HR CONSULTANCY LAUNCH PROGRAMME · MAP THE SPECIAL-CATEGORY DATA YOU'LL HOLD AND SET RETENTION

Special-category data map

Map the sensitive HR data you hold against its lawful condition, retention and deletion. Seeded with worked examples. A signpost, not advice.

01 How to use this map

Work along five columns for each data type you hold: why you hold it, the Article 9 or Article 10 condition, the retention period, and the deletion trigger. The examples below are worked for you. The condition that fits your processing is a question for the ICO, not something to copy across.

02 Sickness and occupational-health records

Why held: absence management, fitness for work, and reasonable adjustments for your client's staff.

Article 9 condition: special-category health data, commonly relying on the employment condition, which in the UK usually needs an appropriate policy document under Schedule 1 of the DPA 2018. Confirm the condition that fits with the ICO.

Retention period: tie it to why you hold the record and any statutory or ACAS-guided minimum, then confirm against ICO guidance.

Deletion trigger: the absence case closes and the set retention period ends.

03 Disciplinary and grievance files

Why held: running a fair process and being able to defend it if it is later challenged.

Article 9 or Article 10 condition: these files often hold health or other special-category data (Article 9), and sometimes criminal-offence data (Article 10). Rely on a condition that fits, commonly the employment condition, with the Schedule 1 policy document where it is required.

Retention period: set a period linked to the window for a related claim and your client's policy, then confirm with the ICO and, where needed, a solicitor.

Deletion trigger: the case and any appeal or claim window closes.

04 DBS and criminal-record data

Why held: pre-employment vetting where the role and the law allow it.

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Condition: this is criminal-offence data under Article 10 and DPA 2018 s.10, not Article 9, and it needs its own Schedule 1 condition and appropriate policy document. Confirm eligibility and the condition before you process it.

Retention period: keep only what the vetting decision needs, for no longer than necessary.

Deletion trigger: the recruitment or vetting decision is made and recorded. Do not keep the certificate longer than the DBS code of practice allows.

05 Map your own data

Add a row for every other type of special-category or criminal-offence data you hold. Confirm each condition with the ICO.

Data type: what it is, and where it enters your work

Why held: the reason, and the task it serves

Condition: your Article 6 basis, plus the Article 9 or Article 10 condition (confirm with the ICO)

Retention period: how long, and tied to what

Deletion trigger: the event that starts the clock on deleting it

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