

Libraries NI Appropriate Policy document

Scope

This document has been developed to enable Libraries NI to meet the requirement in Schedule 1, Part 4 of the Data Protection Act (DPA) 2018. Some of the Schedule 1 conditions for processing special category and criminal offence data require Libraries NI to have an Appropriate Policy Document ('APD') in place, setting out and explaining our processing, procedures for securing compliance with the principles in Article 5 and policies regarding the retention and erasure of such personal data.

Definition of special category data and criminal offence data.

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 offence data

Article 10 UK GDPR applies to the processing of personal data relating to criminal convictions and offences or related security measures.

Section 11(2) of the DPA 2018 provides that criminal offence data includes data which relates to the alleged commission of offences and related proceedings and sentencing. Information about victims and witnesses of crime is also included in the scope of data relating to criminal convictions and offences.

Conditions for processing special category data and criminal offence data

Libraries NI process special categories of personal data under the following of the UK GDPR Articles:

- i. Article 9(2)(a) – explicit consent - paragraph 2(a) (the data subject has given explicit consent to the processing of those personal data for one or more specified

purposes (e.g. for biometric voice authentication)) eg customer health information relating to reasonable adjustments needed for room bookings

ii. Article 9(2)(b) – processing is necessary for the purposes of carrying out the obligations and exercising specific rights of Libraries NI or the data subject in the field of employment and social security and social protection law eg staff sickness absences.

iii. Article 9(2)(c) – where processing is necessary to protect the vital interests of the data subject or of another natural person eg health information about a member of staff in a medical emergency.

iv. Article 9(2)(f) – processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity; eg employment tribunal

v. Article 9(2)(g) – processing is necessary for reasons of substantial public interest eg safeguarding of children and individuals at risk.

vi. Article 9(2)(j) – processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1)
eg transfers to Public Records Office Northern Ireland (PRONI) for archiving.

Libraries NI processes criminal offence data under Article 10 of the UK GDPR.

Examples of our processing of criminal offence data include pre-employment checks and declarations by an employee in line with contractual obligations.

Processing which requires an Appropriate Policy Document

Almost all of the substantial public interest conditions in Schedule 1 Part 2 of the DPA 2018, plus the condition for processing employment, social security and social protection data, require an Appropriate Policy Document (see Schedule 1 paragraphs 1 and 5).

This section of the document is the Appropriate Policy Document for Libraries NI. It demonstrates that the processing of special category and criminal offence data based on these specific Schedule 1 conditions is compliant with the requirements of the UK GDPR Article 5 principles.

Description of data processed

Libraries NI process the special category data about our employees that is necessary to fulfil our obligations as an employer. Examples include information about their health and wellbeing, ethnicity, their membership of any trade union etc.

Our processing for reasons of substantial public interest relates to data we process under our statutory function of library service delivery eg safeguarding of children and individuals at risk, preventing or detecting unlawful acts etc.

We also maintain a record of our processing activities in accordance with Article 30 of the UK GDPR.

Schedule 1 conditions for processing

Special category data

We process special category data for the following purposes in Part 1 of Schedule 1:

- **Paragraph 1(1)** employment, social security and social protection.

We process special category data for the following purposes in Part 2 of Schedule 1:

- **Paragraph 6(1) and (2)(a)** statutory, etc. purposes
- **Paragraph 8(1)** equality of opportunity or treatment
- **Paragraph 10(1)** preventing or detecting unlawful acts
- **Paragraph 12(1) and (2)** regulatory requirements relating to unlawful acts and dishonesty
- **Paragraph 18(1)** safeguarding of children and individuals at risk

Criminal offence data

Libraries NI processes criminal offence data for the following purpose in part 1 of Schedule 1

- **Paragraph 1** – employment, social security and social protection

Procedures for ensuring compliance with the principles

Accountability principle

Libraries NI has put in place appropriate technical and organisational measures to meet the requirements of accountability. These include:

- The appointment of a data protection officer who reports directly to senior management.
- Taking a 'data protection by design and default' approach to our activities
- Maintaining a record of our processing activities
- Adopting and implementing data protection policies and ensuring we have written contracts in place with our data processors
- Implementing appropriate security measures in relation to the personal data we process

- Carrying out data protection impact assessments for our high-risk processing

Principle (a): lawfulness, fairness and transparency

Libraries NI is the Northern Ireland Library Authority and our processing for purposes of substantial public interest is necessary for the exercise of a function conferred on Libraries NI by the Libraries Act (Northern Ireland) 2008.

We provide clear and transparent information about why we process personal data including our lawful basis for processing in our [privacy statement](#) and this document.

Our processing for the purposes of employment relates to our obligations as an employer.

Principle (b): purpose limitation

Libraries NI processes personal data for purposes of substantial public interest as explained above when the processing is necessary for us to fulfil our statutory functions, to provide equality of opportunity or treatment, preventing or detecting unlawful acts, regulatory requirements relating to unlawful acts and dishonesty and safeguarding of children and individuals at risk

We are authorised by law to process personal data for these purposes. 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.

When we share special category data or criminal offence data with another controller or processor, we will ensure that the data transfers are compliant with relevant laws and regulations and use appropriate international treaties, data sharing agreements and contracts.

We will not process personal data for purposes incompatible with the original purpose it was collected for.

Principle (c): data minimisation

We collect personal data that is adequate, relevant and limited to the relevant purposes for which it is processed. We ensure that the information we process is necessary for and proportionate to our purposes.

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 retained in accordance with our retention schedule.

These categories of personal data may be retained for longer than Libraries NI default standard retention period if required by statutory, regulatory, legal or security reasons.

Our retention schedule is reviewed regularly and updated when necessary.

Principle (f): integrity and confidentiality (security)

We have put in place a secure network with appropriate technical, physical and managerial procedures to safeguard and secure the information we collect. We have strict security standards and our electronic systems and physical storage have appropriate access controls applied. We limit access to your personal information to those employees, or third parties who have a business or legal need to access it.

Retention and erasure policies

Libraries NI retention and erasure practices are set out in our disposal and retention of records schedule.

Appropriate Policy Document review date

This document will be retained for the duration of our processing.

This document will be reviewed annually or revised more frequently if necessary.

Additional special category processing

Libraries NI processes special category personal data in other instances where it is not a requirement to keep an appropriate policy document. Our processing of such data respects the rights and interests of the data subjects. We provide clear and transparent information about why we process personal data including our lawful basis for processing in our [privacy statement](#).