



**NORTH YORKSHIRE  
FIRE & RESCUE SERVICE**

## **Data Protection – Appropriate Policy Document - Safeguards for the processing of Special Category and Sensitive Personal Data Policy**

This document is part of North Yorkshire Fire & Rescue Service policy to which all Chief Fire Officer personnel and the functions provided by the Police, Fire and Crime Commissioner are required to adhere.

### **Purpose (Policy Statement)**

This policy statement is open to public viewing from the NYFRS Website.

The UK GDPR defines special category data as:

- *personal data revealing racial or ethnic origin;*
- *personal data revealing political opinions;*
- *personal data revealing religious or philosophical beliefs;*
- *personal data revealing trade union membership;*
- *genetic data;*
- *biometric data (where used for identification purposes);*
- *data concerning health;*
- *data concerning a person's sex life; and*
- *data concerning a person's sexual orientation.*

The Data Protection Act 2018 (DPA 2018), Section 35 (8) defines 'sensitive processing' as:

*(a) the processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership;*

*(b) the processing of genetic data, or of biometric data, for the purpose of uniquely identifying an individual;*

*(c) the processing of data concerning health;*

*(d) the processing of data concerning an individual's sex life or sexual orientation.*

The DPA 2018 states that data controllers should have an appropriate policy document (APD) in place that documents the safeguards in place for the sensitive processing that is

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used for law enforcement purposes, where the processing is reliant on consent or a condition specified in Schedule 8 of DPA 2018.

When processing special category data under the General Data Protection Regulation (GDPR), the DPA 2018 Schedule 1, part 2, para 5, states that data controllers should have an appropriate policy document in place when relying on substantial public interest conditions.

This document will demonstrate that the processing of Special Category data by the FRS, based on these specific Schedule 1 and Schedule 8 conditions is compliant with the requirements of the Data Protection Principles.

## **Scope**

This policy applies to everyone undertaking processing activity within the North Yorkshire Fire and Rescue Service, and specifically provides detail on the additional safeguards in place within the NYFRS when processing sensitive and special category data.

## **Definition of Special Terms**

DPA 2018 – Data Protection Act 2018

DPIA – Data Protection Impact Assessment

DPO – Data Protection Officer

GDPR – General Data Protection Regulation 2016, as applied in the UK

IAO – Information Asset Owner, Head of function/Department lead responsible for information assets in their business areas

ICO – Information Commissioner’s Office, the UK regulator for data protection

RoPA – Record of Processing Activity created under Article 30 of the GDPR to record information assets

Special Category Data – personal data revealing racial or ethnic origin; political opinions; religious or philosophical beliefs; trade union membership; OR genetic data; biometric data (where used for identification purposes); OR data concerning health; a person’s sex life; and a person’s sexual orientation.

Sensitive Processing – Processing of special category data for law enforcement purposes

SIRO – Senior Information Risk Owner, the Deputy Chief Fire Officer, responsible for Information risks within the NYFRS

## **References**

### **Strategy:**

[Joint NYFRS and NYP Information Management Strategy](#)

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**Subsidiary Linked Policy & Procedures:**

[Data Protection Impact Assessment Procedure](#)

[Data Protection Policy](#)

[Information Security Incident Management Procedure.](#)

[Rectification and Erasure Procedure](#)

**Other Documents:**

[IAO Handbook](#)

[Retention Schedule](#)

[Information Asset Register/RoPA](#)

**Policy****Securing Compliance with the Data Protection Principles**

NYFRS ensure compliance with the data protection principles by a number of avenues.

**Accountability and Governance**

We have a process within the organisation whereby a Data Protection Impact Assessment (DPIA) should be completed by relevant business areas when processing meets certain criteria (these mirror those criteria documented on the Information Commissioner's Office (ICO) website). This process is also embedded with the Procurement Process as a screening checklist to demonstrate from the very start of a procurement exercise that a DPIA has either been considered and the procurement doesn't meet the DPIA criteria, or considered and is underway with consultation with the relevant stakeholder including the Data Protection Officer. The DPIA process and template identify any sensitive processing activities and look to put in place appropriate safeguards to protect this data. This includes implementing measures to achieve compliance with the principles and identifies the legal basis for the processing. The DPIAs are considered to be live documents and require periodic reviews.

Information Asset Owners (IAOs) have identified their information assets, and specifically those which contain sensitive processing, this is recorded on the Record of Processing Activities (RoPA). IAOs are required to complete bi-annual Assurance Statement for the Senior Information Risk Owner (SIRO) for each of their assets. The assurance statement contains questions that refer to the data protection principles and ask the IAO to provide evidence and assurances as to how they are ensuring compliance with these statements. Any concerns raised within these assurance statements are brought to the attention of relevant stakeholders, i.e. IAO, system owners, ICT, Information Security Officer, Records Manager, Data Protection Officer and the SIRO.

Although every employee in the organisation has a responsibility to ensure compliance with the data protection principles, there are key roles which take a more active role in the consultation, providing advice and input to ensuring compliance: the SIRO, the Data Protection Officer, the IAOs, the Information Management Lead, the Records Compliance Manager and the Information Security Officer. NYFRS also has an Tactical Leadership Team (TLT) which is a meeting of relevant stakeholders in governing NYFRS management of information and relevant matters.

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### **Record of Processing Activities (RoPA)**

This APD complements the record of processing created under Article 30 of the GDPR and provides special category data with further protection and accountability. The RoPA is also the Information Asset Register, which is a record maintained and reviewed by IAOs annually (as part of their assurance statements). The record is maintained as and when DPIAs identify new processing or the re-use of personal data. The record documents the legal bases for processing of all personal data.

### **Lawfulness, fairness and transparency**

We have identified an appropriate lawful basis for all processing undertaken and further Schedule 1 and Schedule 8 conditions for processing special category data, as required. These are documented in the RoPA. We are also open and honest when we collect such data and ensure we do not deceive or mislead people about this, by providing suitable privacy notices on our website and via printed copies, if requested.

### **Purpose Limitation**

We have clearly identified our purpose(s) for processing the special category data and have included appropriate details of these purposes in our privacy information for individuals. If we plan to use personal data for a new purpose (other than a legal obligation or function set out in law), we check that this is compatible with our original purpose or get specific consent for the new purpose, as required by the data protection legislation.

### **Data Minimisation**

We are satisfied that we only collect special category personal data we actually need for our specified purposes. We are satisfied that we have sufficient special category data to properly fulfil those purposes and we periodically review this particular data, and delete anything we don't need.

### **Data Accuracy**

We have appropriate processes in place to check the accuracy of the special category data we collect, and we record the source of that data, where appropriate. We have a process in place to identify when we need to keep the special category data updated to properly fulfil our purpose, and we rectify or erase it as necessary without undue delay. We keep records of mistakes and opinions, distinguishing sensitive data processed based on fact from that based on opinion or assessment. We also deal with challenges to the accuracy of data and ensure compliance with the individual's right to rectification.

### **Storage Limitation**

We carefully consider how long we keep the special category data and we can justify this amount of time. We regularly review our information and erase or anonymise this data when we no longer need it. Where a sustained need for continued retention of the information is identified, this is appropriately recorded and maintained. We have clearly identified any special category data that we need to keep for public interest archiving, scientific or historical research, or statistical purposes and the appropriate data protection requirements are met where this applies.

### **Integrity and Confidentiality**

We have analysed the risks presented by our processing and used this to assess the appropriate level of security we need for this data. We have an information security policy in place and we take steps to make sure the policy is implemented and regularly reviewed.

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Where appropriate, we have also put other technical measures or controls in place because of the circumstances and the type of special category data we are processing.

### **Managing Consent**

NYFRS manage consent in a data protection compliant way, ensuring we seek valid and explicit consent where needed, manage requests to withdraw consent and that we will conduct consent audits, as and when required.

### **Retention and Erasure**

NYFRS maintains a retention schedule which serves as a policy document stipulating how long we should retain information, or even the criteria for retention, and the citation supporting the rationale. This is published on the internal intranet and on the website alongside our privacy notices.

When it is determined that the processing of special category data is no longer appropriate, we have active processes in place. The IAOs nominate individuals within their departments, to regularly manage the retention, deletion or restriction of their information across all systems within their area of responsibility.

In cases where it is not possible to delete or dispose in accordance with policies for example system constraints, we identify and apply measures to limit further processing.

### **Other Appropriate Safeguards in Place to Secure Compliance with Data Protection Principles**

- Maintenance of an Information Risk Register
- Governance – Policies, Procedure, Guidance, Roles and Responsibilities, Information Assurance Board, reporting to SIRO
- Privacy Notice information - [Privacy Policies - North Yorkshire Fire & Rescue Service \(northyorksfire.gov.uk\)](#)
- Audit and training
- Data Processing Contracts
- Information Sharing Agreements
- Standard Operating Procedures
- Upholding Information Rights

### **Governance & Document Administration**

<b>Document Owner i.e. Section or Function:</b>	Rena Brown, Head of Business Design and Assurance
<b>Document Start Date:</b>	05/12/2022
<b>Document Author:</b>	Malwina Leszczynska, DPO, Information Management
<b>Extent of consultation:</b> i.e. person(s) or group(s) to be consulted prior to final implementation or amendment such as Heads of Department, Legal Services, Health & Safety & the FBU etc.	See below list.

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<b>Date of Equality Impact Analysis (EqIA) also known as Equality Impact Assessment or People Impact Assessment:</b> see details below (to be assessed at draft stage and each subsequent review) <b>Link to guidance – this link is to equalityhumanrights.com in lieu of an NYFRS internal policy.</b>	Malwina Leszczynska, DPO, Information Management, 15/11/2022
<b>Date tested against the Core Code of Ethics for Fire &amp; Rescue Services:</b> (to be tested at draft stage and each subsequent review) <b>Link to guidance</b>	Malwina Leszczynska, DPO, Information Management, 15/11/2022
<b>Approval by Head of Department/Function</b>	Sarah Wintringham, Information Management Lead
<b>Review Period</b>	3 Years
<b>Reviewed By:</b>	Name, Role/Department and XX/XX/XXXX
<b>Date of next review:</b>	15/11/2025
<b>Version:</b>	v1.0
<b>Date of internal publication:</b> i.e. upload to NYFRS Service Documents	08/12/2022
<b>Communication:</b> i.e. Corporate Communication/Update Bulletin etc.	
<b>Publication on NYFRS Website:</b> i.e. is document approved for external publication?	Yes

### Equality Impact Analysis (EqIA)

<b>Policy</b>	Data Protection APD			<b>Date of Analysis</b>	15/11/2022		
<b>Analysis Rating: please tick 1 box ✓ (The analysis rating is identified after the analysis has been completed) (See Completion Notes)</b>	<b>RED</b>	<b>AMBER</b>	<b>GREEN</b>	Proportionate means achieving a legitimate aim/can be objectively justified.			
Please list methods used to analyse impact on people (e.g. consultations forums, meetings, data collection)							
Please list any other policies that are related to or referred to as part of this analysis							

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Please list the groups of people potentially affected by this proposal. (e.g. applicants, employees, customers, service users, members of the public)	
What are the aims and intended effects of this policy?	
Policy statement to protect sensitive processing under GDPR/Part 2 of the DPA 2018 where processing is undertaken based on public interest, and Part 3 of the Data Protection Act 2018, where processing concerns law enforcement purposes.	
Is any Equality Data available relating to the use or implementation of this policy? Please Tick <input checked="" type="checkbox"/> (See Completion notes)	
<b>YES:</b>	<b>NO: <input checked="" type="checkbox"/></b>
List any Consultations e.g. with employees, service users, Unions or members of the public that has taken place in the development or implementation of this policy?	
Deputy Chief Fire Officer / Service Delivery – Mat Walker Area Manager Director of Assurance – James Manning Area Manager Director of Capabilities – Tom Hirst Information Management Lead – Sarah Wintringham Head of BDA/Temporary Directory or Enable – Rena Brown Health and Safety - Chris Bruce Civil Disclosure Lawyer - Katie Ward FBU (Brigade Secretary for North Yorkshire Fire Brigade Union) – Steve Howley Information Security Officer – Kim Gray Records Compliance Manager – James Adair	

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**What impact will the implementation of this proposal have on people who share characteristics protected by *The Equality Act 2010*?**

✓ (See Completion notes)

Protected Characteristic:	Neutral Impact:	Positive Impact:	Negative Impact:	Evidence of impact and if applicable, justification if determining <i>Genuine Determining Reason</i> exists
<b>1. Gender</b> (Men and Women)		X		This policy applies further protections to this sensitive data area.
<b>2. Race</b> (All Racial Groups)		X		
<b>3. Disability</b> (Mental, Physical, and Carers of Disabled people)		X		
<b>4. Religion or Belief</b>		X		
<b>5. Sexual Orientation</b> (Heterosexual, Homosexual and Bisexual)		X		
<b>6. Pregnancy and Maternity</b>		X		
<b>7. Marital Status</b> (Married and Civil Partnerships)		X		
<b>8. Transgender</b>		X		
<b>9. Age</b> (People of all ages)		X		

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This Equality Impact Analysis was completed by: [Malwina Leszczynska, DPO, Information Management, 15/11/2022](#)

<b>Action Plan Owner:</b>		<b>Commencement date:</b>		<b>Sign off date:</b>	
<b>Action Planning</b>					
<b>As a result of performing this analysis, what actions are proposed to remove or reduce any risks of adverse outcomes identified on people (employees, applicants, customers, members of the public etc) who share characteristics protected by <i>The Equality Act 2010</i>?</b>					
<b>Identified Risk</b>	<b>Recommended Actions</b>	<b>Responsible Lead</b>	<b>Completion Date</b>	<b>Review Date</b>	

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