



## **Policy on the processing of special category and criminal convictions personal data**

Under the Data Protection Act 2018, the Inquiry must have a policy document in place to process special categories of personal data (including for example health and genetic information) or criminal convictions data.

This is the appropriate policy document for the Infected Blood Inquiry. It meets the requirement at paragraph 5 of Schedule 1 to the Data Protection Act 2018 that an appropriate policy document be in place where the processing of special category personal data is necessary for reasons of substantial public interest. The specific conditions under which data may be processed for reasons of substantial public interest are set out at paragraphs 6 to 28 of Schedule 1 to the Data Protection Act 2018.

It also meets the requirements at paragraphs 1 and 5 of Schedule 1 to the Data Protection Act 2018 that an appropriate policy document be in place where the processing of special category personal data is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on the controller or the data subject in connection with employment.

### **Procedures for securing compliance**

Article 5 of the General Data Protection Regulation sets out the data protection principles. What follows here are the Inquiry's procedures for ensuring that these principles are complied with.

#### **Infected Blood Inquiry**

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**Principle 1** – *Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.*

The Infected Blood Inquiry will:

- ensure that personal data is only processed where a lawful basis applies, and where processing is otherwise lawful
- only process personal data fairly, and will ensure that data subjects are not misled about the purposes of any processing
- ensure that data subjects are able to access full privacy information so that any processing of personal data is transparent

**Principle 2** – *Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.*

The Infected Blood Inquiry will:

- only collect personal data for specified, explicit and legitimate purposes, as set out in the Inquiry's [Privacy Notice](#)
- not use personal data for purposes that are incompatible with the purposes for which it was collected

**Principle 3** – *Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.*

The Infected Blood Inquiry will only collect the minimum personal data that the Inquiry need for the purpose for which it is collected. The Inquiry will ensure that the data the Inquiry collect is adequate and relevant

**Principle 4** – *Personal data shall be accurate and, where necessary, kept up to date.*

The Infected Blood Inquiry will ensure that personal data is accurate, and kept up to date where necessary. The Inquiry will take particular care to do this where the Inquiry's use of the personal data has a significant impact on individuals.

**Principle 5** – *Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.*

The Infected Blood Inquiry will only keep personal data in identifiable form as long as is necessary for the purposes for which it is collected (for the Inquiry's lifetime), and where it have a legal obligation to do so.

Any information due to be published by the Inquiry will be dealt with in accordance with the Inquiry's statement of approach on [Anonymity and redaction](#).

**Principle 6** – *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 or organisational measures.*

The Infected Blood Inquiry will ensure that there are appropriate organisational and technical measures in place to protect personal data.

### **Accountability principle**

The Inquiry shall be responsible for, and be able to demonstrate compliance with these principles. The Inquiry's data protection working group is responsible for ensuring that the Inquiry is compliant with these principles.

The Inquiry will:

- ensure that records are kept of all personal data processing activities, and that these are provided to the Information Commissioner on request
- carry out a Data Protection Impact Assessment for any high risk personal data processing, and consult the Information Commissioner if appropriate
- ensure that the Inquiry's Data Protection Officer is able to provide independent advice and monitoring of the Inquiry's handling of personal data, and that this person has access to report to the highest management level of the Inquiry
- have in place internal processes to ensure that personal data is only collected, used or handled in a way that is compliant with data protection law

### **Policies regarding retention and erasure of personal data**

The Inquiry will ensure, where special category or criminal convictions personal data is processed, that:

- there is a record of that processing, and that record will set out, where possible, the envisaged time limits for erasure of the different categories of data
- the Inquiry will securely store all information provided to it, including personal, special category, and criminal conviction information, and will generally retain it for the duration of the Inquiry depending on the purpose of gathering and using that personal information
- privacy information is available in the Inquiry's Privacy Notice about how data subjects' data will be handled, and includes the period for which the personal data will be stored
- at the end of the Inquiry as required by law, the Inquiry record, which may include personal, special categories, and criminal conviction information,

will be transferred to the National Archives where information will be handled according to the safeguards in data protection legislation for archiving in the public interest

### **Further information**

For further information about the Infected Blood Inquiry's compliance with data protection law, please contact us:

[contact@infectedbloodinquiry.org.uk](mailto:contact@infectedbloodinquiry.org.uk)

If you wish to contact the Inquiry's Data Protection Officer, his details are:

Steve Jones

Data Protection Officer

70 Whitehall

London SW1A 2AS

Email to: [dpo@cabinetoffice.gov.uk](mailto:dpo@cabinetoffice.gov.uk)

*This policy is subject to review  
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