

Appropriate Policy Document: Collecting EDI data for Consultation Responses

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1. About this Policy

- 1.1. This Appropriate Policy Document (APD) has been developed by the General Optical Council (GOC) to meet the requirement in the Data Protection Act (DPA) 2018 for an APD which details the lawful basis and conditions for processing and safeguarding special category data.
- 1.2. This policy covers:
 - Substantial public interest processing for the GOC's statutory and regulatory functions.

2. Definition of Special Category and Sensitive Data

- 2.1. Special category data (defined by Article 9 of the UK General Data Protection Regulation (UK GDPR)) and sensitive data (defined by section 35 of the DPA 2018) is personal data which reveals:
 - racial or ethnic origin
 - political opinions
 - religious or philosophical beliefs
 - trade union membership
 - genetic data
 - biometric data for the purpose of uniquely identifying a natural person
 - data concerning health
 - data concerning a natural person's sex life or sexual orientation

3. Lawful Basis for Processing

- 3.1. The GOC is a statutory body with statutory functions under the Opticians Act 1989. Consultation is the way we obtain our stakeholders' views. It allows us to generate, develop and test new policies and proposals, and it allows our stakeholders to feedback ideas.
- 3.2. Using the EDI data provided, we will analyse who has responded to the consultation to assess which groups we have successfully reached. Where we identify that particular groups have not responded to the consultation and we have not heard their voice through other routes, we may look to fill those gaps, for example, through commissioning research with those groups. We will also use the information to analyse and report on statistical trends in optical education and practice in the UK. We will anonymise any data we publish so that participants cannot be identified.
- 3.3. As part of the GOC's statutory functions, we process special category data under:

- Article 6(a) of the UK GDPR (the data subject has given consent to the processing of his or her personal data for one or more specific purposes)
- Article 6(e) of the UK GDPR (processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the GOC)

3.4. The GOC Privacy Statement that accompanies our consultations contains more information about our data protection policy and procedures, including the kind of information we hold and what it is used for.

4. Conditions for Processing Special Category Data

4.1. The GOC processes special category data under the following paragraphs of Article 9 of the UK GDPR:

- paragraph 2(a) (the data subject has given explicit consent to the processing of those personal data for one or more specified purposes)
- paragraph 2(g) (processing is necessary for reasons of substantial public interest)
- paragraph 2(j) (processing is necessary for scientific or historical research purposes in accordance with Article 89(1))

5. Substantial Public Interest

5.1. Section 10(3) of the DPA 2018 sets out that in order for processing of special categories of personal data to be necessary for reasons of substantial public interest under Article 9(2)(g) of the UK GDPR, that processing must meet one of the conditions set out in Part 2 of Schedule 1.

5.2. The GOC processes special category data in the performance of its statutory and corporate functions when the following conditions set out in the following paragraphs of Part 2 of Schedule 1 to the DPA 2018 are met:

- paragraph 6 (Statutory and government purposes)
- paragraph 8 (Equality of opportunity or treatment)

5.3. These conditions apply to GOC's statutory and corporate functions. All processing is for the second listed purpose and might also be for others, depending on the context.

6. Scientific or Historical Research Purposes

6.1. Under Article 9(2)(j) of the UK GDPR, the GOC may process special category data where it is necessary for scientific or historical research purposes in accordance with Article 89(1) based on UK law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

7. The GOC's Compliance with the Data Protection Principles

7.1. In accordance with the accountability principle, the GOC maintains records of processing activities under Article 30 of the UK GDPR and section 61 of the DPA 2018. We carry out data protection impact assessments where appropriate in accordance with Articles 35 and 36 of the UK GDPR to ensure data protection by design and default.

7.2. For more information on how we process and protect data, please refer to our [Information Governance Framework](#).

7.3. The GOC follows the data protection principles set out in Article 5 of the UK GDPR, and Part 3, Chapter 2 of the DPA 2018 for law enforcement processing, as follows:

Lawfulness, fairness and transparency

7.4. We are the regulator for the optical professions in the United Kingdom (UK). We protect the public by setting standards for education, training, performance and conduct amongst opticians in the UK.

7.5. The Opticians Act 1989 sets out the GOC's functions.

7.6. We provide clear, transparent information to all those who provide personal data to us in our [Information Governance Framework](#) and our [Consultation Privacy Policy](#).

Purpose Limitation

7.7. The GOC does not process personal data for purposes that are incompatible with the purposes for which it is collected. When we process personal data to fulfil our statutory or corporate functions, we do so in accordance with the UK GDPR and Data Protection Act 2018.

7.8. The data collected under this policy will be for internal GOC use only and will not be transferred internationally or to a third party.

Data Minimisation

7.9. We collect personal data that is adequate, relevant and limited to the relevant purposes for which it is processed. We ensure that the information we process is necessary for and proportionate to our purposes.

Accuracy

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

Storage Limitation

7.11. The GOC retains special category data and sensitive data for processing in accordance with the [Data Retention and Schedule policy](#). These categories of personal data may be retained for longer than the GOC's default standard retention period if required by statutory, regulatory, legal or security reasons.

Integrity and Confidentiality

7.12. We have put in place appropriate technical, physical and managerial procedures to safeguard and secure the information we collect about individuals. We have strict security standards, and all our staff and other people who process personal data on our behalf get regular training about how to keep information safe. We limit access to your personal information to those employees, or third parties who have a business or legal need to access it. An example of this is when we might provide contact information for our registrants to a research agency conducting research on our behalf.

7.13. Third parties or contractors that the GOC engages will only process your personal information on our instructions or with our agreement, and where they do so they have agreed to treat the information confidentially and to keep it secure.

8. Retention and Erasure Policies

8.1. All consultation data will be retained for six years after the date of creation unless there is a business need to retain for longer.

8.2. At the end of the retention period, the data will be securely deleted from our systems.

9. Policy Review

9.1. This policy will be periodically reviewed and updated.