## Data Processed Register Template

**Guidance Notes**

The first Principle of the GDPR requires that you process all personal data lawfully, fairly and in a transparent manner. Processing is only lawful if you have a lawful basis. To comply with the accountability requirement of GDPR, you must also be able to demonstrate that a lawful basis applies.

Part of your documentation requirement can be met by completing the following ‘Data Processed Register’. You may have an alternative version you already use, and that is fine.

This is often found to be the most complex task in UK GDPR compliance, and we have tried to make it as straightforward as possible with the following guidance.

In all likelihood, this is the document that will take you most effort to complete.

Additional guidance is available at: <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/>

The lawful bases for processing set out in Article 6 of the GDPR are summarised below and at least one of these must apply whenever you process personal data:

**(a) Consent:**the individual has given clear consent for you to process their personal data for a specific purpose;

**(b) Contract:**the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract;

**(c) Legal obligation:**the processing is necessary for you to comply with the law (not including contractual obligations);

**(d) Vital interests:**the processing is necessary to protect someone’s life;

**(e) Public task:**the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law; and/or

**(f) Legitimate interests:**the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual’s personal data which overrides those legitimate interests. (This cannot apply if you are a public authority processing data to perform your official tasks.)

If you are processing special category data, you should document both your lawful basis for processing and your Article 9 special category condition so that you can demonstrate compliance and accountability.

The Article 9 conditions are:

1. the data subject has given explicit **consent** to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject;
2. processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of **employment and social security and social protection law** in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;
3. processing is necessary to protect the **vital interests** of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent;
4. processing is carried out in the course of its legitimate activities with appropriate safeguards by **a foundation, association or any other not-for-profit body** with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects;
5. processing relates to **personal data** which are manifestly **made public by the data subject**;
6. processing is necessary for the **establishment, exercise or defence of legal claims** or whenever courts are acting in their judicial capacity;
7. processing is necessary for reasons of **substantial public interest**, on the basis of Union or Member State 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;
8. processing is necessary for the **purposes of preventive or occupational medicine**, for the **assessment of the working capacity** of the employee, **medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and servi**ces on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;
9. processing is necessary for reasons of **public interest in the area of public health**, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy;
10. processing is necessary **for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes** in accordance with [Article 89](https://gdpr-info.eu/art-89-gdpr/)(1) based on Union or Member State 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.

Sensitive personal data may be processed for the purposes referred to in point (h) of above when those data are processed by or under the responsibility of a professional subject to the obligation of professional secrecy under Union or Member State law or rules established by national competent bodies or by another person also subject to an obligation of secrecy under Union or Member State law or rules established by national competent bodies.

If you are processing data about criminal convictions, criminal offences or related security measures, you should document both your lawful basis for processing under Article 6 and your criminal offence data condition under Article 10, either legal authority or official authority, so that you can demonstrate compliance and accountability.

You must keep a record of which basis you are relying on for each processing purpose, and a justification for why you believe it applies. This Register has been designed to fulfil that purpose.

This is a complex area and we recommend you seek appropriate advice in relation to determining your correct legal bases.

**DATA PROCESSED REGISTER OF:**

**[INSERT BUSINESS NAME]**

**[INSERT BUSINESS ADDRESS]**

**[INSERT ICO REGISTRATION NUMBER]**

**[INSERT DATE]**

**Policy became operational on: [1 January 2023]**

**Next review date: [1 January 2024]**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| 1. **Categories of individuals**
 | 1. **Categories of personal data**
 | 1. **Article 6 Lawful basis for processing personal data**
 | 1. **Legitimate interests for processing (if applicable)**
 | 1. **Categories of special category data**
 | 1. **Article 9 Lawful basis/condition for processing special categories of data**
 | 1. **Article 10 condition for processing of criminal data**
 |
| Customers | Name, contact details, email address, bank details  | Legitimate interest | Provision of services |  |  |  |
| Employees | Name, email address, contact details, next of kin details, bank details, National Insurance number | Contract – necessary to fulfil contract in course of employment |  | Health data, Nationality |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |