

Article 9 - conditions for processing special category data:



Article 9 Conditions	Description	DAP 2018 – Schedule 1, Part 1
A	Explicit Consent	
B	Employment, social security and social protection	Condition 1 <i>(Employment, Social Security & Social protection)</i>
C	Vital interests	
D	Not-for profit bodies	
E	Made public by the data subject	
F	Legal claims or judicial acts	
G	Reasons of substantial public interest	One of conditions 6 – 28 <i>(see slide 3)</i>
H	Health or social care	Condition 2 <i>(Health or Social Care purposes)</i>
I	Public health	Condition 3 <i>(Public health)</i>
J	Archiving, research and statistics	Condition 4 <i>(Research)</i>



DPA 2018 – Schedule 1, Part 1...in details



1 Employment, social security and social protection

(1) This condition is met if—

- (a) 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, and
 - (b) when the processing is carried out, the controller has an appropriate policy document in place (see paragraph 39 in Part 4 of this Schedule).
- (2) See also the additional safeguards in Part 4 of this Schedule.

(3) In this paragraph—

- “social security” includes any of the branches of social security listed in Article 3(1) of Regulation [\(EC\) No. 883/2004](#) of the European Parliament and of the Council on the co-ordination of social security systems (as amended from time to time);
- “social protection” includes an intervention described in Article 2(b) of Regulation [\(EC\) 458/2007](#) of the European Parliament and of the Council of 25 April 2007 on the European system of integrated social protection statistics (ESSPROS) (as amended from time to time).

2 Health or social care purposes

(1) This condition is met if the processing is necessary for health or social care purposes.

(2) In this paragraph “health or social care purposes” means the purposes of—

- (a) preventive or occupational medicine,
- (b) the assessment of the working capacity of an employee,
- (c) medical diagnosis,
- (d) the provision of health care or treatment,
- (e) the provision of social care, or
- (f) the management of health care systems or services or social care systems or services.

(3) See also the conditions and safeguards in Article 9(3) of the GDPR (obligations of secrecy) and section 11(1).

3 Public health

This condition is met if the processing—

- (a) is necessary for reasons of public interest in the area of public health, and
- (b) is carried out—
 - (i) by or under the responsibility of a health professional, or
 - (ii) by another person who in the circumstances owes a duty of confidentiality under an enactment or rule of law.

4 Research etc

This condition is met if the processing—

- (a) is necessary for archiving purposes, scientific or historical research purposes or statistical purposes,
- (b) is carried out in accordance with Article 89(1) of the GDPR (as supplemented by section 19), and
- (c) is in the public interest.

DPA 2018 – Schedule 1, Part 2...in details



GDPR Article 9 (g) - substantial public interest condition - one of 23 specific substantial public interest conditions from Part 2 of Schedule 1, paragraphs 6 to 28 of the DPA 2018 are additionally required

6. Statutory and government purposes
7. Administration of justice and parliamentary purposes
8. Equality of opportunity or treatment
9. Racial and ethnic diversity at senior levels
10. Preventing or detecting unlawful acts
11. Protecting the public
12. Regulatory requirements
13. Journalism, academia, art and literature
14. Preventing fraud
15. Suspicion of terrorist financing or money laundering
16. Support for individuals with a particular disability or medical condition
17. Counselling
18. Safeguarding of children and individuals at risk
19. Safeguarding of economic well-being of certain individuals
20. Insurance
21. Occupational pensions
22. Political parties
23. Elected representatives responding to requests
24. Disclosure to elected representatives
25. Informing elected representatives about prisoners
26. Publication of legal judgments
27. Anti-doping in sport
28. Standards of behaviour in sport

Additional considerations



- ❖ In some cases an appropriate policy document might be required in order to meet a UK Schedule 1 condition for processing in the DPA 2018.
 - This is a short document, used to outline compliance measures and retention policies with respect to the data been processed.

- ❖ It's important to keep records, including documenting the categories of data that you process (*Article 30 – Data Inventory*).
 - In addition, consideration should be given to the risks associated with special category data affect the other obligations under the legislation, for example data minimisation, security and transparency.

- ❖ Lastly, keep in mind a data protection impact assessment (DPIA) should be completed for any type of processing which is likely to be high risk.
 - This requires awareness of the risks of processing the special category data.