## Test and Trace LIA [Organisation name]

This legitimate interests assessment (LIA) template is designed to help you to decide whether or not the legitimate interests basis is likely to apply to your processing. It should be used alongside our [legitimate interests guidance](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/legitimate-interests/).

Please find some notes on how to complete this document in blue.

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| Part 1: Purpose test |

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

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| * 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? |
| Factors you could mention:   * It will safeguard the health of staff and visitors. * It will assist the NHS Test and Trace Scheme * It will help protect the health of the wider public * You will follow the government guidelines on maintaining records of staff, customers and visitors. |
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| Part 2: Necessity test |

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

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| * 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? |
| Factors to mention:   * Confirm if you are satisfied that there is no other way to gather the data you need. * State that you will only collect and process the minimum amount of information necessary to maintain records for Test and Trace purposes. |

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| 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](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/data-protection-impact-assessments/). If you hit any of the triggers on that checklist you need to conduct a DPIA instead to assess risks in more detail.

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| **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? | |
| Factors to mention:   * You are only collecting names, contact details and dates and times of attendance. * You will not collect any sensitive information such as special category data or criminal offences. * You will not be processing any personal data about children and other vulnerable people. | |
| **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? * Are there any other factors in the particular circumstances that mean they would or would not expect the processing? | |
| Factors to mention:   * In most cases you will have an existing relationship with the individuals whose data you are processing. * You will be using their personal data for a new purpose. * It is likely that staff and visitors will be expecting you to take additional measures to protect against the spread of Covid-19. | |
| **Likely impact** | |
| * What are the possible impacts of the processing on people? * Will individuals lose any control over the use of their personal data? * What is the likelihood and severity of any potential impact? * Are some people likely to object to the processing or find it intrusive? * Would you be happy to explain the processing to individuals? * Can you adopt any safeguards to minimise the impact? | |
| Factors to consider:   * What would be the impact on an individual if you shared their data with the NHS Test and Trace Team? (take into account how significant the impact would be. Would it be a negative impact, positive impact or a mixture of both?) * Are you are going to provide an opt-out for people who do not want their personal data to be used in this way? | |
| Can you offer individuals an opt-out? | Yes / No |

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| 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 interests basis.

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| Can you rely on legitimate interests for this processing? | | Yes / No |
| Do you have any comments to justify your answer? (optional)  Having taken all the factors above into account, in this section of the document you should state;   1. whether or not you are satisfied that the processing is necessary, and; 2. whether you are satisfied that your legitimate interest in processing personal data for test and trace purposes outweighs any negative impact on the rights and freedoms of individuals. | | |
| LIA completed by |  | |
| Date |  | |

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.