why we process their personal data, including our lawful basis in our Privacy Policies. This includes information about why we process Special Category and Criminal Offence data.

As a provider of public services, Barnet Homes and Your Choice (Barnet) need to process Special Category Data for the substantial public interest conditions outlined in section 3 of this policy to meet the requirements of legislation such as the Equality Act (2010), the Health and Safety Act (1974), and legislation relating to safeguarding.

We process employment data to meet our legal obligations as an employer.

4.3 Purpose limitation

We process Special Category and Criminal Offence data where it is necessary to meet the following purposes, which are outlined in our Privacy Policies:

- Equal opportunities monitoring, including statutory returns to government such as the Continuous Recording of Lettings and Sales in Social Housing in England (CORE);
- To meet the requirements of employment law;
- Certain work placements or casual work opportunities where a DBS check is required;
- To support special arrangements, such as building access plans and personal care plans;
- To fulfil our obligations under a range of UK legislation for the provision of services to customers;
- To allow us to fully investigate a complaint or grievance;
- To understand dietary requirements based on health or belief;
- Recording sickness absence;
- To comply with health and safety obligations;
- Where processing is necessary to respond to an emergency situation;
- Responding to binding requests or search warrants from courts, the government, regulatory, or enforcement bodies;
- To fully process job applications;
- For the prevention and detection of unlawful acts (e.g. incidents captured on CCTV);
- To verify the good character, competence, and integrity of senior managers and trustees;
- To take necessary steps to ensure that a natural or legal person offering support to The Barnet Group has not committed an unlawful act, or been involved in dishonesty, malpractice, or other seriously improper conduct;
- For the prevention and detection of crime, including fraud, money-laundering, mismanagement, and malpractice;
- To support individuals with a particular disability or medical condition;
- To safeguard children and individuals at risk, and safeguard the economic wellbeing of individuals;
- To disclose information to elected representatives.

We will only process Special Category and Criminal Offence data for the listed purposes, and in accordance with a condition in Articles 9-10 of the GDPR and Schedule 1 Parts 1-3 of the DPA. We process some Special Category and Criminal Convictions data for purposes not covered in this policy document. These conditions are:

- where we ask for your explicit consent to process Special Category and Criminal Offence data
- for the purposes of preventative or occupational medicine,
- where processing is necessary to protect your vital interests, and
- for research, statistics, and archival purposes.

We may process data collected for any one of these purposes (whether by us or another Data Controller), for any of the other listed purposes, so long as the processing is necessary and proportionate to that purpose.

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

We provide clear and transparent information to individuals about why we process their personal data, including our lawful basis in our Privacy Policies. This includes information about why we process Special Category and Criminal Offence data. 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 it is compatible with our original purpose and take steps such as Data Protection Impact Assessments to determine appropriate actions to take.

4.4 Data minimisation

We design our data collection forms and other data collection tools to ensure that we only collect the Special Category or Criminal Offence data necessary to achieve the purpose. Our purposes are set out in our Privacy Policies. Layered privacy statements are also included in data collection tools.

Where we operate systems that cannot control the volume of special category data collected (i.e. CCTV) we take measures to minimise the volume of data processed. We only monitor public spaces with the minimum number of cameras needed to cover the area, and we operate a retention period of 30 days from the date the footage is recorded, in line with our CCTV and Body Worn Video Policy.

We are satisfied that we collect and retain Special Category and Criminal Offence data for long enough to fulfil our purposes. We collect enough but no more than we need in accordance with the data minimisation principle, and we only hold Special Category and Criminal Offence data for the period set out in our retention policies.

Our Records Retention Schedule sets out the correct disposal action once records containing special category data are no longer required.

We periodically review Special Category and Criminal Offence data and delete any that we no longer need, in line with our Records Retention and Disposal Policy.

4.5 Accuracy

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

We provide interfaces for staff and in some instances for customers to keep their personal data up to date, as well as issuing regular reminders to update or provide equalities monitoring data.

We have a Data Subjects Rights Procedure that outlines how we deal with challenges to the accuracy of data and how we ensure compliance with the individual's right to rectification.

4.6 Storage limitation

Special Category and Criminal Offence data processed by us for the purpose of employment or substantial public interest, will be retained for the periods set out in our Records Retention Schedule. The retention policy for record categories is determined by our legal and regulatory obligations, and our business requirements.

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4.7 Security

Electronic data is hosted on a secure network, and on the secure servers of third party cloud storage providers with whom we have contractual agreements. Electronic and hard copy data is managed according to our internal records management policies and procedures.

5. RETENTION AND ERASURE POLICIES

We have a Records Retention and Disposal Policy and Schedule for records containing Special Category Data.

6. APPROPRIATE POLICY REVIEW DATE

This policy will be retained for the duration of the processing, and for a minimum of 6 months thereafter.

The policy will be reviewed annually, or revised more frequently if necessary.

7. FURTHER INFORMATION

For further information about our compliance with data protection law, please contact the Data Protection Officer. You can find their details in our Privacy Policies:

Staff – www.thebarnetgroup.org/privacy

Barnet Homes customers – www.thebarnetgroup.org/privacy

Opendoor Homes customers – www.opendoorhomes.org/privacy

Your Choice (Barnet) customers – www.yourchoicebarnet.org/privacy

Bumblebee Lettings customers – www.bumblebeeproperty.co.uk/privacy_policy

When processing personal data, The Barnet Group and its subsidiaries will comply with the requirements of the EU General Data Protection Regulation (2016/679 (EU GDPR), the Data Protection Act 2018 (DPA) and any associated legislation.