

# HOW HARGREAVES LANSDOWN PROCESSES SPECIAL CATEGORY AND CRIMINAL OFFENCES PERSONAL DATA

## Introduction

This policy supplements our Privacy Policy and accompanying policy documentation relating to data protection. The purpose of this document is to explain:

- how and why we process special category personal data or personal data about criminal convictions and offences;
- the legal basis on which we do so by reference to the conditions set out in the Data Protection Act 2018 ('DPA 2018');
- how such processing adheres to the principles relating to the processing of personal data set out in the General Data Protection Regulation ('GDPR'); our retention and erasure policies relating to these categories of personal data.

This policy applies to the processing of personal data by UK entities of the Hargreaves Lansdown Group as detailed in our Privacy Policy. It should be read in conjunction with our [Privacy Policy](#) which explains 'Who we are' in section 2.

## Definitions

'criminal offence data' means personal data relating to criminal convictions and offences, whether alleged or actual, as referred to in Art 10 GDPR.

'special category personal data' has the meaning set out in Art 9(1) GDPR, that is: "data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of 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".

## Legal context

In addition to the general requirements for the processing of personal data set out in the GDPR:

- the processing of special category personal data is only permitted in the situations set out in Art 9(1) GDPR and where any additional conditions set out in Parts 1 and 2 of Schedule 1 to the DPA 2018 are met; and
- the processing of criminal offence data is only permitted where one of the conditions set out in Parts 1, 2 and 3 of Schedule 1 to the DPA 2018 is met.

Where data is processed in reliance on a condition in Part 1, 2 or 3 of Schedule 1 to the DPA 2018, the controller of that data must have in place an appropriate policy document satisfying the requirements specified by the DPA 2018. This policy fulfils that purpose.

## Relevant processing conditions utilised by Hargreaves Lansdown

### Necessary due to obligations imposed on us by employment law

All potential job candidates will be asked for personal information in order to understand whether it will be necessary for us to make reasonable adjustments for them for their interview and employment, if

successful. Such information is likely to include health data and disability status, and will therefore be special category personal data.

Hargreaves Lansdown are legally required to make reasonable adjustments under the Equality Act 2010. We will not ask for your consent to capture this information, but you are not obliged to provide it.

Such data will be necessary to keep in an identifiable form in order to be achieve this purpose. We will ensure that this data is kept under appropriate access control to prevent the risk of disclosure outside of those in the organisation who need to be aware of this.

### **Safeguarding of economic well-being of certain individuals**

Where necessary and proportionate according to internal policy, Hargreaves Lansdown will record special category personal data relating to the health of individuals without their explicit consent where we are made aware of this. The purpose for this processing will be to safeguard the wellbeing of individuals that we suspect may be vulnerable. Hargreaves Lansdown will only rely on this condition where either:

- Obtaining explicit consent to the processing cannot be given by the data subject
- In the circumstances, Hargreaves Lansdown cannot reasonably be expected to obtain the consent of the data subject to the processing, or;
- Obtaining consent would prejudice the provision of the protection to the individual

### **Regulatory requirements relating to unlawful acts and dishonesty**

Hargreaves Lansdown will process personal data relating to criminal convictions of individuals where this is necessary for the purposes of complying with, or assisting others to comply with, a regulatory requirements in order to establish if that person has:

- committed an unlawful act, or
- been involved in dishonesty, malpractice or other seriously improper conduct.

Typically, such processing will occur at the on boarding stage of new clients but will also occur at the rescreening stage at a frequency deemed necessary by Hargreaves Lansdown in order to achieve its financial crime, regulatory and legal obligations. Hargreaves Lansdown may also process such criminal conviction data for staff or agents of HL, and where we otherwise become aware of it by other means, such as receipt of a freezing or restraining order.

### **Preventing fraud**

Where necessary for the purposes of preventing fraud, Hargreaves Lansdown will disclose special category personal data or personal data relating to criminal convictions to anti-fraud organisations (as defined by section 68 of the Serious Crime Act 2007). Any disclosure of personal data will be made in accordance with arrangements made by an anti-fraud organisation.

## How Hargreaves Lansdown ensures compliance with the data protection principles when processing special category and criminal offence data

Art. 5.1(a) GDPR	Lawfulness, fairness and transparency	<p>We will only process the data where:</p> <ul style="list-style-type: none"> <li>an appropriate lawful basis exists;</li> <li>the processing is fair because it is processing data subjects would reasonably expect; and</li> <li>a privacy notice has been provided to data subjects outlining the processing, in line with GDPR requirements.</li> </ul>
Art. 5.1(b) GDPR	Purpose limitation	The personal data will only be processed for the limited purposes specified in this policy and, where technologically/operationally feasible, is either kept separate from other personal data or access is restricted so as to prevent any unauthorised use.
Art. 5.1(c) GDPR	Data minimisation	We only collect personal data that we require to fulfil the purposes specified.
Art. 5.1(d) GDPR	Accuracy	We will correct any inaccuracies without delay on becoming aware of them so as to prevent any unnecessary damage or distress to the data subjects.
Art. 5.1(e) GDPR	Storage limitation	Personal data is only be stored in an identifiable form while it remains necessary for the relevant purpose to do so. Where identification is not necessary, we will ensure techniques (such as anonymization) are applied to prevent or mitigate the risk of harm to data subjects. For further information on how long we store personal data, please see our <a href="#">Privacy Policy</a> .
Art. 5.1(f) GDPR	Integrity and confidentiality	Personal data is stored securely using appropriate technological controls and access is highly restricted to appropriate staff. Where storage of identifiable data is not necessary, we will ensure techniques (such as anonymization) are adopted to prevent or mitigate the risk of harm to data subjects.
Art. 5.2 GDPR	Accountability	<p>We are responsible for compliance with these principles and demonstrate this in the following ways:</p> <ul style="list-style-type: none"> <li>we keep records of all personal data processing activities;</li> <li>we adhere to the principle of privacy by design, such as by carrying out Data Protection Impact Assessment for any high risk personal data processing activities; and</li> <li>we have in place internal processes and policies for personal data to ensure that it is only collected, used or handled in a way that is compliant with data protection law.</li> </ul>

## Further information

If you have any questions about this policy or how Hargreaves Lansdown ensures the privacy of your personal data, you can contact us at:

Hargreaves Lansdown  
Data Protection Officer  
1 College Square South  
Anchor Road  
Bristol  
BS1 5HL

Alternatively, you can call us on 0117 900 9000 or email us at [AMLteam@hl.co.uk](mailto:AMLteam@hl.co.uk).

References to 'Hargreaves Lansdown', the 'Hargreaves Lansdown Group', 'we' or 'us' are to the group of companies whose parent company is Hargreaves Lansdown plc or (as the context requires) any company within that group.