



**“APPROPRIATE POLICY” RELATING TO SPECIAL
CATEGORY PERSONAL DATA**

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1	Feb 2022	Drafted, finalised and published	F. Marshall
2	Jan 2023	Update of Inquiry Data Protection Officer Details	H. Cunningham

Introduction

This policy sets out how the Urology Services Inquiry (the Inquiry) will protect special category and criminal convictions personal data.

Special category, or sensitive, data is personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic or biometric data (where used for identification purposes), data concerning health or data concerning an individual's sex life or sexual orientation.

Criminal conviction data also includes processing in relation to offences, or related security measures.

The majority of the special category data collected by the Inquiry will be health related.

The Inquiry is permitted to process this data for reasons of substantial public interest (paragraphs 5 to 28 of Schedule 1 to the Data Protection Act 2018) and in the exercise of its statutory duties (paragraphs 6(1) and 6(2) of Schedule 1 to the Data Protection Act 2018), provided that it has a document which explains the Inquiry's procedures for securing compliance with the principles relating to the processing of such data, and its policies as regards retention and erasure (paragraph 5 of Schedule 1 to the Data Protection Act 2018).

Purposes of Data Collection

The purposes for which the Inquiry collects and processes personal data are the effective conduct of the public inquiry into the provision of Urology Services in the Southern Trust and discharging the Inquiry's duties under the Inquiries Act 2005.

The Inquiry's Terms of Reference sets out the matters it is investigating and does so by means of a legal process under the framework of the Inquiries Act 2005.

The Inquiry must process personal information for the purposes of its investigations and to enable it to carry out its work, including the conduct of hearings. Such hearings, except in exceptional circumstances and as mandated by law, will be held in public and so personal data referred to at hearings will become publicly available.

In addition to the processing of information for the purposes of investigations, personal information is also used by the Inquiry to facilitate access to the Inquiry, to enable witnesses to give evidence, to communicate with individuals to keep them updated on the progress of the Inquiry, and to manage Inquiry staff. Personal information may also be contained in the Report of the Inquiry.

Procedures for Ensuring Compliance

Article 5 of the General Data Protection Regulation sets out the data protection principles with which the Inquiry must comply.

1. Principle 1

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

In order to ensure compliance, the Inquiry will:

- Ensure that personal data is only processed in the exercise of its statutory functions under the Inquiries Act 2005.
- Ensure that data is processed fairly and in line with the Inquiry's [privacy notice](#) which is publicly available

2. 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

To be compliant, the Inquiry will:

- Only collect personal data for the purposes specified in its [Terms of Reference](#), and will inform data subjects what those purposes are in a published privacy notice.

3. Principle 3

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

In order to be compliant with this principle, the Inquiry will:

- Only collect the minimum personal data that it needs for the purpose of fulfilling its [Terms of Reference](#).
- Ensure that the data it collects is adequate and relevant.

4. Principle 4

Personal data shall be accurate and, where necessary, kept up to date.

To ensure compliance the Inquiry will:

- Ensure that all relevant individuals, organisations and public bodies are aware of the importance of providing complete, accurate and up to date information to the Inquiry.
- Take every reasonable step to ensure that, if data is identified as inaccurate, it is corrected or erased.

5. Principle 5

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

To comply with this principle the Inquiry will:

- Only retain identifiable data until the conclusion of the Inquiry.
- Develop and agree a Retention and Disposal Schedule in consultation with the Public Records Office of Northern Ireland (PRONI).

At the conclusion of the Inquiry, the Inquiry will:

- Transfer the Inquiry record to PRONI where information will be handled according to the safeguards in data protection legislation for archiving in the public interest.
- Transfer some of the Inquiry's financial and governance records to the Department of Health to be retained for financial or accounting purposes. These records will be retained and eventually destroyed in line with the Department of Health's approved retention and disposal schedule (Good Management Good Records).
- Ensure that all material not required to be transferred to PRONI or the Department of Health is securely destroyed.

6. Principle 6

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

In order to comply the Inquiry will ensure that:

- Personal data is shared only with those who are required to see it as part of the legal process of the Inquiry; this may include members of the public. The Inquiry will, at all times, consider whether the processing or disclosure of such data is necessary for its proceedings and functioning.
- Robust systems, both electronic and physical storage, are in place to protect personal data. These will include developing and applying a robust redaction process.

Accountability

The Inquiry has put in place appropriate technical and organisational measures to meet accountability requirements. These include:

- The appointment of a data protection officer to oversee and monitor the Inquiry's personal data handling.
- Ensuring that records are kept of all personal data processing activities, and that these are provided to the Information Commissioner on request.

- Carrying out a Data Protection Impact Assessment for any high risk personal data processing (if such processing is necessary) and consult the Information Commissioner if appropriate.
- Having in place internal processes to ensure that personal data is only collected, used or handled in a way that is consistent with data protection law.

Policies regarding retention and erasure of personal data

The Inquiry will securely store all information provided to it, including special category personal data. Electronic data is processed within our secure network and hard copy information is stored securely. The Inquiry will generally retain the information until its conclusion.

The arrangements for the disposal of the Inquiry record are set out under Principle 5 above.

Further information

For further information about the Inquiry's compliance with data protection law, or if you wish to raise a complaint regarding the processing of personal data by the Inquiry, please contact the Data Protection Officer:

Alasdair MacInnes

Email: alsadair.macinnes@usi.org.uk

Urology Services Inquiry
Bradford Court
1 Bradford Court
Belfast
BT8 6RB

Data subjects also have the right to lodge a complaint directly with the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 0303 123 1113
Email: casework@ico.org.uk
Website: <https://ico.org.uk/make-a-complaint/>

18 January 2023