Cornwall Education Learning Trust

Special Category Data Policy

Data Protection Suite

Cornwall Education Learning Trust Policies
Cornwall Education Learning Trust (CELT), Atlantic Centre, Trenance Leisure Park, Newquay, Cornwall TR7 2LZ

Our Mission

At Cornwall Education Learning Trust (CELT), our mission is clear: to provide every learner with an **exceptional educational experience.** One that enables them to thrive, achieve and succeed in life. We believe in a **100%** mindset, that every learner, in every classroom, in every school, deserves the very best we can offer. For us, 100% means no compromise: no learner left behind, no community overlooked, and no opportunity wasted.

Our strategic goals reflect this ambition. We are committed to empowering and growing our people, building an ambitious all-through entitlement, forging exceptional relationships with our communities, transforming provision through meaningful partnerships, and leading an ethical, effective and innovative organisation. These are not just aspirations; they are promises that shape the way we work and the culture we are building together.



Our Values

Our values are at the heart of everything we do. We believe in the power of **Collaboration**, building strong relationships and working together as one team to achieve our collective goals. We are committed to **Empowerment**, creating a culture where initiative, innovation and trust flourish, and where every individual feels valued, respected and motivated.

As a Trust, we are grounded in promoting **Leadership**, sharing a moral and ethical purpose to improve the lives of others and make a lasting difference for our learners and communities. And we embrace **Transformation**, approaching change positively so that we can all become our best selves and do our best work.

These values guide every decision we make and every action we take. They are the foundation of our Trust and the reason we can offer such exceptional opportunities for our learners and staff. If you choose to join CELT, you will be part of a values-driven organisation where people are supported to grow, contribute, and thrive.

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1. Policy Overview

1.1 Policy Purpose and Aims

This policy is intended to clearly set out the requirements of the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA 2018) which are relevant to Trust use of sensitive personal data, known as "special category data".

It applies to all special category data which is processed by the Trust about our workforce and the special category data of pupils and parents which is also processed on behalf of the Trust.

This policy has been drafted to meet the requirements of the DPA 2018 that an appropriate policy document be put in place where processing special category data and criminal convictions data in certain circumstances.

1.2 Policy Approval and Review

Policy Version Number:	1.0
Approved By:	Audit and Risk Committee
Approved On (Date):	30th October 2026
Review Period:	Every 2 Years – by the end of October 2028

1.3 Policy Version History

Policy Version	Date Issued	Summary of Changes
1		First Issue – No Changes

2. Definitions

For the purposes of this policy:

Criminal convictions data means any personal data relating to criminal convictions and offences, including personal data relating to criminal allegations and proceedings (any the absence of any criminal record).

Information Commission (IC) means in the UK, the Information Commission (IC) is the data protection regulator. The website of the IC is at www.ico.org.uk

Personal data means any information that relates to an identifiable, living individual.

Privacy notice means the privacy information we provide where we collect information either directly or indirectly from data subjects, which is referred to as a privacy notice. This notice will contain information about: our identity and contact details as data controller and those of the DPO; the purpose or purposes and legal basis for which we intend to process that personal data; the types of third parties, if any, with which we will share or to which we will disclose that personal data; whether the personal data will be transferred outside the UK and if so the safeguards in place; the period for which their personal data will be stored, by reference to our Data Retention Policy; the existence of any automated decision making in the processing of the personal data along with the significance and envisaged consequences of the processing and the right to object to such decision making; and the rights of the data subject to object to or limit processing, request information, request deletion of information or lodge a complaint with the IC.

Process, processing or processed means any operation performed on personal data. This includes collecting, recording, organising, storing, adapting, altering, retrieving, consulting, using, disclosing, disseminating or otherwise making available or destroying personal data.

Special category data means personal data revealing racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health conditions, sex life, sexual orientation, biometric or genetic data.

Workforce means any individual employed by Trust such as staff and those who volunteer in any capacity including Trustees [and Members/ parent helpers / Community Champions].

3. Workforce Special Category Data

The UK GDPR and the DPA 2018 set out strict rules about the way in which special category data and criminal convictions data are collected, accessed, used and disclosed. Some of the Schedule 1 conditions in the DPA 2018 for processing special category data require us to have an appropriate policy document in place, setting out and explaining our procedures for securing compliance with the principles set out in Article 5 UK GDPR and our policies regarding the retention and erasure of special category data. This policy explains our processing and satisfies the requirements of Schedule 1, Part 4 of the DPA 2018.

We process the special category data and criminal convictions data of our workforce under the UK GDPR under the following lawful bases, depending on the specific purpose for processing:

- Article 9(2)(a) UK GDPR – explicit consent
- Article 9(2)(b) UK GDPR – where processing is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on the Trust or an individual in connection with employment, social security or social protection.
- Article 9(2)(c) UK GDPR – where processing is necessary to protect the vital interests of an individual.
- Article 9(2)(g) UK GDPR – for reasons of substantial public interest.
- Article 9(2)(f) UK GDPR – for the establishment, exercise or defence of legal claims.

We process special category data and criminal conviction data of our workforce for the following purposes:

- assessing an individual's fitness to work
- assessing an individual's suitability to work within an education setting
- complying with health and safety obligations
- complying with our legal obligations to safeguard children and young people in accordance with Keeping Children Safe in Education statutory guidance
- complying with equality legislation
- checking applicants' and employees' right to work in the UK
- verifying that candidates are suitable for employment or continued employment.

4. Pupil and Parent Special Category Data

We process the special category data and criminal convictions data of pupils and parents under the UK GDPR on the following legal bases, depending on the specific purpose for processing:

- Article 9(2)(a) UK GDPR – explicit consent
- Article 9(2)(b) UK GDPR – where processing is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on the Trust or an individual in connection with employment, social security or social protection.
- Article 9(2)(c) UK GDPR – where processing is necessary to protect the vital interests of an individual.
- Article 9(2)(g) UK GDPR – for reasons of substantial public interest.
- Article 9(2)(f) UK GDPR – for the establishment, exercise or defence of legal claims.

We process special category data and criminal conviction data of pupils and parents for the following purposes:

- ensuring medical needs are met
- making reasonable adjustments for the provision of learning
- monitoring equality of opportunity
- complying with our legal obligations to safeguard children and young people in accordance with Keeping Children Safe in Education statutory guidance
- complying with equality legislation
- supporting pupils with special educational needs

5. Compliance with data protection principles

The UK GDPR requires personal data to be processed in accordance with the six principles set out in Article 5(1) UK GDPR. Article 5(2) UK GDPR requires organisations to be able to demonstrate compliance with Article 5(1) UK GDPR.

We comply with the principles relating to processing of special category data and criminal convictions data set out in the UK GDPR which require personal data to be:

Lawful, Fair and Transparent:

Personal data must be processed lawfully, fairly and in a transparent manner in relation to the individual.

We will only process personal data fairly and lawfully and for specified purposes. We will only process special category data if we have a legal ground for processing as set out in the UK GDPR and one of the specific processing conditions relating to special category data in the DPA 2018.

When collecting special category data and criminal convictions data, we will provide individuals with a privacy notice setting out all the information required by the UK GDPR in a privacy notice which is concise, transparent, intelligible, easily accessible and in clear plain language which can be easily understood.

We have identified and documented the legal grounds and specific processing conditions for processing special category data as follows:

Workforce

Special Category Data	Lawful Basis for Processing Personal Data	Lawful Basis for Processing Special Category Data	Processing Condition for Special Category Data
Health Information	Compliance with a legal obligation (*Article 6(1)(c) UK GDPR*) or necessary for the performance of a contract (Article 6(1)(b) UK GDPR).	Compliance with employment obligations (*Article 9(2)(b) UK GDPR)*	Compliance with employment law (*Paragraph 1(1)(a), Schedule 1, DPA 2018.*)
Racial or ethnic origin, religious and sexuality data	Compliance with a legal obligation (*Article 6(1)(c) UK GDPR*)	Compliance with employment obligations (*Article 9(2)(b) UK GDPR*)	Compliance with employment law (*Paragraph 1(1)(a), Schedule 1, DPA 2018.*)

Special Category Data	Lawful Basis for Processing Personal Data	Lawful Basis for Processing Special Category Data	Processing Condition for Special Category Data
Equal opportunities data	Necessary for the purposes of our legitimate interests (*Article 6(1)(f) UK GDPR*)	Necessary for reasons of substantial public interest (*Article 9(2)(g)*)	Necessary for monitoring equality and diversity (*Paragraph 8(1)(b), Schedule 1, DPA 2018.*)
Criminal offences data	Compliance with a legal obligation (*Article 6(1)(c) UK GDP*R) Necessary for the purposes of a recognised legitimate interest (*Article 6(1)(ea) UK GDPR)*	Compliance with employment obligations (*Article 9(2)(b) UK GDPR*)	Compliance with employment law (*Paragraph 1(1)(a), Schedule 1, DPA 2018.*)

Pupils and Parents

Special Category Data	Lawful Basis for Processing Personal Data	Lawful Basis for Processing Special Category Data	Processing Condition for Special Category Data
Health Information	Compliance with a legal obligation (*Article 6(1)(c) UK GDPR*) or necessary for the performance of a contract (*Article 6(1)(b) UK GDPR*).	Compliance with employment or social protection obligations (Article 9(2)(b) UK GD*PR*)	Compliance with employment or social protection obligations (*Paragraph 1(1)(a), Schedule 1, DPA 2018.)*
Racial or ethnic origin, religious and sexuality data	Compliance with a legal obligation (*Article 6(1)(c) UK GDPR*)	Compliance with employment or social protection obligations (*Article 9(2)(b) UK GDPR*)	Compliance with employment or social protection obligations (*Paragraph 1(1)(a), Schedule 1, DPA 2018.*)
Equal opportunities data	Necessary for the purposes of our legitimate interests (*Article 6(1)(f) UK GDPR*)	Necessary for reasons of substantial public interest (*Article 9(2)(g))*	Necessary for monitoring equality and diversity (*Paragraph 8(1)(b), Schedule 1, DPA 2018.*)

Special Category Data	Lawful Basis for Processing Personal Data	Lawful Basis for Processing Special Category Data	Processing Condition for Special Category Data
Criminal offences data	Compliance with a legal obligation (*Article 6(1)(c) UK GDPR*) Necessary for the purposes of a recognised legitimate interest (*Article 6(1)(ea) UK GDPR)*	Compliance with employment or social protection obligations (*Article 9(2)(b) UK GDPR*)	Compliance with employment or social protection obligations (*Paragraph 1(1)(a), Schedule 1, DPA 2018.*)

6. Purpose Limitation

All personal data must be collected only for specified, explicit and legitimate purposes. It must not be further processed in any manner incompatible with those purposes.

We will only collect personal data for specified purposes and will inform individuals what those purposes are in a published privacy notice.

7. Data Minimisation

Personal data shall be adequate, relevant and limited to what is necessary in relation to the purpose for which it is processed.

We will only collect or disclose the minimum personal data required for the purpose for which the data is collected or disclosed. We will ensure that we do not collect excessive data and that the personal data collected is adequate and relevant for the intended purposes.

8. Accuracy

Personal data must be accurate and, where necessary, kept up to date. It must be corrected or deleted without delay when it is inaccurate.

We will ensure that the personal data we hold and use is accurate, complete, kept up to date and relevant to the purpose for which it is collected by us. We check the accuracy of any personal data at the point of collection and at regular intervals afterwards. We take all reasonable steps to destroy or amend inaccurate or out-of-date personal data.

9. Storage Limitation

We only keep personal data in an identifiable form for as long as necessary for the purposes for which it was collected, or where we have a legal obligation to do so. Once we no longer need personal data it shall be deleted or rendered permanently anonymous.

We maintain a Data Retention Policy to ensure that personal data is deleted after a reasonable time has elapsed for the purposes for which it was being held, unless we are legally required to retain that data for longer.

We will ensure individuals are informed of the period for which data is stored and how that period is determined in any applicable privacy notice.

10. Security, Integrity and Accountability

Personal data shall be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical and organisational measures.

We will implement and maintain reasonable and appropriate security measures against unlawful or unauthorised processing of personal data and against the accidental loss of or damage to personal data.

11. Accountability

We are responsible for, and able to demonstrate compliance with these principles. In particular, we shall:

- Ensure that records are kept of all data processing activities, and that these are provided to the IC on request.
- Carry out a data protection impact assessment for any high-risk personal data processing to understand how processing may affect individuals and consult the IC if appropriate.
- Ensure that a Data Protection Officer is appointed to provide independent advice and monitoring of personal data handling, and that the Data Protection Officer has access to report to the highest management level.
- Have internal processes to ensure that personal data is only collected, used or handled in a way that is compliant with the UK GDPR and the DPA 2018.

12. Policies on retention and deletion

We take the security of special category data and criminal conviction data very seriously. We have technical and organisational safeguards in place to protect personal data against unlawful or unauthorised processing, or accidental loss or damage. We will ensure, where special category and/or criminal conviction data is processed that:

- The processing is recorded, and the record sets out where possible, a suitable time period for the safe and permanent erasure of the different categories of data in accordance with our Data Retention Policy.
- Where we no longer require special category or criminal conviction data for the purpose for which it was collected, we will delete it or render it permanently anonymous as soon as possible.
- Where records are destroyed, we will ensure that they are safely and permanently disposed of in accordance with our Data Retention Policy.
- Individuals receive a privacy notice setting out how their personal data will be handled when we first obtain their personal data and this will include the period for which the personal data will be stored, or if that is not possible, the criteria used to determine that period. Our pupil and parents privacy notice is also available on our website for our workforce.

13. Review

This policy is reviewed every 2 years by the Data Protection Officer.

The next scheduled review date for this policy is by the end of October 2028.