

GDC Appropriate Policy Document for the Processing of Special Category and Criminal Offence Data

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Reviewed by	Head of Information Governance & Data Protection Officer
Approved by and date	ED Legal and Governance (SIRO)
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Revision Date	Previous Revision Date	Summary of Changes
1/2025	N/A	New document
3/2025	1/2025	DPO Review
6/2025	3/25	ILAS review
8/2025	6/2025	SIRO Approval

1. Purpose, audience and scope

- 1.1 The Data Protection Act 2018 (DPA 2018) outlines the requirement for an Appropriate Policy Document (APD) to be in place when processing special category (SC) and criminal offence (CO) data under certain specified conditions. This document explains the GDC's processing of such data and refers to policies regarding retention and erasure of personal data processed in reliance on these conditions.
- 1.2 The policy covers all processing carried out by the GDC. It outlines the data processed, the DPA 2018, Schedule 1 condition of processing, and the procedures for ensuring compliance with the Data Protection Principles.
- 1.3 It should be read in conjunction with the Data Protection Policy and the GDC Privacy Notice.
- 1.4 The audience for this policy is:
 1. The Information Governance Team who will use it as a reference point when providing advice
 2. Any business area which processes SC or CO data who will need to follow it
 3. The general public, who will be able to access it via the GDC Privacy Notice

2. Related legislation and other supporting information

- 2.1 The following legislation is relevant to this document:
 1. UK General Data Protection Regulation (UK GDPR)
 2. DPA 2018, specifically, Schedule 1: Special categories of personal data and criminal convictions etc data
 - Part 1 Conditions relating to employment, health and research etc.
 - Part 2 Substantial public interest conditions
 - Part 3 Additional conditions relating to criminal convictions etc.
- 2.2 This policy should be read in conjunction with the following GDC policy documents
 1. Records of Processing Activity and Information Asset Register
 2. Data Protection Policy

3. Policy Content

- 3.1 The GDC processes the following categories of Special Category and Criminal Conviction Data where held:
 1. Health data of Dental Registrants

2. Health data of members of the public receiving treatment from registrants and non-registrants
3. Health data of informants
4. Criminal Conviction Data of Dental Registrants
5. Criminal Conviction Data of non-Registrants prosecuted for Illegal Practice
6. Criminal Conviction Data of GDC staff
7. Health data of staff
8. Racial or ethnic origin of staff
9. Racial or ethnic origin of Registrants and Informants
10. Political opinions of registrants
11. Trade union membership of registrants

3.2 The GDC processes SC and CO data on the following bases as set out in DPA 2018 Schedule 1 Conditions for Processing:

1. *Part 1, Paragraph 1: the processing 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, social security or social protection.* This applies to SC data of employees, where employment law requires that the data is stored.
2. *Part 1, Paragraph 2: the processing is necessary for health or social care purposes.* This includes preventative or occupational medicine and applies to employees' health data, where employee law requires that the data is stored.
3. *Part 2, Paragraph 6: the processing is necessary for the exercise of a function conferred on the GDC by an enactment or rule of law and is necessary for reasons of substantial public interest.* This applies in respect of the GDC's substantial public interest statutory functions and such functions of other bodies and relates to Registrants, Former Registrants and their patients and other Informants, and Applicants.
4. *Part 2, Paragraph 8: processing is necessary for the purposes of identifying or keeping under review the existence or absence of equality of opportunity or treatment between groups of people specified in relation to that category with a view to enabling such equality to be promoted or maintained.* This applies to data concerning the racial or ethnic origin of staff, Registrants and Informants.
5. *Part 2, Paragraph 9: Processing is carried out as part of a process of identifying suitable individuals to hold senior positions in a particular organisation, a type of organisation or organisations generally.* This applies to data concerning the racial and ethnic origin of staff.
6. *Part 2, Paragraph 10: the processing is necessary for the purposes of the prevention or detection of an unlawful act, must be carried out*

without the consent of the data subject so as not to prejudice those purposes, and is necessary for reasons of substantial public interest. This applies in respect of CO data and health data in connection with action taken in respect of Registrants, Former Registrants and other persons in line with the Enforcement Policy. It may also apply to GDC staff.

7. *Part 2, Paragraph 12: Regulatory requirements relating to unlawful acts and dishonesty etc.* This applies to data concerning health, political opinions and trade union membership, and CO data of Registrants and Applicants, and health data of their patients. It may also apply to GDC staff.
8. *Part 3, Paragraph 33: Processing is necessary for the purpose of, or in connection with, any legal proceedings (including prospective legal proceedings).* This applies to CO data in respect of Registrants and non-Registrant subjects of or party to legal proceedings with the GDC, and also data concerning health of their patients / Informants connected with any such proceedings.

3.3 Procedures for ensuring compliance with the principles are outlined in the related document, Data Protection Policy

4. Related policies and procedures

4.1 There are no related procedures to this policy

4.2 Related policies

- Data Protection Policy
- Record of Processing Activities and Information Asset Register
- Corporate Retention Schedule

5. Monitoring and review

5.1 This policy should be reviewed every two years or in response to any legal requirements or other outcomes which might affect the GDC's compliance.

The approval forum for this Policy is the Senior Information Risk Officer. Minor amendments can be approved by the Head of Information Governance and Data Protection Officer.