

DPIA Appendix: Legitimate Interest Assessment

1 Purpose Test

What is the legitimate interest behind the processing?

1.1 Why do you want to process the data?

Storing of employees emergency contact details including a telephone number in SAP and on SharePoint. By daily downloading of emergency contact details and uploading onto a restricted page on SharePoint, it provides the Incident Managers with 24/7 access to the information should it be required in an emergency situation.

1.2 What benefit do you expect to get from the processing?

It provides TfGM (Incident Managers) with up to date emergency contact details for its employees (name and phone number only). Therefore, ensuring that the organisation has a way of contacting an employee's emergency contact should the need arise, inside or outside of normal working hours.

1.3 Do any third parties benefit from the processing?

Yes – the emergency contacts (friends and family of employees) will be informed of an incident affecting their friend/family member who may not be able to contact them themselves.

1.4 How important are the benefits that you have identified?

Very important

1.5 What would be the impact if you couldn't go ahead with the processing?

We would not have a single central record of employee's emergency contacts. There would be a risk of not being able to access emergency contacts details when needed if an incident happened out of hours, HR were not available, or if SAP was not available.

1.6 Are you complying with any specific data protection rules that apply to your processing (e.g. profiling requirements, or e-privacy legislation?)

N/A

1.7 Are you complying with other relevant laws?

N/A

1.8 Are you complying with industry guidelines or codes of practice?

This is not a specific industry standard however the government website lists employees emergency contact details as data employers must keep up to date and can be kept without the employee's permission

1.9 Are there any other ethical issues with the processing?

We are unable to directly contact the employees' friends and family with a Privacy Notice. However, we will be asking employees to make sure their friends and family are aware of the fact that their contact details will be used in this way.

2 Necessity Test

You need to assess whether the processing is necessary for the purpose you have identified

2.1 Will this processing actually help you achieve your purpose?

Yes

No

2.2 Is the processing proportionate to that purpose?

Yes

No

2.3 Can you achieve the same purpose without the processing?

Yes

No

2.4 Can you achieve the same purpose by processing less data, or by processing the data in another more obvious or less intrusive way?

Yes

No

3 Balancing Test

You need to consider the impact on individuals' interests and rights and freedoms and assess whether this overrides your legitimate interests.

Nature of the Personal Data

3.1 Is it special category or criminal offence data?

Yes

No

3.2 Is it data which people are likely to consider particularly 'private'?

Yes

No

3.3 Are you processing children's data or data relating to other vulnerable people?

Yes

No

3.4 Is the data about people in their personal or professional capacity?

Personal

Professional

Reasonable expectations

3.5 Do you have an existing relationship with the individual?

Yes

No

3.6 What's the nature of the relationship and how have you used that data in the past?

It is contact information (name and phone number) of an employee's friend or family member, they are unlikely to be a TfGM employee. The data is currently stored on SAP, and will continue to be stored there, however only a limited number of people, typically the HR team, have the relevant access, therefore access to the data is only typically available during normal working hours. By also storing it in a secure area on SharePoint, it provides Incident Managers access to an employee's emergency contact information should they require it

Did you collect the data directly from the individual? What did you tell them at the time?

No this data is provided by the employee and the employee is asked to inform the individual that their data has been given. We cannot guarantee this will happen and it is impossible for us to directly deliver a Privacy Notice to them because we do not know who they are until we hold the data. At that point we will only hold their telephone number and it would be disproportionate for us to telephone every nominated emergency contact.

3.7 If you obtained the data from a third party, what did they tell the individuals about reuse by third parties for other purposes and does this cover you?

N/A

3.8 How long ago did you collect the data? Are there any changes in technology or context since then that would affect expectations?

This data will be newly collected. The previously collected data will be destroyed in SAP, and employees will be asked to input new emergency contact details.

3.9 Is your intended purpose and method widely understood?

Yes

No

3.10 Are you intending to do anything new or innovative?

Yes

No

3.11 Do you have any evidence about expectations – e.g. from market research, focus groups or other forms of consultation?

No

3.12 Are there any other factors in the particular circumstances that mean they would or would not expect the processing?

It is widely understood and expected that people will provide employers and other organisations (e.g. health settings) with emergency contact details which will include friends and family members.

Likely impact

3.13 What are the possible impacts of the processing on people?

Individuals may not be informed by employees that their data will be held by TfGM, although we will encourage employees to do so.

3.14 Will individuals lose any control over the use of their personal data?

Yes No

3.15 What is the likelihood and severity of any potential impact?

Likelihood of not being informed of the use of their contact details = 2/5

Impact of this on them = 1/5

Total risk exposure = 3/15 LOW risk.

3.16 Are some people likely to object to the processing or find it intrusive?

Yes No

3.17 Would you be happy to explain the processing to individuals?

Yes No

3.18 Can you adopt any safeguards to minimise the impact? What?

Yes – we will be asking employees to let their chosen emergency contacts know that they are providing their contact details. We will also add this to the Employee Privacy Notice which will go on the TfGM website. Further safeguards are in place in terms of SAP and Sharepoint use and access, in that only

employees in specific roles will have access to the data either on SAP or SharePoint.

3.19 Can you offer individuals an opt out?

Yes

No

4 Decision making

4.1 Can you rely on legitimate interests for this processing?

Yes

No

4.2 Do you have any comments to justify your answer?

This falls under our duty of care for our employees and is good HR practice. It is low risk processing, which is widely expected by data subjects.

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