LANARKSHIRE
Valuation Joint Board

The office of the Assessor and Electoral Registration Officer

Special Category Data Policy Document

This document sets out:

- how we will comply with the data protection principles to process special category personal data
- how we will handle special category data that we process, our lawful basis and purpose of processing and the relevant condition for processing under GDPR and data protection law
- it explains our policies for the retention and erasure of personal data processed under the relevant condition

This policy document will be retained, reviewed and (if appropriate) updated by the us and (if requested) made available to the Information Commissioner, until six months after the we cease carrying out the processing.

Special category data at a glance:
Special category data is personal data which the General Data Protection Regulations (GDPR) says is more sensitive and needs more protection. To lawfully process special category data, we must identify both a lawful basis under GDPR **and** a separate condition for processing special category data.

The special categories are 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.

The special category personal data that LVJB are required to process are as follows: racial or ethnic origin, religion, trade union membership, biometrics (where used for ID purposes or as documentary evidence to support a potential elector's application, Voter Authority Certificate, employment checks or processing for Staff ID), health, sex life or sexual orientation.

The provision of equality monitoring data such as race or ethnic origin, sexual orientation and heath (disability) is optional in some circumstances. LVJB will inform customers of when this data will be processed at the time of collection.

Protecting children's data
We only collect and use children's data from the age of 14 or 15 to add them as a potential elector to vote, at the age of 16, at Scottish elections. When processing children's data such as adding them as a potential elector we ensure the data is held securely with limited access. The data is processed under the lawful basis of public task by the Electoral Registration officer to comply with the Electoral Law and regulations.

Principles: the **General data Protection Regulations (**GDPR) has 6 rules that we must follow when collecting and using personal information and to comply we must take steps to make sure all personal information is:

- processed lawfully, fairly and in a transparent manner
- collected for specified, explicit and legitimate purposes
- adequate, relevant and limited to what is necessary
- accurate and up to date
- kept in a form which permits identification of data subjects for no longer than is necessary

- processed securely

What are the lawful bases for processing?
The lawful bases for processing are set out in Article 6 of the GDPR. At least one of these must apply whenever we process personal data:

(a) Consent: the individual has given clear consent for us to process their personal data for a specific purpose.
(b) Contract: processing is necessary for a contract we have with the individual, or because they have asked you to take specific steps before entering a contract.
(c) Legal obligation: the processing is necessary for us to comply with the law (not including contractual obligations).
(d) Vital interests: processing is necessary to protect someone's life.
(e) Public task: processing is **necessary** for us to perform a task **in the public interest or for your official functions,** and the task or function has a clear basis in law.
(f) Legitimate interests: the processing is necessary for our legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (This cannot apply to a public authority processing data to perform your official tasks.)

The special conditions under GDPR which allow processing of special category personal data are:
- Article 9(2) (a) – explicit consent has been given.
- Article 9(2) (b) – for employment, social security and social protection purposes.
- Article 9(2) (c) – for vital interests
- Article 9(2) (d) – for legitimate activities by a foundation, association or any other not for profit body with political, philosophical or religious or trade union aim.
- Article 9(2) (e) – for employment, social security and social protection purposes.
- Article 9(2) (f) – for defence of legal claims
- Article 9(2) (g) – for substantial public interest purposes.
- Article 9(2) (h) – for health and social care purposes.
- Article 9(2) (i) – for public health purposes.
- Article 9(2) (j) – for archiving, research and statistics purposes.

Conditions relating to the processing of the special categories of personal data
Schedule 1 of the Data Protection Act 2018 establishes conditions that permit the processing of the special categories of personal data and criminal convictions data. The Schedule is split into four parts:
- Part 1 – Conditions relating to employment, health and research
- Part 2 – Substantial public interest conditions
- Part 3 – Additional conditions relating to criminal convictions
- Part 4 – Appropriate policy document and additional safeguards

Schedule 1 of the Data Protection Act 2018 establishes conditions that permit the processing of the special categories of personal data as follows:
- The processing of the special categories of personal data meets the requirements in points (b), (h), (i) or (j) of Article 9(2) of the GDPR if it meets one of the conditions listed in Part 1 of Schedule 1.
- The processing of the special categories of personal data meets the requirement in point (g) of Article 9(2) of the GDPR if it meets one of the conditions listed in Part 2 of Schedule 1.

- Processing meets the requirement in Article 10 of the GDPR if it meets one of the conditions listed in Part 1, 2 or 3 of Schedule 1.

Schedule 1 Conditions that are relevant to us:

a) Schedule 1, Part 1 conditions for processing in connection with employment, health and research that are relevant to us are

- **Employment, social security and social protection:** Processing necessary for the purposes of performing or exercising obligations or rights of the controller or the data subject under employment law, social security law or the law relating to social protection.
- **Health or social care:** Processing necessary for health or social care purposes.

b) Schedule 1, Part 2 conditions for processing in the substantial public interest that are relevant to us are

- **Statutory and government purposes:** Processing necessary for the exercise of a function conferred on a person by enactment or the exercise of a function of the Crown, a Minister or a government department.
- **Equality of opportunity or treatment:** Processing necessary for identifying or keeping under review the existence or absence of equality of opportunity or treatment between groups of people with the view to enabling such equality to be promoted or maintained.

c) Schedule 1, Part 3 conditions for processing of criminal convictions data that is relevant to us are:

- **Consent:** processing with the consent of the data subject.
- **Extension of certain conditions under Schedule1 part 2:** allows processing of criminal convictions data where processing meets a condition in schedule 1 part 2 that meets the substantial interest test.

The processing of special category personal data by us

a) Race or Ethnic origin (Nationality which may identify a person's race or ethnic origin) Health (absent vote records where applicable), Criminal Convictions (eligibility to register as an elector):

- Purpose: electoral registration.
- Law: Representation of the People Act 1983 and associated regulations.
- GDPR Article 6 (1) (e) Public task, Article 9 (2) (g) substantial public interest.
- Data Protection Bill Schedule 1 part 2, 1 condition: statutory and government purpose.
- Retention period: current record. Retained as long as is necessary to comply with electoral law.
- Disclosed to: refer to LVJB privacy notice for details www.lanarkshire-vjb.gov.uk.

b) Race or ethnic origin, health, sexual orientation

- Purpose: Equality and diversity.
- Law: Equality Act 2010 and associated regulations.
- GDPR Article 6 (1) (e) Public task, Article 9 (2) (g) substantial public interest.
- Data Protection Bill Schedule 1 part 2, 3 condition: equality of opportunity or treatment.

- Retention period: current record retained as long as is necessary to comply with equality law.
- Disclosed to: refer to LVJB privacy notice for details www.lanarkshire-vjb.gov.uk.

c) Race or ethnic origin, health, sexual orientation, trade union membership,

- Purpose: Employment.
- Law: Employment Law.
- GDPR Article 6 (1) (b) contract, Article 9 (2) (b) for the purpose of employment, social security and social protection.
- Data Protection Bill Schedule 1 part 1, 1 condition: employment, social security and social protection.
- Retention period: current record retained as long as is necessary to comply with employment law.
- Disclosed to: refer to LVJB privacy notice for details www.lanarkshire-vjb.gov.uk.

d) Criminal Convictions,

- Purpose: the processing of criminal convictions data where necessary for the purposes of performing or exercising employment law obligations or rights (criminal conviction disclosure certificate, criminal conviction declaration form at recruitment and selection) or consent has been granted to process the information.
- Law: Employment Law and Data Protection Law.
- GDPR Article 6 (1) (b) contract, and Article 6 (1) (a) Consent, Article 9 (2) (b) for the purpose of employment, social security and social protection.
- Data Protection Bill Schedule 1 part 3, 1 condition: processing criminal convictions data with consent and/or the extension of certain conditions under schedule 1 part 2 processing in the substantial public interest.
- Retention period: disclosure certificates are destroyed after 90 days, criminal conviction forms are destroyed after 6 months.
- Disclosed to: refer to LVJB privacy notice for details www.lanarkshire-vjb.gov.uk

Our official functions have a clear basis in law which are:

- Electoral registration act 1983 and associated regulations.
- Local Government Finance Act 1992 and associated regulations.
- Lands Valuation (Scotland) Acts and associated regulations.
- Equality Act 2010 and associated regulations.
- Employment Law and associated regulations.

The purposes of the processing, where relevant, are

- Employment for managing absence, reporting on health and safety, and recruitment monitoring or to enable the deducting and payment trade union membership fees.
- Equality and diversity monitoring.
- Electoral registration where nationality for registering to vote or health information may be provided as a reason for an absent vote application.
- Council tax banding where information from a planning application or building warrant regarding an adaptation to a property for a disabled person.

- The provision of interpreting or sign language services to a service user in respect of the use of any of our services for example to assist in the discussion of a council tax banding or valuation appeal.

In respect of equality monitoring reports the data is either anonymised or excluded to ensure individuals cannot be identified.

Retention period or criteria used to determine the retention period
We retain and erase personal data in accordance with our records management policy and retention schedules. Our retention schedules for each service area are published on our website www.lanarkshire-vjb.gov.uk. They contain a list of records, the length of time the records are kept and what happens to them. We retain your personal data in accordance with legal requirements or as long as is necessary to deal with your enquiry or complaint.

Data security
We are committed to protecting the information you provide. To safeguard the special category data you provide, we have physical and electronic processes in place to protect the security of the data collected and processed.

Privacy Notice
Our privacy notice is available on our website www.lanarkshire-vjb.gov.uk.

Data Controller: Jacqueline Dell: Assessor and Electoral Registration Officer
Data Controllers representative: Michelle Watson.

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Our Data Protection Officer is: Mandy Thomson
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