

Special Category and Criminal records data

Data Classification	Public Data
Author	Head of Regulatory Compliance
Approval	Legal Director
Last updated	June 2026 (addition of Recognised Legitimate Interest)
Last reviewed	June 2026

Introduction

Purpose

Under the UK General Data Protection Regulation ("UK GDPR") and Data Protection Act 2018 ("DPA"), additional protections for job applicants, employees, subcontractors, and other data subjects apply if a business processes "special categories" of personal data and/or criminal records data.

One of these protections is a requirement to have an appropriate policy document in place. This policy sets out our approach to processing special category data and criminal records data. It supplements our Privacy Notice.

Focused Payment Services Limited ("FPS") of Mansion House, Manchester Road, Altrincham, WA14 4RW is who we refer to as 'us' and 'we' in this policy. Whilst FPS is the entity which engages you as a subcontractor, PayStream Accounting Services Limited ("PAS") is the entity which employs internal staff to operate the running of the business and for making decisions as to the data we collect from data subjects and how it is processed. As such, PAS is a Data Controller as defined by Article 4(7) of the UK GDPR and on the instruction of PAS, we process data as outlined in the following policy.

Definitions

"Criminal records data" means information about an individual's criminal convictions and offences, and information relating to criminal allegations and proceedings which may also receive special protection.

"Special category data" means the following categories of personal data which are considered sensitive and may receive special protection: racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data, data concerning health, and data concerning sex life or sexual orientation.

Why we process special category and criminal records data

We may collect and process the following special category and criminal records data to carry out our legal obligations, for the performance of the contract we hold with you, or as applicable law otherwise permits (for example, with your explicit written consent).

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

We may also share special category and criminal records data with a third party where there is a recognised legitimate interest and the information is needed; in the public interest; to protect you or another person from harm; for the purpose of crime prevention; public security; national security or defence; safeguarding; emergencies; or to help other organisations perform their public tasks or official functions, although we would expect such instances to be rare.

Generally, we expect to process special category data and criminal records data in the following ways:

Biometric data and photographic images

We may collect, store and process biometric data and/or photographic images of you either a physical or digital format as submitted by you or a third party, and whether taken during a social or business environment. This is for security and identification purposes, and for the purposes of checking eligibility to work and identity.

Documentation and data related to your nationality, identity and/or right to work will be collected, stored and processed in our legitimate interests and/or to ensure that we are complying with our legal obligations.

Health

We may collect, store and process data related to your health that is relevant to the performance of your services, and/or any other medical data that is shared with us. We process such data for instance, to:

- ensure that we are complying with our health and safety obligations; and
- mitigate the risk of the transmission of infections in our workplace.

Criminal records data

We do not envisage that we will hold information about criminal convictions in most cases, and expect to only collect information about criminal convictions if it is appropriate given the nature of the services and/or where we are legally able to do so (this is usually where processing is necessary to carry out our obligations). Where appropriate, we will collect information about criminal convictions as part of the onboarding process or we may be notified of such information directly by you in the course of you providing services.

Compliance with data protection principles

Where we process special category and criminal records data, we do so in accordance with the following data protection principles.

- I. We process personal data lawfully, fairly and in a transparent manner and for specified, explicit and legitimate purposes.

We can process special category data and criminal records data only where we have a lawful basis to do so and, in addition, where one of the specific processing conditions relating to special category data or criminal records data (as outlined in the DPA) applies.

We process (or may process) special category and criminal records data for the purposes outlined above and in compliance with the following legal conditions:

	Lawful basis for processing	Special category personal data/criminal records data processing condition under sch.1 of the Data Protection Act 2018
Biometric Data (Including photographic images)	Processing of such data, for instance, where contained within right to work and identity documentation is, in certain circumstances, necessary for compliance with legal obligations (e.g. checking right to work in the UK) and is also in our legitimate interests. We may also, in some instances, process such data if there is a recognised legitimate interest. For example, in the case of an emergency, for the purposes of safeguarding and/or the prevention of crime.	Processing is necessary for reasons of substantial public interest, on the basis of Domestic Law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject, as permitted by the Data Protection Act 2018. (paras 10 / 11 / 14 of sch 1)
Health data	Processing is necessary for compliance with legal obligations, complying with health and safety obligations, carrying out capability procedures and complying with Health and Safety at Work Act 1974 as necessary and to assist us in the protection of and health and safety of our subcontractors. We may also, in some instances, process such data if there is a recognised legitimate interest. For example, in the case of an emergency.	Processing is necessary for reasons of substantial public interest, on the basis of Domestic Law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject, as permitted by the Data Protection Act 2018. (para 16 of sch 1)
Criminal record data	Processing is in our legitimate interests and where required by regulatory bodies in line with our legal obligations. These interests are not outweighed by the interests of data subjects. We may also, in some instances, process such data if there is a recognised legitimate interest. For example, in the case of safeguarding and/or crime prevention.	Processing is necessary to comply with regulatory requirements to establish whether or not someone has committed an unlawful act or been involved in dishonesty, malpractice or other seriously improper conduct (para.12 of sch.1).

We have considered in each case that processing is necessary and proportionate in light of the other safeguards in place and does not pose a high risk to individuals.

We explain to you how special category personal data and criminal records data is used when we collect the data. This information is set out in our Privacy Notice, made available to you on the online portal and at any time [here](#).

We review our processing and policies regularly to ensure that we are not using special category personal data or criminal records data for any other purpose.

Special category personal data relating to your health is not disclosed to third parties, except in the context of; seeking medical advice from a medical adviser who are subject to a professional duty of confidentiality; reporting suspected offences to the appropriate authorities, or; where there is a legal obligation on us to disclose, or a recognised legitimate interest. We comply with the Access to Medical Reports Act 1988 where relevant.

Criminal records data is not disclosed to third parties, except where there is legal obligation to do so, a recognised legitimate interest, or otherwise where we have your consent.

2. We process personal data only where the data is adequate, relevant and limited to what is necessary for the purposes of processing.

We collect and retain the minimum amount of information necessary to allow us to achieve the purposes outlined above. As noted, we include relevant information in our Privacy Notice as to how special category personal data and criminal records data is used.

All data is reviewed periodically to ensure we do not use data for any other purpose, and unnecessary data is deleted.

Where we have a legitimate need to process any special category or criminal records data for purposes not identified above, we will only do so after providing you with privacy information and, if required by law, obtaining your prior, express consent.

3. We keep accurate personal data and takes all reasonable steps to ensure that inaccurate personal data is rectified or deleted without delay.

We take reasonable steps to ensure that the personal data that we hold is accurate. Special category and criminal records data is usually obtained:

- directly from job applicants, employees, subcontractors and/or other data subjects; or
- from external sources that we are entitled to assume will provide accurate information, such as the Disclosure and Barring Service in the case of criminal records data, or medical professionals in the case of health data.

On becoming aware of any inaccuracies, we will erase or rectify inaccurate data that we hold without delay.

4. We keep personal data only for the period necessary for processing.

We have considered how long we need to retain special category and criminal records data. The periods for which data is retained, including where such data is retained after the end of your contract, are outlined in the data retention schedule within our Privacy Notice.

At the end of the relevant retention period, we erase or securely destroy special category and criminal records data.

We will only retain special category and criminal records data for as long as necessary to fulfil the purposes we collected it for, as required to satisfy any legal, accounting, or reporting obligations, or as necessary to resolve disputes.

5. We adopt appropriate measures to make sure that personal data is secure and protected against unauthorised or unlawful processing, and accidental loss, destruction or damage.

We take the security of special category and criminal records data seriously. We have internal policies and security controls in place to protect personal data against loss, accidental destruction, misuse or disclosure, and to ensure that data is not accessed, except by employees in the proper performance of their duties.

We will always treat special category and criminal records data as confidential and we will only share such data where there is a specific and legitimate purpose to do so.