SSEN Distribution – Appropriate Policy Document

As part of SSEN Distribution's regulatory and corporate functions, we process special category data and criminal offence data in accordance with the requirements of Article 9 and 10 of the General Data Protection Regulation ('UK GDPR') and Schedule 1 of the Data Protection Act 2018 ('DPA 2018').

Special category data

Special category data is defined at Article 9 of the UK GDPR as personal data revealing:

- 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; or
- Data concerning a natural person's sex life or sexual orientation.

Criminal offence data

Article 10 of the UK GDPR covers processing in relation to criminal convictions and offences or related security measures. In addition, section 11(2) of the DPA 2018 specifically confirms that this includes personal data relating to the alleged commission of offences or proceedings for an offence committed or alleged to have been committed, including sentencing. This is collectively referred to as 'criminal offence data'.

This policy document

Some of the Schedule 1 conditions for processing special category and criminal offence data require us to have an Appropriate Policy Document ('APD') in place, setting out and explaining our procedures for securing compliance with the principles in Article 5 and policies regarding the retention and erasure of such personal data.

This document explains our processing and satisfies the requirements of Schedule 1, Part 4 of the DPA 2018.

In addition it provides some further information about our processing of special category and criminal offence data where a policy document isn't a specific requirement. The information supplements our Privacy Notice - https://www.ssen.co.uk/privacy-notice/

Conditions for processing special category and criminal offence data

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

ii. Article 9(2)(g) - reasons of substantial public interest.

iv. Article 9(2)(f) – for the establishment, exercise or defence of legal claims.

v. Article 9(2)(a) – explicit consent

In the limited 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.

Examples of our processing of special category data include processing Priority Service Register Data where health conditions are disclosed.

The substantial public interest requirements for processing under Article 9(2)(g) of UK GDPR and Schedule 1, Part 2, paragraph 18 (safeguarding of children and individuals at risk) of the DPA 2018.

We process criminal offence data under Article 10 of the UK GDPR.

Examples of our processing of criminal offence data include processing and investigation illegal activity regarding network

Where we process criminal offence data, we do so under substantial public interest condition - schedule 1 part 1 paragraph 10 of the DPA 2018 - preventing or detecting illegal acts.

Processing which requires an Appropriate Policy Document

Almost all of the substantial public interest conditions in Schedule 1 Part 2 of the DPA 2018 require an appropriate policy document.

This policy demonstrates that the processing of special category ('SC') and criminal offence ('CO') data based on these specific Schedule 1 conditions is compliant with the requirements of the UK GDPR Article 5 principles. In particular, it outlines our retention policies with respect to this data.

Description of data processed

Our processing for reasons of substantial public interest relates to the data we receive or obtain in order to fulfil our regulatory obligations as a Distribution Network Operator and in defence or establishment of legal claims. This may consist of protecting adults and children at risk on our Priority Services Register and investigating potential fraud or unsafe connections. 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 UK GDPR.

Schedule 1 conditions for processing

Special category data

We process SC data for the following purposes in Part 2 and 3 of Schedule 1. All processing is for the first listed purpose and might also be for others dependent on the context:

- **Paragraph 18: protection adults and children at risk**
- **Paragraph 33:** legal claims

Criminal offence data

We process criminal offence data for the following purposes in 2 and 3 of Schedule 1

- **Paragraph 10** preventing or detecting unlawful acts;
- **Paragraph 33:** legal claims

Procedures for ensuring compliance with the 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 who reports directly to our highest management level.
- 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 protection impact assessments for our high-risk processing

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

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 our regulatory obligations as Distribution Network Operator under the Electricity Act 1989 and our licence conditions set by Ofgem. For more information, see our Privacy Notice - https://www.ssen.co.uk/privacy-notice/

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 regulatory obligations, to protect adults and children at risk, preventing or detecting unlawful acts, and for the establishment or defence of legal claims.

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 don't apply, we will document our decision.

Principle (e): storage limitation

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.

Retention and erasure policies

Our retention and erasure practices are set out in our Privacy Notice - https://www.ssen.co.uk/privacy-notice/

APD review date

This policy will be retained for the duration of our processing and for a minimum of 6 months after processing ceases.

This policy will be reviewed annually or revised more frequently if necessary.

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 staff privacy notice.