

Appropriate Policy Document (APD) for the Processing of Special Category and Criminal Offence Data

Introduction

As part of the Council's statutory functions, we are required to process special category data (for employees and service users) and personal data that relates to criminal offences. When we do this, some of the conditions in Schedule 1 of the Data Protection Act 2018 require us to have an Appropriate Policy Document (APD) in place, setting out and explaining our procedures for securing compliance with the principles in Article 5 of UK GDPR and our policies regarding the retention and erasure of this data. This document serves as the Council's APD.

Definitions

Criminal conviction data is described at Article 10(1) of the UK GDPR as any personal data relating 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'.

Special category data is defined under Article 9 of the UK GDPR as personal data revealing an individual's: 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.

Data protection principles

Article 5 of UK GDPR sets out the data protection principles. Set out below are the council's procedures for ensuring that we comply with them, with particular reference to special category and criminal offence data.

Lawfulness, fairness and transparency

The processing of personal data must be lawful, fair and transparent. The Council

will only process special category personal data and personal data about criminal offence when a lawful basis applies and will ensure that individuals are not misled about the purposes of any processing.

The Council is committed to providing clear and transparent information about why we process personal data. Our lawful basis for processing special category and criminal offence personal data is set out in our [service privacy notices](#), employee privacy notice and our [Record of Processing Activities](#).

Purpose limitation

The Council processes special category and criminal offence data for specific purposes and does not process such data for any purpose incompatible with the original purpose for which it was collected for. If any data set is required for research and archiving purposes, the Council will apply appropriate safeguards, as required under Article 89 of UK GDPR.

Data minimisation

The Council only collects special category and criminal offence data that is necessary for a specific purpose, ensuring that the data we collect is adequate and relevant, and proportionate to that purpose.

Data accuracy

Where the Council becomes aware that personal data is inaccurate or out of date, we will take appropriate actions to correct that data.

Storage limitation

Special category personal data and personal data about criminal processed by the Council is retained for the periods set out in our [Record Retention Schedule](#). The retention periods are determined based on our legal obligations and business needs.

Integrity and confidentiality

Personal data needs to be processed in a manner that ensures the appropriate security of personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage. The Council will ensure that there are appropriate organisational and technical measures in place to protect personal data.

Supporting compliance

To support compliance with the above, the Council has an [Information Governance Policy](#) which sets out our approach and commitment to the effective and lawful management of Council information through good information governance. It also sets out the roles and responsibilities of all stakeholders involved in handling and managing Council information. This is underpinned by a series of internal standards, procedures, and guidance to ensure that personal data is only collected, used or handled in a way that is compliant with data protection law.

Review

This statement will be reviewed annually, and is due for review in March 2026.

Further information

For further information about our compliance with data protection law, please contact us at: DataProtectionOfficer@edinburgh.gov.uk