Special Category Data Privacy Policy

Archived copy of https://sunbeameducation.com/special-category-data-protection-policy/ as published on 4 November 2026.

Special Category Data Privacy Policy

1. About this policy
   - This is the “appropriate policy document” for AP Tutoring Limited (trading as Sunbeam Education) setting out how we will protect Special Categories of Personal Data and Criminal Convictions Data.
   - This policy supports Sunbeam Education’s Data Protection Policy.
   - This document meets the requirement of the Data Protection Act 2018 that an appropriate policy document be in place where Processing Special Categories of Personal Data and Criminal Convictions Data in certain circumstances.
   - Tutors should read this policy and interpret is as if it was their policy and, where relevant, follow it accordingly.
2. Definitions
   - **Controller**: the person or organisation that determines when, why and how to Process Personal Data.
   - **Criminal Convictions Data**: personal data relating to criminal convictions and offences, including Personal Data relating to criminal allegations and proceedings.
   - **Data Retention Policy**: explains how the organisation classifies and manages the retention and disposal of its information.
   - **Data Subject**: a living, identified or identifiable individual about whom we hold Personal Data. Data Subjects may be nationals or residents of any country and may have legal rights regarding their Personal Data.
   - **Data Privacy Impact Assessment (DPIA)**: tools and assessments used to identify and reduce risks of a data processing activity. A DPIA can be carried out as part of Privacy by Design and should be conducted for all major system or business change programmes involving the Processing of Personal Data.
   - **DPA 2018**: the Data Protection Act 2018.
   - **Data Protection Officer (DPO)**: either of the following:
     1. a data privacy manager or other voluntary appointment of the Company; or
     2. in the case of tutors, the tutor themselves.
   - **UK GDPR**: the retained EU law version of the General Data Protection Regulation ((EU) 2016/679) (UK GDPR).
   - **Personal Data**: any information identifying a Data Subject or information relating to a Data Subject that we can identify (directly or indirectly) from that data alone or in combination with other identifiers we possess or can reasonably possess. Personal Data includes Special Categories of Personal Data.
   - **Privacy Notice**: a separate notice setting out information that may be provided to Data Subjects when the organisation collects information about them. As a smaller organisation, the Privacy Notice also acts as our Data Retention Policy.

- **Processing or Process**: any activity that involves the use of Personal Data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transmitting or transferring Personal Data to third parties.
- **Special Categories of Personal Data**: information revealing racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health conditions, sexual life, sexual orientation, biometric or genetic data.

3. Why we process Special Categories of Personal Data and Criminal Convictions Data
   - We process Special Categories of Personal Data and Criminal Convictions Data for the following purposes:
     - matching the children of customers with appropriate tutors who have experience or are able to deliver tutoring sessions to children with special educational needs or medical conditions;
     - assessing a tutor's fitness to offer their tutoring services on our website and platform;
     - if you are a tutor, assessing the special educational needs of children to whom you will deliver tutoring sessions;
     - assessing an employee's fitness to work;
     - complying with health and safety obligations;
     - complying with the Equality Act 2010;
     - checking applicants' and employees' right to work in the UK; and
     - verifying that candidates are suitable for employment or continued employment.
4. Personal data protection principles
   - The UK GDPR requires personal data to be processed in accordance with the six principles set out in Article 5(1). Article 5(2) requires controllers to be able to demonstrate compliance with Article 5(1).
   - We comply (and as a tutor, you warrant that you comply) with the principles relating to Processing of Personal Data set out in the UK GDPR which require Personal Data to be:
     - Processed lawfully, fairly and in a transparent manner (Lawfulness, Fairness and Transparency);
     - collected only for specified, explicit and legitimate purposes (Purpose Limitation);
     - adequate, relevant and limited to what is necessary in relation to the purposes for which it is Processed (Data Minimisation);
     - accurate and where necessary kept up to date (Accuracy);
     - not kept in a form which permits identification of Data Subjects for longer than is necessary for the purposes for which the data is Processed (Storage Limitation); and
     - Processed in a manner that ensures its security using appropriate technical and organisational measures to protect against unauthorised or unlawful Processing and against accidental loss, destruction or damage (Security, Integrity and Confidentiality).
   - We are responsible for and must be able to demonstrate compliance with the data protection principles listed above (Accountability).

5. Compliance with data protection principles
    - Lawfulness, fairness and transparency
      Personal Data must be processed lawfully, fairly and in a transparent manner in relation to the Data Subject.

      We will only Process Personal Data fairly and lawfully and for specified purposes. The UK GDPR restricts our actions regarding Personal Data to specified lawful purposes. We can Process Special Categories of Personal Data and Criminal Convictions Data only if we have a legal ground for Processing and one of the specific Processing conditions relating to Special Categories of Personal Data or Criminal Convictions Data applies. We will identify and document the legal ground and specific Processing condition relied on for each Processing activity.

      When collecting Special Categories of Personal Data and Criminal Convictions Data from Data Subjects, either directly from Data Subjects or indirectly (for example from a third party or publicly available source), we will provide Data Subjects with a Privacy Notice setting out all the information required by the UK GDPR in a privacy notice which is concise, transparent, intelligible, easily accessible and in clear plain language which can be easily understood.

Lawful Processing basis	**Processing condition for Special Categories of Personal Data**
Data concerning health Compliance with a legal obligation (Article 6 (1)(c)) or necessary for the performance of a contract with the Data Subject (*Article 6(1)(b)*).	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. (*Paragraph 1(1)(a), Schedule 1, DPA 2018*.)
Racial or ethnic origin data Compliance with a legal obligation (*Article 6(1)(c)*).	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. (*Paragraph 1(1)(a), Schedule 1, DPA 2018*.)
Criminal Convictions Data In the organisation's legitimate interests (Article 6(1)(f)) which are not outweighed by the fundamental rights and freedoms of the Data Subject.	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. (*Paragraph 1(1)(a), Schedule 1, DPA 2018*.) Meets one of the substantial public interest conditions set out in Part 2 of Schedule 1 to the DPA 2018 (such as preventing or detecting unlawful acts).(*Paragraph 10(1), Schedule 1, DPA 2018*.)
Equal opportunity data In the organisation's legitimate interests (*Article 6(1)(f)*) which are not outweighed by the fundamental rights and freedoms of the Data Subject.	Necessary for the purposes of identifying or keeping under review the existence or absence of equality of opportunity or treatment between groups of people specified in relation to that category with a view to enabling such equality to be promoted or maintained. (*Paragraph 8(1)(b), Schedule 1, DPA 2018*.)

    - Purpose limitation
      Personal Data must be collected only for specified, explicit and legitimate purposes. They must not be further Processed in any manner incompatible with those purposes.

We will only collect personal data for specified purposes and will inform Data Subjects what those purposes are in a published Privacy Notice. If we use Personal Data for a new compatible purpose then we will inform the Data Subject first.

- Data minimisation
  Personal Data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed.

  We will only collect or disclose the minimum Personal Data required for the purpose for which the data is collected or disclosed. We will ensure that we do not collect excessive data and that the Personal Data collected is adequate and relevant for the intended purposes.

- Accuracy
  Personal Data must be accurate and, where necessary, kept up to date. It must be corrected or deleted without delay when inaccurate.

  We will ensure that the Personal Data we hold and use is accurate, complete, kept up to date and relevant to the purpose for which it is collected by us. We check the accuracy of any Personal Data at the point of collection and at regular intervals afterwards. We take all reasonable steps to destroy or amend inaccurate or out-of-date Personal Data.

- Storage limitation
  We only keep Personal Data in an identifiable form for as long as is necessary for the purposes for which it was collected, or where we have a legal obligation to do so. Once we no longer need Personal Data it shall be deleted or rendered permanently anonymous.

  We maintain a Data Retention Policy and related procedures to ensure Personal Data is deleted after a reasonable time has elapsed for the purposes for which it was being held, unless we are legally required to retain that data for longer.

  We will ensure Data Subjects are informed of the period for which data is stored and how that period is determined in any applicable Privacy Notice.

- Security, integrity, confidentiality
  Personal Data shall be Processed in a manner that ensures appropriate security of the Personal Data, including protection against unauthorised or unlawful Processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

  We will implement and maintain reasonable and appropriate security measures against unlawful or unauthorised Processing of Personal Data and against the accidental loss of or damage to Personal Data.

- Accountability principle
  We are responsible for, and able to demonstrate compliance with these principles. Our DPO (or, if a tutor, the tutor themselves) is responsible for ensuring that we are compliant with these principles. Any questions about this policy should be submitted to the DPO.

  We 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 DPIA for any high-risk Personal Data Processing to understand how Processing may affect Data Subjects and consult the Information Commissioner if appropriate.
- Ensure that a DPO is appointed to provide independent advice and monitoring of Personal Data handling, and that the DPO has access to report to the highest management level.
- Have internal processes to ensure that Personal Data is only collected, used or handled in a way that is compliant with data protection law.

6. Controller's policies on retention and erasure of personal data
   We take the security of Special Categories of Personal Data and Criminal Convictions Data very seriously. We have administrative, physical and technical safeguards in place to protect Personal Data against unlawful or unauthorised Processing, or accidental loss or damage. We will ensure, where Special Categories of Personal Data or Criminal Convictions Data are Processed that:

   - The Processing is recorded, and the record sets out, where possible, a suitable time period for the safe and permanent erasure of the different categories of data in accordance with our Data Retention Policy.
   - Where we no longer require Special Categories of Personal Data or Criminal Convictions Data for the purpose for which it was collected, we will delete it or render it permanently anonymous as soon as possible.
   - Where records are destroyed we will ensure that they are safely and permanently disposed of.

   Data Subjects receive a Privacy Notice setting out how their Personal Data will be handled when we first obtain their Personal Data, and this will include the period for which the Personal Data will be stored, or if that is not possible, the criteria used to determine that period. The Privacy Notice is also available on our website.

7. Review
   - This policy on Processing Special Categories of Personal Data and Criminal Convictions Data is reviewed on a yearly basis.
   - The policy will be retained where we process Special Categories of Personal Data and Criminal Convictions Data and for a period of at least six months after we stop carrying out such processing.
   - A copy of this policy will be provided to the Information Commissioner on request and free of charge.

Last updated: 21.11.2024

Review date:

Next review:

Further information:

For further information about our compliance with data protection law, please contact our DPO Alex Pagett at alx.pagett@gmail.com.