

DPIA Appendix Legitimate Interests Assessment: Best Companies 2018 data sharing

1 Purpose Test

What is the legitimate interest behind the processing?

1.1 Why do you want to process the data?

In order for Best Companies to undertake the survey and analysis

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

We are able to measure employee engagement in the organisation to inform the people strategy and to improve engagement

1.3 Do any third parties benefit from the processing?

Yes

No

1.4 How important are the benefits that you have identified?

Very. Required in order to provide a measure for our people strategy and progress and ensuring we are a good employer and therefore looking after our employees.

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

We would not have a measurement or comprehensive view of employee engagement across the organisation.

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

Not applicable. Compliance is with the standard principles.

1.7 Are you complying with other relevant laws?

Yes. Processing does not intrude on Article 8 of the Human Rights Act as questions in the survey do not relate to private/family life. The closest to this could be seen as questions around work/life balance but these are asked in the interest of the employee and employee wellbeing and do not identify any protected characteristics etc.

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

N/A – not aware of any codes of practice.

1.9 Are there any other ethical issues with the processing?

None

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?

Individuals are employees of TfGM. Data has been used in the past for the purpose of employment and in our legitimate interests as an employer.

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

Original data from SAP is taken on beginning employment with TfGM and is necessary in order for us to employ the individual. Data is collected in such a way that it is clear that it will be used for employment purposes. TfGMs Privacy Policy under DPA 1998 included reference to use of data for employment purposes. The new Employee Privacy Notice under GDPR and Data Protection Act 2018 is currently under review.

3.8 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?

Not applicable

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

Data was collected when employees started working for the organisation, which varies by year. Data is kept up to date as the majority of this information relates to the contract of employment we have with an individual – e.g. working location, contracted weekly hours, job grade, salary band, whether manages employees, employment group. Dates shared remain static – date of birth and TfGM start date. Employees would be expected to either inform HR or have the option to self-change gender on SAP so this would need to be kept up to date.

3.10 Is your intended purpose and method widely understood?

Yes

No

3.11 Are you intending to do anything new or innovative?

Yes

No

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

None – but we do from previous 4 years of surveying with Best Companies.

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

We have used the survey for the past 4 years running across the organisation so employees (particularly those who have been with us for previous years) know what is involved in the survey. We have not explicitly told employees that this data is shared in previous years however they are made aware that a third party runs this survey and will communicate with them directly in completing the survey. Last year the response rate was 85% so there is clear engagement with the survey and employees want the opportunity to respond and voice their opinions.

Likely impact

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

It is possible that the personal data might be used by Best Companies for a purpose they do not expect, e.g. being contacted for direct marketing or third party marketing. There is a possibility that the data might be used to identify responses made by individuals in the survey and identify which individuals make negative comments about the organisation.

Individuals may object to the sharing of their personal data with Best Companies

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

Yes

No

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

Limited – very low risk.

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

Yes

No

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

Yes

No

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

Minimal personal data is being provided to Best Companies, the contractual agreement we have with them states what they can and cannot do with the information/personal data which we provide to them. This includes a commitment from Best Companies that they do not sell data to third parties.

3.20 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?

The Best Companies organisational survey aims to measure and analyse employee engagement.

An engaged workforce is more motivated and productive because people take pride in what they are doing and have faith in those around them which in turn leads to better working relationships, greater collaboration and ultimately a more successful organisation.

Benefits include:

- Understanding how our people honestly feel about their work
- Discovering opportunities for improvement and gaining the knowledge and tools we need to make it happen
- Supporting our staff to become happier and more productive
- Improving staff retention
- Creating an environment that attracts top talent
- Giving our organisation structural clarity and a stronger reason for being
- Generating unique PR and marketing opportunities on both a regional and national stage

LIA completed by (name): Jane Mortin

Job role: Learning and OD Manager

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