

# LEGITIMATE INTERESTS ASSESSMENT

## Part 1: Purpose test

You need to assess whether there is a legitimate interest behind the processing.

- Why do you want to process the data?
- What benefit do you expect to get from the processing?
- Do any third parties benefit from the processing?
- Are there any wider public benefits to the processing?
- How important are the benefits that you have identified?
- What would the impact be if you couldn't go ahead with the processing?
- Are you complying with any specific data protection rules that apply to your processing (eg profiling requirements or e-privacy legislation)?
- Are you complying with other relevant laws?
- Are you complying with industry guidelines or codes of practice?
- Are there any other ethical issues with the processing?

The school has insurance against staff absence for sickness. The insurance allows the school to ensure that they have sufficient staff in place to effectively run the school in the event of staff sickness.

Staff medical information to inform a claim is sent to the insurers via a secure platform, and data is limited to what is necessary to make the claim. No data is routinely stored outside of the UK.

## Part 2: Necessity test

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

- Will this processing actually help you achieve your purpose?
- Is the processing proportionate to that purpose?
- Can you achieve the same purpose without the processing?
- Can you achieve the same purpose by processing less data, or by processing the data in another more obvious or less intrusive way?

If the school does not insure staff sickness absence it cannot guarantee a safe level of staffing to maintain the school's effective operation. This may place pupils and other staff at risk of harm.

Due to restrictive budgets it is not possible to fund additional staff to cover sickness absence without insurance. In addition there are legal requirements regarding the number of staff on site to maintain a safe education environment.

Any data shared for the purposes of bringing a claim will be limited to what is necessary for the claim to be made and subject to the storage limitation principle. The school has an effective contract with the insurers and have assurance of their compliance with GDPR.

## Part 3: Balancing test

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

First, use the [DPIA screening checklist](#). If you hit any of the triggers on that checklist you need to conduct a DPIA instead to assess risks in more detail.

### Nature of the personal data

- Is it special category data or criminal offence data?
- Is it data which people are likely to consider particularly 'private'?
- Are you processing children's data or data relating to other vulnerable people?
- Is the data about people in their personal or professional capacity?

The data does fall within the special categories of personal data as defined by data protection law as it relates to mental or physical health.

### Reasonable expectations

- Do you have an existing relationship with the individual?
- What's the nature of the relationship and how have you used data in the past?
- Did you collect the data directly from the individual? What did you tell them at the time?
- 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?
- How long ago did you collect the data? Are there any changes in technology or context since then that would affect expectations?
- Is your intended purpose and method widely understood?
- Are you intending to do anything new or innovative?
- Do you have any evidence about expectations – eg from market research, focus groups or other forms of consultation?

<ul style="list-style-type: none"> <li>Are there any other factors in the particular circumstances that mean they would or would not expect the processing?</li> </ul>	
<p>There is a clear existing contractual relationship between the school and their staff. Staff are advised of this use of data via our privacy notices and our contract with them.</p>	
<p><b>Likely impact</b></p>	
<ul style="list-style-type: none"> <li>What are the possible impacts of the processing on people?</li> <li>Will individuals lose any control over the use of their personal data?</li> <li>What is the likelihood and severity of any potential impact?</li> <li>Are some people likely to object to the processing or find it intrusive?</li> <li>Would you be happy to explain the processing to individuals?</li> <li>Can you adopt any safeguards to minimise the impact?</li> </ul>	
<p>It is not likely that the use of this personal data for this purpose will affect an individual's right to privacy. The data is shared securely and its use and retention is strictly controlled.</p>	
Can you offer individuals an opt-out?	No

## Making the decision

This is where you use your answers to Parts 1, 2 and 3 to decide whether or not you can apply the legitimate interest basis.

Can you rely on legitimate interests for this processing?	Yes
<p>Do you have any comments to justify your answer? (optional)</p> <p>This processing is unlikely to have a negative impact on individuals as they are aware of this processing and it is necessary to ensure the effective running of the school.</p> <p>The Legitimate Interests condition allows individuals to object to, or restrict this use of their personal data, and should that be the case a public interest decision would be made regarding the continued use of the data for this purpose.</p>	
LIA completed by	Lauri Almond - DPO
Date	14 March 2019

## What's next?



Keep a record of this LIA, and keep it under review.

Do a DPIA if necessary.

Include details of your purposes and lawful basis for processing in your privacy information, including an outline of your legitimate interests.