

Statement of the Purpose of the Policy Statement

As part of EONI's statutory and public functions, we process special category data about electors and candidates, their nominees and agents. As an employer we process special category data about staff.

We do this in accordance with the requirements of Article 9 and 10 of the UK General Data Protection Regulation ('UK GDPR') and Schedule 1 of the Data Protection Act 2018 ('DPA 2018').

Some of the Schedule 1 conditions for processing special category require us to have an Appropriate Policy Document in place.

Purpose of the Policy Statement

This Policy Document sets out how we process special category data both directly and indirectly. In the Policy Document we explain how and why we process special category data. We explain the legal basis. We set out the way we comply with the data protection principles as listed in Annex 2 below.

The information supplements our privacy notices on www.eoni.org.uk.

Introduction

Purpose

Under the UK General Data Protection Regulation (UKGDPR) and Data Protection Act 2018, EONI must ensure additional protections for processing special categories of personal data.

This policy sets out our approach to processing special category personal data for electors.

This policy satisfies the requirements of Data Protection Act 2018 Schedule 1, Part 4 and is therefore an appropriate policy document in support of our compliance with the requirements of Articles 9 and 10 UKGDPR.

Description of data processed

We process the special category data about our employees that is necessary to fulfil our obligations as an employer. This includes information about their health and wellbeing, ethnicity, photographs and their membership of any trade union. Further information about this processing can be found in our HR Privacy Notice.

We process special category data about electors and candidates that is necessary to fulfil our statutory obligations. This includes information about their nationality and political opinions of candidates and agents.

Further information about this processing can be found in our Privacy Notice.

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

Definitions

"Special category personal data" is defined at Article 9 UKGDPR as personal data revealing:

- Racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade union membership
- Genetic data
- Biometric data for uniquely identifying a natural person
- Data concerning health, or
- Data concerning a natural person's sex life or sexual orientation

We process special categories of personal data under the following UKGDPR Articles:

Substantial public interest

Under Article 9 (2) (g), EONI may process special category data where it is necessary for reasons of substantial public interest.

Employment, social care and social protection

Under Article 9 (2) (b), EONI may process special category data where it is necessary for purposes of carrying out obligations and exercising specific rights of the controller or data subject in the field of employment, social security and social protection law.

Archiving for Scientific or historical Research and Statistical purposes

Under Article 9 (2) (j), EONI may process special category data where it is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1).

Establishment, exercise or defence of legal claims

Under Article 9(2)(f) EONI may process special category data for the establishment, exercise or defence of legal claims. Examples of our processing include processing relating to any employment tribunal or other litigation.

Consent

Under Article 9(2)(a) we may process data with the explicit consent of the data subject.

In circumstances where we seek consent, we make sure that the consent is unambiguous and for one or more specified purposes, is given by an affirmative action and is recorded as the condition for processing.

Vital interests

Under Article 9(2)(c) we may process data where processing is necessary to protect the vital interests of the data subject or of another natural person. This processing takes place in 'life and death' situations.

We process special category personal data for the following purposes.

Equal opportunities monitoring

Data related to special categories is processed for equal opportunities monitoring purposes.

Health and Sexual Orientation

Data related to health (including information on whether an individual has a disability) is processed to:

- ensure EONI complies with obligations for health and safety
- carry out appropriate capability procedures
- support people with a medical condition; and
- ensure EONI is inclusive and can promote the success and wellbeing of all.

Racial or ethnic origin

Information can infer a person's ethnicity from their nationality. Data related to data subjects' nationality is processed to ensure EONI complies with its obligations to check that people are entitled to work in the UK or as a requirement for electoral registration or other electoral purposes.

How EONI complies with the data protection principles

Accountability principle

We have put in place appropriate technical and organisational measures to meet the requirements of accountability. These include:

- the appointment of a data protection officer
- taking a 'data protection by design and default' approach to our activities.
- maintaining documentation 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 quality control procedures;
- carrying out data protection privacy impact assessments for our high-risk processing.

We review our accountability measures and update or amend them when required.

Procedures for ensuring compliance with the principles

EONI processes special category personal data in accordance with the following data protection principles.

(1) EONI processes personal data lawfully, fairly and in a transparent manner.

We can process special category personal data only if we have a legal basis for processing and, in addition, one of the specific processing conditions relating to special category personal data, applies.

Informing People

EONI explains to data subjects how special category personal data is used when it collects the data. This information is set out in EONI's Privacy Notice.

Consent

In circumstances where we seek consent, we make sure

- The consent is unambiguous
- The consent is given by an affirmative action
- The consent is recorded as the condition for processing and appropriately managed.

Third Parties

Special category personal data is not disclosed to third parties, except

- (a) in the context of seeking medical advice from EONI's occupational health adviser or other medical advisers who are subject to a professional duty of confidentiality. EONI complies with the Access to Medical Reports Act 1988 where relevant.
- (b) for making of statutory returns,
- (c) where there are grounds established by the Data Protection Act 2018
- (d) to comply with statutory obligations in relation to elections.

EONI does not use the data for any other purpose.

EONI makes provision to deal with Subject Access Requests in an efficient and proper manner.

(2) EONI processes personal data for specified, explicit and legitimate purposes.

We process special category personal data for the purposes outlined above and in compliance with the legal conditions for processing set out in the Annex to this Policy Document.

As far as possible, information required for equal opportunities monitoring purposes is kept in an anonymised form. Monitoring forms are kept under review to ensure that the information collected is accurate and not excessive.

(3) EONI processes personal data only where the data is adequate, relevant and limited to what is necessary for the purposes of processing.

EONI collects and retains the minimum amount of information necessary to achieve the purposes outlined above.

The information we process is necessary for and proportionate to our purposes.

Where personal data is provided to us or obtained by us but is not relevant to our stated purposes, we will erase it.

EONI is careful not to process data in a way which may indirectly disclose special category data.

(4) EONI keeps accurate personal data and takes all reasonable steps to ensure that inaccurate personal data is rectified or deleted without delay.

EONI takes reasonable steps to ensure the personal data held is accurate. Special category personal data is obtained:

- directly from applicants and other data subjects; or
- from medical professionals in the case of health data or from external sources that EONI is entitled to assume will provide accurate information.
- The Chief Electoral Officer (under legislation) can require certain public authorities to provide information to ensure the register is as accurate as possible.

EONI will erase or rectify inaccurate data that it holds without delay in accordance with our Data Protection Policy where individuals notify us that their personal data has changed or is otherwise inaccurate, or if it is otherwise found to be inaccurate.

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 do not apply, we will document our decision.

(5) EONI keeps personal data only for the period necessary for processing.

EONI retains and processes special category personal data for the relevant period under retention schedules for electoral information or for the completion of statutory returns in line with the retention schedules or for the period required under employment law and human resource retention schedules.

At the end of the relevant retention period, EONI erases, anonymises or securely destroys special category personal data.

(6) EONI adopts appropriate measures to make sure that personal data is secure and protected against unauthorised or unlawful processing, and accidental loss, destruction or damage.

EONI takes the security of special category personal data seriously.

Electronic information is processed within our secure network. Hard copy information is processed within our secure premises.

Our electronic systems and physical storage have appropriate access controls applied.

EONI has internal policies and controls in place to protect personal data against loss, accidental destruction, misuse or disclosure, and to ensure that data is not accessed, except by employees in the proper performance of their duties or third parties in conjunction with their statutory and contractual liabilities.

EONI provides regular training on data protection.

(7) EONI adopts a Design and Default approach to data processing.

EONI always considers other methods of carrying on business which do not involve processing of personal data.

EONI considers carrying out a Data Protection Impact Assessment (DPIA):

- in any major project;
- if evaluation, scoring, significant automated decision -making, systematic monitoring are involved;
- if processing sensitive or highly personal data;
- if processing on a large scale;
- if processing data concerning vulnerable data subjects;
- innovative technological or organisational solutions;
- processing that involves preventing data subjects from exercising a right or using a service or contract;
- if any systematic and extensive profiling or automated decision-making to make significant decisions;
- if processing special-category data or criminal offence data on a large scale;
- if systematically monitoring a publicly accessible place on a large scale

Review and retention of policy

This policy on processing special category personal data and criminal records data is reviewed annually or revised more frequently if necessary. Where necessary, it is amended to ensure it remains up to date and accurately reflects EONI's approach to processing such data.

This policy will be retained by EONI while special category personal data is being processed and for a period of at least six months after EONI stops carrying out such processing.

Next Review Due: January 2027

Annex 1

Part A Special Category Data

<p style="text-align: center;">Legal basis for processing under Parts 1 and 2 of the Data Protection Act 2018 Schedule 1</p>	<p style="text-align: center;">Special category personal data processing conditions</p>
<p>Monitoring of Equal Opportunities</p>	
<p>Paragraph 8 (1) and (2) – Equality of opportunity or treatment</p> <p>There is a substantial public interest as the monitoring of equal opportunities allows us to better meet the needs of diversity groups. The enables equal opportunities to be promoted or maintained.</p> <p>Description of Personal Data</p> <ul style="list-style-type: none"> • Personal data revealing racial or ethnic origin • Personal data revealing religious or philosophical beliefs • Data concerning health • Personal data concerning an individual’s sexual orientation <p>Description of Data Subjects</p> <ul style="list-style-type: none"> • People of different racial or ethnic origins • People holding different religious or philosophical beliefs • People with different states of physical or mental health 	<p>Processing is not carried out</p> <p>(a) for the purposes of measures or decisions with respect to a data subject</p> <p>(b) if it is likely to cause substantial damage or substantial distress to an individual</p> <p>(c) if an individual who is the data subject gives notice in writing not to process personal data and provides a reasonable period in which to stop processing such data.</p>

<ul style="list-style-type: none"> • People of different sexual orientation 	
<p>Making Statutory Returns</p>	
<p>Paragraph 6 (1) and (2) statutory and government purposes</p> <p>Processing is required for statutory returns</p> <p>Description of Personal Data</p> <ul style="list-style-type: none"> • Personal data revealing racial or ethnic origin • Personal data revealing religious or philosophical beliefs • Data concerning health • Personal data concerning an individual's sexual orientation <p>Description of Data Subjects</p> <ul style="list-style-type: none"> • People of different racial or ethnic origins • People holding different religious or philosophical beliefs • People with different states of physical or mental health • People of different sexual orientation 	<p>Processing is necessary for the exercise of a function conferred on EONI by an enactment or rule of law</p>
<p>Assessing an employee's fitness to work</p>	
<p><i>Paragraph 2 - Health or social care purposes.</i></p>	<p>Under paragraph 2, processing is necessary for health or social care purposes related to the assessment of the working capacity of an employee.</p>

<p><i>Paragraph 6 (1) and (2) - Statutory and government purposes</i></p> <p>Processing is necessary for compliance with legal obligations</p> <p>Description of Personal Data</p> <ul style="list-style-type: none"> • Data concerning health <p>Description of Data Subjects</p> <ul style="list-style-type: none"> • Employees 	<p>Under paragraph 6, processing is necessary for the exercise of a function conferred on EONI by an enactment or rule of law.</p>
<p>Support employees with a declared disability or a particular medical condition</p>	
<p><i>Paragraph 16 (1), (2) and (3) - Support for individuals with a particular disability or medical condition.</i></p> <p>Processing is necessary for the support of employees with a declared disability, or requiring support for a medical condition.</p> <p>Description of Personal Data</p> <ul style="list-style-type: none"> • data concerning health; • personal data concerning an individual's sex life or sexual orientation. <p>Description of Data Subjects</p>	<p>Processing can reasonably be carried out without the consent of the data subject only where</p> <ol style="list-style-type: none"> 1. EONI cannot reasonably be expected to obtain the consent of the data subject, and 2. EONI is not aware of the data subject withholding consent.

<ul style="list-style-type: none"> • Employees with a declared disability • Employees requiring support for a medical condition 	
<p>Assessing the right to work in the UK</p>	
<p><i>Paragraph 6 (1) and (2) - Statutory and government purposes</i></p> <p>Processing is necessary for compliance with legal obligations relating to checking an applicants' right to work in the UK.</p> <p>Description of Personal Data</p> <ul style="list-style-type: none"> • Personal data revealing racial or ethnic origin <p>Description of Data Subjects</p> <ul style="list-style-type: none"> • People of different racial or ethnic origins 	<p>Processing is necessary for the exercise of a function conferred on EONI by an enactment or rule of law.</p>
<p>Carrying out Vetting Process</p>	
<p><i>Paragraph 6 (1) and (2) - Statutory and government purposes</i></p> <p>Processing is necessary for compliance with legal obligations relating to checking an applicants' suitability to work.</p> <p>Description of Personal Data</p>	<p>Processing is necessary for the exercise of a function conferred on EONI by an enactment or rule of law.</p> <p>Vetting is carried out by a reliable source and relates to clearly focussed information (with different levels of vetting directly related to job specification) which will have a significant bearing on employment.</p>

<ul style="list-style-type: none"> • Personal data revealing background <p>Description of Data Subjects</p> <ul style="list-style-type: none"> • Employees or potential employees 	
<p>Registration on the Electoral Register and running elections etc</p>	
<p><i>Paragraph 6 (1) and (2) - Statutory and government purposes</i></p> <p>Processing is necessary for compliance with legal obligations relating to registration on the Register of Electors.</p> <p>Description of Personal Data</p> <ul style="list-style-type: none"> • Personal data revealing racial or ethnic origin <p>Description of Data Subjects</p> <ul style="list-style-type: none"> • People of different racial or ethnic origins 	<p>Processing is necessary for the exercise of a function conferred on EONI by an enactment or rule of law.</p>

Annex 2

Principle (a): lawfulness, fairness and transparency

Processing personal data must be lawful, fair and transparent. It is only lawful if and to the extent it is based on law and either the data subject has given their consent for the processing, or the processing meets at least one of the conditions in Schedule 1.

We provide clear and transparent information about why we process personal data including our lawful basis for processing in our privacy notice, staff privacy notice and this policy document.

Our processing for purposes of substantial public interest is necessary for the exercise of a function conferred on EONI by the legislation e.g. Representation of the People Act 1983

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

Principle (b): purpose limitation

We process personal data for purposes of substantial public interest as explained above when the processing is necessary for us to fulfil our statutory functions, where it is necessary for complying with or assisting another to comply with a legislative requirement to establish whether an unlawful or improper conduct has occurred, to protect the public from dishonesty, preventing or detecting unlawful acts or for disclosure to elected representatives.

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.

If we are sharing data with another controller, we will document that they are authorised by law to process the data for their purpose.

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 necessary for the relevant purposes and ensure it is not excessive. The information we process is necessary for and proportionate to our purposes. Where personal data is provided to us or

obtained by us, but is not relevant to our stated purposes, we will erase it.

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 do not 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, unless retained longer for archiving purposes, retained for the periods set out in our retention schedule. We determine the retention period for this data based on our legal obligations and the necessity of its retention for our business needs. Our retention schedule is reviewed regularly and updated when necessary.

Principle (f): integrity and confidentiality (security)

Electronic information is processed within our secure network. Hard copy information is processed in line with our security procedures.

Our electronic systems and physical storage have appropriate access controls applied.

The systems we use to process personal data allow us to erase or update personal data at any point in time where appropriate.

Additional special category processing

We process 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 notice and HR privacy notice.