
Appropriate Policy Document

Processing of special category and criminal offence data under Schedule 1 of the Data Protection Act 2018

Glitz Care 4UT Ltd (Company Number 15229070), Suite 26, The Colbalt Building, 1600 Eureka Park, Ashford, Kent, England, TN25 4BF, is the data controller for the processing described in this document. This Appropriate Policy Document is maintained in accordance with Schedule 1, Part 4, paragraph 5 of the Data Protection Act 2018. It applies where we process special category data (Article 9 UK GDPR) and criminal offence data (Article 10 UK GDPR) in reliance on the conditions set out below. It explains how we comply with the data protection principles in Article 5 of the UK GDPR and sets out our retention and erasure practices for this information.

It should be read alongside our Service User Privacy Notice and our wider data protection policies.

1. Conditions for Processing

In the course of delivering care and support, we process special category and, where necessary, criminal offence data. We rely on the following conditions:

- **Provision of health and social care:** Article 9(2)(h) UK GDPR, with Schedule 1, Part 1, paragraph 2 of the Data Protection Act 2018.
- **Safeguarding of children and individuals at risk:** Article 9(2)(g) UK GDPR, with Schedule 1, Part 2, paragraph 18 of the Data Protection Act 2018.
- **Vital interests:** Article 9(2)(c) UK GDPR, in an emergency where the individual cannot give consent.
- **Explicit consent:** Article 9(2)(a) UK GDPR, where relied upon for a specific purpose.
- **Criminal offence data:** processed where necessary for safeguarding, in reliance on Schedule 1, Part 2, paragraph 18 of the Data Protection Act 2018.

This document is required because we rely on the safeguarding condition in Part 2 of Schedule 1. As a matter of good practice, we apply the same standards to all special category and criminal offence data we process.

2. Compliance with the Data Protection Principles

We are committed to complying with the principles in Article 5 of the UK GDPR. The following procedures apply to our processing of special category and criminal offence data.

- **Accountability:** we maintain a record of processing activities, this document, and supporting data protection policies. Our Data Protection Lead oversees compliance, and staff receive data protection and confidentiality training.
- **Lawfulness, fairness and transparency:** we process this data only where we have a lawful basis under Article 6 and a condition under Article 9 or 10. We explain our processing openly in our Service User Privacy Notice.
- **Purpose limitation:** we collect this data only for specified care, safeguarding, and regulatory purposes, and do not use it in any manner incompatible with those purposes.

- **Data minimisation:** we collect only the data necessary to deliver safe care and meet our legal and regulatory obligations.
- **Accuracy:** we keep records up to date, review care records regularly, and correct inaccuracies promptly.
- **Storage limitation:** we retain this data only for as long as necessary, in line with Section 3 below.
- **Integrity and confidentiality:** we protect this data using encryption, role-based access controls, secure systems, staff confidentiality obligations, and training. We maintain procedures to detect, report, and investigate personal data breaches.

3. Retention and Erasure

We retain special category and criminal offence data in line with the NHS Records Management Code of Practice 2021 and the terms of any commissioning contract. Our indicative retention periods are:

- Adult social care records: 8 years after the individual's care with us ends, or after death.
- Children's and young people's records: until the person's 25th birthday (or 26th if they were 17 when the record ended), or 8 years after death where the person died before turning 18.
- Safeguarding records: retained in line with statutory guidance and local safeguarding requirements.
- Financial records: 6 years plus the current year, in line with HMRC requirements.

When this data is no longer required, we securely destroy it, including from backups and archives.

Requests for erasure are considered against our legal and regulatory obligations to retain records and may be refused where retention is required for the delivery of care or for safeguarding.

4. Review, Retention and Availability of This Document

We retain this Appropriate Policy Document for the duration of our reliance on the relevant Schedule 1 conditions, and for a minimum of 6 months after that processing ends, in accordance with Schedule 1, Part 4, paragraph 6 of the Data Protection Act 2018. We review it regularly and update it whenever our processing or the relevant law changes. We make it available to the Information Commissioner's Office on request.

Document Control

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