

## SPECIAL CATEGORY PERSONAL DATA

### Policy on the processing of special category personal data

It is necessary for the Inquiry to process special category personal data (including, for example, health information), for reasons of substantial public interest<sup>1</sup> and in the exercise of statutory functions.<sup>2</sup>

This document explains the Inquiry's procedures for securing compliance with the principles relating to the processing of such data, and its policies as regards retention and erasure.

### Procedures for securing compliance

Article 5 of the General Data Protection Regulation sets out the data protection principles.

### Principle 1- Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject

To ensure compliance with this principle the Inquiry will:

- Ensure that personal data is only processed where a lawful basis applies. The lawfulness of the Inquiry's processing is derived from its exercise of functions as a statutory Inquiry under the Inquiries Act 2005. The Inquiry will therefore ensure that it only processes personal data where it is necessary for the exercise of its statutory functions.
- Ensure that data is processed fairly and in line with the [Inquiry's privacy notice](#) which is publicly available.

### Principle 2 - Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes

To ensure compliance with this principle the Inquiry will:

- Only collect personal data for the purpose of fulfilling its [Terms of Reference](#).
- Not use personal data for purposes that are incompatible with that purpose.

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<sup>1</sup> Data Protection Act 2018, Schedule 1, Part 2, paragraph 5 and Part 4, paragraph 39.

<sup>2</sup> This processing is authorised by the Data Protection Act 2018, Schedule 1, Part 2, paragraph 6(1) and (2).

### **Principle 3 - Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed**

To ensure compliance with this principle the Inquiry will:

- Only collect personal data which is necessary for the Inquiry to fulfil its [Terms of Reference](#).
- Ensure that the Inquiry processes personal data only where necessary and proportionate.
- Conduct a review of all documents provided to the Inquiry every 3 months, and delete any document that is not relevant to the Inquiry's Terms of Reference.<sup>3</sup>

### **Principle 4 - Personal data shall be accurate and, where necessary, kept up to date**

To ensure compliance with this principle the Inquiry will:

- Ensure that all individuals, organisations and public bodies are aware of the importance of providing complete, accurate and up to date information to the Inquiry.

### **Principle 5 - Personal data shall be kept in a form which permits identification of data subjects no longer than is necessary for the purposes for which the personal data is processed**

To ensure compliance with this principle the Inquiry will:

- Only keep personal data in an identifiable form until the conclusion of the Inquiry.
- Develop and agree a Retention and Disposal Schedule in consultation with the Public Records Office of Northern Ireland (PRONI).

At the end of the Inquiry, the Inquiry will:

- Transfer the Inquiry record to PRONI where information will be handled according to the safeguards in data protection legislation for archiving in the public interest.
- Transfer some of the Inquiry's financial and governance records to the Department of Health to be retained for financial or accounting purposes. These records will be retained and eventually destroyed in line with the Department of Health's approved retention and disposal schedule (Good Management Good Records).
- Ensure that all material not required to be transferred to PRONI or the Department of Health is securely destroyed.

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<sup>3</sup> Providers of any document deleted by the Inquiry are required to retain the original for production to the Inquiry on request should it become necessary for the Inquiry to obtain the document on a later occasion.

**Principle 6 - Personal data shall be processed in a manner that ensures appropriate security of the personal data, including protections against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures**

To ensure compliance with this principle the Inquiry will:

- Ensure that appropriate organisational and technical measures are in place to protect personal data. These will include developing and applying a robust redaction process.
- Ensure that personal data is only shared with those who are required to see it as part of the lawful process of the Inquiry.

**Accountability principle**

The Inquiry shall be responsible for, and able to demonstrate compliance with, these principles. The Inquiry's Data Protection Officer is responsible for ensuring that the Inquiry is compliant with these principles.

The Inquiry will:

- Ensure that records are kept of all personal data processing activities, and that these are provided to the Information Commissioner on request.
- Carry out a Data Protection Impact Assessment for any high risk personal data processing (if such processing is necessary) and consult the Information Commissioner if appropriate.
- Appoint a Data Protection Officer to monitor the Inquiry's personal data handling and ensure that this person has access to report to the highest management level of the Inquiry.
- Have in place internal processes to ensure that personal data is only collected, used or handled in a way that is consistent with data protection law.
- Keep a record of the reviews to be conducted under principle 3.

**Policies regarding retention and erasure of personal data**

The Inquiry will securely store all information provided to it, including special category personal data, and will generally retain it for the duration of the Inquiry. The arrangements for the disposal of the Inquiry record are set out under Principle 5 above.

**Further information**

For further information about the Inquiry's compliance with data protection law, please contact the Data Protection Officer:

Jaclyn Richardson  
Data Protection Officer  
Email: [jaclyn.richardson@mahinquiry.org.uk](mailto:jaclyn.richardson@mahinquiry.org.uk)

Telephone: 02890 832119

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