

General Data Protection Guidance Note

Thank you for your cooperation with our Managing Special Diets in Schools. As referred to in our letter, we have considered data protection obligations found in the General Data Protection Regulation (“GDPR”) when compiling this process. We need to ensure that any personal data we receive from our clients as part of the Managing Special Diets in Schools Process is done so in compliance with GDPR.

-) Under the GDPR, personal data can only be processed where there is a lawful basis for processing that personal data.
-) The GDPR provides several legal basis for processing personal data and the relevant legal basis largely depends on the nature of the personal data being processed.
-) Allergens data is considered health data and under the GDPR this is a special category of data which has specific requirements.
-) The legal advice we have received advises that the only relevant legal basis for the processing of allergens data is explicit consent from the data subject (or in our case the parent/guardian of the student due their age) and it is only with this explicit consent that Sodexo is permitted under GDPR to process the allergens data we receive from you.
-) We ask for this explicit consent from parents/guardians via our Special Diet Information Form.
-) Without this explicit consent you will not have the legal basis to send us the allergens data and where you send the allergens data to us without this explicit consent, not only will this not be in compliance with GDPR, it will be extremely difficult for us to use any allergens data that you provide to us in our operations (i.e. to prepare an alternative meal etc). This could have a detrimental effect on the standard of service that you have committed to provide your students when you appointed Sodexo as your catering partner.

Additionally, the legal advice we have received on this subject advised that vital interest is not the correct legal basis for processing of allergens data in the context of a Special diet process. This is because use of vital interests as a legal basis is very limited in scope and applies only in circumstances where there is medical incapacity and the data subject is incapable of giving consent; where it is still possible to obtain the explicit consent of the data subject, explicit consent should be sought.

Thank you again for your continued cooperation.

Sodexo Catering Team