



**King's
Worcester**

Appropriate Policy Document

1. Introduction

As part of its statutory functions, the King's School Worcester Foundation ('the Foundation') processes special category data and criminal offence data in accordance with the requirements of Articles 9 and 10 of the UK General Data Protection Regulation (UK GDPR) and Schedule 1 of the Data Protection Act 2018 (DPA 2018).

Special Category Data

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 for the purpose of uniquely identifying a natural person
- data concerning health; or
- data concerning a natural person's sex life or sexual orientation.

Criminal Conviction Data

Article 10 of the UK GDPR covers processing in relation to criminal convictions and offences or related security measures. In addition, section 11(2) of the DPA 2018 specifically confirms that 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'.

Appropriate Policy Document

The Foundation is allowed to process this data under data protection law but some of the Schedule 1 conditions for processing special category and criminal offence data require the Foundation to have an Appropriate Policy Document (APD) in place, setting out and explaining the procedures for securing compliance with the principles in Article 5 and policies regarding the retention and erasure of such personal data.

This document explains the lawful basis and conditions for processing and the safeguards the Foundation has put in place, when processing special category personal data and criminal offence data. The document satisfies the requirements of Schedule 1, Part 4 of the DPA 2018. In addition, it provides some further information about the processing of special category and criminal offence data where a policy document isn't a specific requirement. The information supplements the Foundation's Privacy Notices. It should be read in conjunction with the Foundation's Data Protection Policy. Data retention with respect to this data is documented in the Foundation's Data Retention Policy.

Disclaimer

The examples of processing activities and legal bases provided in this document are illustrative and not exhaustive. The Foundation may process other types of special category or criminal offence data where necessary and lawful, in accordance with its statutory functions and data protection obligations.

This document should be interpreted in conjunction with the Foundation's Privacy Notices, Data Protection Policy, and Data Retention Policy. Where there is any uncertainty about the application of this policy or the lawful basis for processing, guidance should be sought from the Compliance Manager.

This Appropriate Policy Document is intended to support transparency and accountability. It does not override any statutory or regulatory requirements, nor does it confer additional rights beyond those provided under applicable data protection legislation.

2. Accessibility Statement

The King's School, Worcester is committed to making our policies accessible to everyone. If you require this document in an alternative format – such as large print, Braille, audio, or another language – please contact the Compliance Manager at compliance@ksw.org.uk or by telephone. We will do our best to provide the information you need in a way that works for you.

3. Description of Data Processed

The Foundation processes special category personal data in the following circumstances:

As an employer

Special category data about our employees that is necessary to fulfil our obligations as an employer. This includes information about their:

- health and well-being (to discharge our health and safety obligations, to determine if our employees are fit to work, to handle staff sickness and absence records, and to support employee well-being, including accessibility needs)
- ethnicity and sexual orientation (in relation to our equal opportunities monitoring), and
- membership of any union (for taking payroll deductions only).

As a place of education

Special category data about the children in our care and other members of our community that is necessary to fulfil our obligations as a Foundation, and for safeguarding and care. This includes information about their:

- health and well-being (in order to provide support, monitor attendance and absence, and to provide for accessibility needs)
- ethnicity and sexual orientation (in order to monitor compliance with equality legislation).

Further information about this processing can be found in the Privacy Notices.

Criminal convictions processing

The Foundation also processes criminal offence data under Article 10 of the GDPR. As an employer, the Foundation processes criminal offence data in relation to pre-employment checks and declarations by an employee or prospective employee (in certain roles).

In exceptional circumstances, the Foundation may also need to process criminal offence data in relation to pupils.

The examples of processing activities listed above are illustrative and not exhaustive. The Foundation may process other types of special category or criminal offence data where necessary and lawful, in accordance with its statutory functions and data protection obligations.

4. 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) – explicit consent.

In circumstances where 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 include staff and pupil dietary requirements and health information we receive from our staff and pupils who require a reasonable adjustment to access our services.

- Article 9(2)(b) – where processing is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on the Foundation or the data subject in connection with employment, social security or social protection.

Examples of our processing include staff sickness absences, tax and National Insurance data.

- Article 9(2)(c) – where processing is necessary to protect the vital interests of the data subject or of another natural person.

An example of our processing would be using health information about a pupil or 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 Foundation provides a safeguarding role to young and vulnerable people. The processing

of personal data in this context is for the purposes of substantial public interest and is necessary for the carrying out of our role.

Examples of our processing include the information sought, provided or received (e.g. from the local authority) as part of investigating an allegation.

- Article 9(2)(j) – for archiving purposes in the public interest.

The relevant purpose we rely on is Schedule 1 Part 1 paragraph 4 – archiving.

An example of our processing is the transfers we may make to the County Archives as set out in our Data Retention Policy.

Criminal offence data is processed under Article 10 of the UK GDPR.

Examples of the processing of criminal offence data include pre-employment checks and declarations by an employee in line with contractual obligations, and sharing information as required, for example with a local authority or the Department for Education re 'the Barred List'.

Special category data

Special Category data is processed for the following purposes in parts 1 and 2 of Schedule 1:

- paragraph 1 – employment, social security and social protection
- paragraph 2 – health or social care
- paragraph 4 – archiving
- paragraph 6(1) and (2)(a) – statutory, etc. purposes
- paragraph 8 – equality of opportunity or treatment
- paragraph 9 – racial and ethnic diversity at senior levels of organisations
- paragraph 17 – counselling
- paragraph 18 – safeguarding of children and of individuals at risk
- paragraph 20 – insurance
- paragraph 21 – occupational pensions
- paragraph 24 – disclosure to elected representatives.

Criminal offence data

Criminal offence data is processed for the following purposes in parts 1 and 2 of Schedule 1:

- paragraph 1 – employment, social security and social protection
- paragraph 6(2)(a) – statutory, etc. purposes
- paragraph 10 – preventing or detecting unlawful acts
- paragraph 11 – protecting the public against dishonesty etc.
- paragraph 12 – regulatory requirements relating to unlawful acts and dishonesty etc.

- paragraph 14 – preventing fraud
- paragraph 18 – safeguarding of children and of individuals at risk
- paragraph 24 – disclosure to elected representatives.

5. Compliance with the Data Protection Principles

Accountability principle

The Foundation has put in place appropriate technical and organisational measures to demonstrate our accountability. These include:

- the appointment of a Compliance Manager who reports directly to our highest management level
- the retention of services from a suitably qualified and experienced external data compliance consultancy provider
- taking a 'data protection by design and default' approach to our activities
- maintaining documentation of our processing activities
- adopting and implementing data protection policies
- ensuring we have written contracts in place with our data processors and data sharing agreements with our partners
- maintaining logs of personal data or potential data breaches, and data subject access requests
- implementing appropriate security measures in relation to the personal data we process
- mandatory annual data protection training for all staff and governors
- carrying out data protection impact assessments for our high risk processing; and
- reviewing our accountability measures regularly, and updating or amending them when required.

Principle (a): lawfulness, fairness and transparency

The Foundation will only process personal data when it is lawful to do so, and when we have been fair and transparent.

We provide clear and transparent information about why we process personal data including our lawful basis for processing in our Privacy Notices and this policy document.

Where the Foundation processes special categories of personal data, or criminal records data, we need an additional legal basis to rely upon, as set out above in this APD.

Principle (b): purpose limitation

We are authorised by law to process personal data for specified, explicit and legitimate purposes. We will only collect personal data for specified purposes and will inform data subjects what those purposes are through our Privacy Notices.

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 only 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 Data Retention Policy.

We determine the retention period for this data based on our legal obligations, industry best practice, and the necessity of its retention for our business needs.

Our Data Retention policy is reviewed regularly and updated when necessary.

Principle (f): integrity and confidentiality (security)

We will ensure that all Special Category and Criminal Offence data is processed in a way that ensures appropriate security of personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures. These include:

- a requirement for all staff to agree to the Acceptable Use Policy for IT systems
- role-based access controls implemented to restrict access to personal data
- mandatory annual data protection training for all staff
- implementation of encryption and other technical security controls to restrict access to personal data
- strong defences of the Foundation's core IT system (e.g. firewalls, malware detection &

defence)

- Cyber Essentials accreditation
- Staff Code of Conduct which outlines data protection responsibilities
- the ability to monitor and/or log digital and user activity where appropriate
- regular review of policies and procedures relating the data protection
- encryption of data in transit where appropriate
- ad-hoc IT health checks and penetration tests by independent certified test teams, with follow-up treatment of identified vulnerabilities
- robust procedures for the reporting of any data or potential data breaches
- oversight of all data compliance procedures by the Digital Governor, reporting to the Compliance Committee
- annual report of Data Compliance activities to the Governor's Compliance Committee.

6. Data Subject Rights

Under the UK GDPR and the DPA 2018, individuals whose data is processed by the Foundation (data subjects) have specific rights regarding their personal data. These rights apply to all personal data, including special category and criminal offence data, subject to certain legal limitations and exemptions, such as safeguarding or legal obligations, as outlined in the Data Protection Act 2018.

The Foundation recognises and upholds the following rights:

- Right to be informed – Individuals have the right to be informed about the collection and use of their personal data. This is fulfilled through our Privacy Notices and this Appropriate Policy Document.
- Right of access – Individuals can request access to their personal data and receive confirmation of whether it is being processed, along with supplementary information.
- Right to rectification – Individuals can request correction of inaccurate or incomplete personal data.
- Right to erasure – Also known as the 'right to be forgotten', individuals can request deletion of their personal data in certain circumstances.
- Right to restrict processing – Individuals can request the restriction or suppression of their personal data under specific conditions.
- Right to data portability – Where applicable, individuals can request to receive their personal data in a structured, commonly used format and transfer it to another controller.
- Right to object – Individuals can object to the processing of their personal data in certain situations, including direct marketing.

- Rights in relation to automated decision-making and profiling – Individuals have rights where decisions are made solely by automated means without human involvement.

To exercise any of these rights, individuals should contact the Foundation's Compliance Manager via compliance@ksw.org.uk. Requests will be handled in accordance with applicable data protection legislation and may be subject to verification and legal exemptions.

7. Retention and Erasure Policies

Special Category and Criminal Offence data is held and disposed of in line with the Foundation's Data Retention Policy.

We will ensure that:

- our Record of Data Processing is kept up to date and sets out the ownership, governance and maintenance of the Foundation's personal data records
- the disposal of personal data is carried out securely; and
- we assess the right retention period for special category and criminal offence data by considering the following:
 - the amount, nature, and sensitivity of the personal data
 - the potential risk of harm from unauthorised use or disclosure
 - the purposes for which we process the data and if it can be achieved through other means; and
 - any legal or regulatory requirements.

8. Review

This procedure will be reviewed by the Compliance Manager and Director of Operations annually or at more frequent intervals if there are relevant legislative changes, and/or the evaluation of the policy highlights the need for a review.

9. Version Control

Version No	Date	Summary of changes	Reviewed by
1	29/10/2025	Creation of document.	Liz Sydenham, Compliance Manager

10. Approval

The Foundation Leadership Team will review and approve significant policy changes every two years or at more frequent intervals if there are relevant legislative changes, especially those affecting retention practices, and/or the evaluation of the policy highlights the need for a review.

Version No	Approval Date	Approval Confirmed by
1	03 November 2025	Foundation Leadership Team