

NHS Thames Valley Integrated Care Board

Appropriate Document Policy

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Target Audience	All staff have a duty to read and work within current policies. All staff should know where policies are stored and how to gain access to them

Version Control

Version	Details of Change(s)	Reason for Change	Author & Job title	Date
0.1	Created for the ICB	N/A	DPO	March 2024
1.0	Updated version	Initial draft- Combining BOB and Frimley Policies	DPO	March 2026

Links or Overlaps with Other Key Documents and Policies

Document Title	Version and Issue Date	Link
Data Protection & Confidentiality Policy	1.0	Data Protection & Confidentiality Policy

Acknowledgement of External Sources

Title / Author	Institution	Link
	Information Commissioner's Office (ICO)	Information Commissioner's Office (ICO)

Freedom of Information

If requested, this document may be made available to the public and persons outside the healthcare community as part of ICB's commitment to transparency and compliance with the Freedom of Information Act.

Equality Analysis

ICB aims to design and implement services, policies and measures that are fair and equitable. As part of the development of this policy its impact on staff, patients and the public have been reviewed in line with ICB's legal equity duties.

Equality Statement

NHS Thames Valley Integrated Care Board (ICB) aims to design and implement services, policies and measures that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others.

Throughout the development of the policies and processes cited in this document, the ICB has:

- Given due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality of opportunity, and to foster good relations between people who have shared a relevant protected characteristic (as cited under the Equality Act 2010) and those who do not share it;
- Given regard to the need to reduce inequalities between patients in access to, and outcomes from, healthcare services and in securing that services are provided in an integrated way where this might reduce health inequalities.

Members of staff, volunteers or members of the public may request assistance with this policy if they have needs. If the member of staff has language difficulties and difficulty in understanding this policy, the use of an interpreter will be considered.

The ICB embraces the four staff pledges in the NHS Constitution. This policy is consistent with these pledges.

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1. Introduction

The Data Protection Act 2018 requires the data controller to have in place an Appropriate Policy Document where processing is carried out with some types of data. The ICB must hold this document and make available to the Information Commissioner or his representatives on request.

The Data Protection Act 2018 (DPA 2018) outlines the requirement for an Appropriate Policy Document (APD) to be in place when processing special category (SC) and criminal offence (CO) data under certain specified conditions.

Almost all the substantial public interest conditions in Schedule 1 Part 2 of the DPA 2018, plus the condition for processing employment, social security and social protection data, require the ICB to have an APD in place. (See Schedule 1 paragraphs 1(1)(b) and 5).

2. Purpose

The APD therefore complements our general record of processing under Article 30 of the GDPR and provides further protection and accountability for special category and criminal offence data processed by ICB.

3. Scope

Almost all the substantial public interest conditions in Schedule 1 Part 2 of the DPA 2018, plus the condition for processing employment, social security and social protection data, require an APD.

This scope of the policy is the APD for the ICB. It demonstrates 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 GDPR Article 5 principles. Special category and criminal offence data is held in line with the ICB's Retention and Disposal Policy.

4. Definitions

Special category data is defined at Article 9 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 conviction data

Article 10 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'.

5. Roles and responsibilities

- 5.1 **Accountable Officer** – has ultimate accountability for the strategic and operational management of the organisation, including ensuring all policies are adhered to.
- 5.2 **Thames Valley ICB Board** – is responsible for ensuring that all policies in use in the organisation are ratified by the ICB Board.
- 5.3 **Data Protection Officer** – is responsible for ensuring the conditions for processing, and the processing of SO and CO data are kept up to date.
- 5.4 **The Information Governance Team** – are responsible for ensuring the ICB's Record of Processing Activity (ROPA) is kept up to date, which will be used to populate the description and conditions of processing in this policy.

6. Procedures for ensuring compliance with the GDPR Principles

Set out below a description of the ways the ICB use SC and CO personal data and the legal basis the ICB relies on to do so.

Description of SC data processed	Condition for processing
Employment, social security and social protection	The ICB have a legal obligation to process some data as an employer to meet employment, social security and protection law. (9) (a)
Health and care purposes	The ICB will use health data to provide <ul style="list-style-type: none"> • Preventative/occupational medicine • Assessment of working capacity of an employee • Medical diagnosis • Provision of health care or treatment • Management of health care systems • (9) (h)
Statutory functions as may be conferred on us by a rule of law	The ICB may be required to process some data in line with UK law. (9) (g)
Equal opportunity or treatment	The ICB will process specified data to keep under review our obligations to ensure the existence of equality of opportunity to treatment. (9) (g)
Preventing or detecting unlawful acts	The ICB may process data for the prevention and detection of unlawful acts including where there is substantial public interest, or without consent of the data subject so as not to prejudice this purpose. (9) (g)

Protecting the public against dishonesty, malpractice or improper conduct	The ICB may process data for reasons of substantial public interest or without consent of the data subject so as not to prejudice this purpose. (9) (g)
Regulatory requirements relating to unlawful acts	The ICB may process data where we are required to assist other persons in establishing whether another person has committed an unlawful act. (9) (g)
Preventing fraud	The ICB may need to disclose data to an anti-fraud organisation reference Section 68 Serious Crime Act. (9) (g)
Safeguarding children and individuals at risk	The ICB may process data to protect an individual from neglect or physical, mental or emotional harm. (9) (c) (g)
Occupational pensions	The ICB may process data for the purpose of making a determination in connection with eligibility for benefits paid under an occupational pension scheme. (9) (g)

Description of CO data processed	Condition for processing
Protecting an individual's vital interests	Processing is necessary to protect the vital interests of an individual when the data subject is physically or legally incapable of giving consent. (9) (c)
Legal claims	Processing is necessary for, or in connection with and legal proceedings, for obtaining legal advice or defending legal rights. (9) (f)

7. Statutory requirements

Procedures for ensuring compliance with the principles

7.1 Accountability:

- The ICB maintains record of processing activities under Article 30 of the UK GDPR.
- The ICB has a Data Protection Policy and procedural documents in place.
- The ICB carries out data protection impact assessments (DPIA) for uses of personal data that are likely to result in high risk to individuals.
- The ICB has appointed a Data Protection Officer who reports to the Directors.
- The ICB has appropriate technical measures in place to protect personal data.

7.2 Lawfulness, fairness and transparency

- The ICB has a Privacy Notice for patients and staff.

- The ICB has identified an appropriate legal basis under Article 6 for each aspect of processing.
- The ICB has identified a legal basis under Article 9 for processing special category data.
- The ICB has a Caldicott Guardian who oversees processing of personal data from the perspective of the data subject.

7.3 Purpose limitation:

- The ICB processes personal data for specified purposes as a health care provider and employer. Unless the ICB has gained consent, data will not be processed if it is incompatible with the original purpose it was collected for.
- Processing is reviewed as part of the ICB's Record of Processing Activity.
- The ICB privacy notice contain information about the purposes in which it processes personal data.

7.4 Data Minimisation

- The ICB only processes personal data it needs to fulfil the specified purpose.
- The ICB adheres to the Records Management Code of Practice for the retention and disposal of personal data.

7.5 Accuracy

- Reasonable steps are taken to ensure personal data is accurate and up to date.
- If a mistake is discovered, the ICB will take steps to correct it and keep a record of the mistake.
- The ICB will consider requests by data subjects exercising their right to rectification.

7.6 Storage limitation

- Special category personal data is retained in line with Records Management Code of Practice.
- There may be exemptions to this where data is in scope of ongoing National Inquiries.

7.7 Integrity and confidentiality

- The ICB has appropriate technical and organisational measures in place to protect personal data.
- ICB staff complete Information Governance training which includes security and confidentiality of data.

8. Other requirements

Bribery Act 2010 – the ICB has a responsibility to ensure that all staff are made aware of their duties and responsibilities arising from The Bribery Act 2010. The Bribery Act 2010 makes it a criminal offence to bribe or be bribed by another person by offering or requesting a financial or other advantage as a reward or incentive to perform a relevant function or activity improperly performed. The penalties for any breaches of the Act are potentially severe. There is no upper limit on the level of fines that can be imposed and an individual convicted of an offence can face a prison sentence of up to 10 years.

For further information see <http://www.justice.gov.uk/guidance/docs/bribery-act2010-quick-start-guide.pdf>.

Due consideration has been given to the Bribery Act 2010 in the review of this policy and no specific risks were identified.

9. NHS Constitution

9.1 The ICB is committed to:

Designing and implementing services, policies and measures that meet the diverse needs of its population and workforce, ensuring that no individual or group is disadvantaged.

9.2 This Policy supports the NHS Constitution as follows:

The NHS aspires to the highest standards of excellence and professionalism in the provision of high-quality care that is safe, effective and focused on patient experience; in the planning and delivery of the clinical and other services it provides; in the people it employs and the education, training and development they receive; in the leadership and management of its organisations; and through its commitment to innovation and to the promotion and conduct of research to improve the current and future health and care of the population.

10. Dissemination//Publication

The policy will be added to the ICB Intranet and Internet site.

11. Monitoring

Compliance with this policy is managed by the ICB Information Governance Team.

12 Review and revision

This policy will be reviewed every three years by the Document Author to ensure continued validity and relevance, with a schedule of proposed amendments presented to the ICB Audit Committee for approval.

13. Training considerations

There is no training requirement identified within this policy.

14. Stakeholder /Consultation information

The involvement of relevant groups, committees and stakeholders is key to the review and development of policies.

The document author has responsibility to ensure consultation takes place with the appropriate stakeholders.

The draft document should be circulated to the identified stakeholders clearly identifying the deadline for responding and the named contact for comments to be forwarded to.

15. References and links relating to this policy

- Information Commissioner's Office
- UK GDPR
- Data Protection Act 2018