

Legitimate Interests Assessment M217S V.2

Considerations of LTDP for this assessment...

This assessment is utilised to establish '*legitimate interests*' as the Controller's lawful basis to process patient data for the purpose of providing dental care. This includes contacting patients for recalls, reminders, treatment plans and estimates by post and telephone. LTDP gains written consent from patients to send emails or text messages for these purposes. See the MDDUS guidance [here](#) and the Communication Consent Form (M 217RA).

The [Data Protection Network](#) provides some useful information about how legitimate interests may be used as a lawful basis to carry out marketing. *CODE cannot advise on using legitimate interests as a lawful basis for marketing*, as the legal issues are too complex and there is no official guidance yet. For business-to-consumer marketing, members will have to take into account ePrivacy legislation and the new Data Protection Act.

GDPR says: "*The legitimate interests of a controller, including those of a controller to which the personal data may be disclosed, or of a third party, may provide a legal basis for processing, provided that the interests or the fundamental rights and freedoms of the data subject are not overriding, taking into consideration the reasonable expectations of data subjects based on their relationship with the controller. Such legitimate interest could exist for example where there is a relevant and appropriate relationship between the data subject and the controller in situations such as where the data subject is a client or in the service of the controller*"

The legitimate interests assessment is based on a 3-stage process:

1. Identify what your legitimate interests are for processing data
2. Decide if this way of processing data is necessary to achieve your aims and if there is a less privacy intrusive way to achieve them
3. Carry out the balancing test, to weigh up the balance between the interests of your company and the interests of the individual, not forgetting to include any benefits to society. It is necessary to include the risks of carrying out the activities and the risks of not carrying out the activities. Prevention and public health for example

It is also necessary to include the safeguards to reduce the impact on privacy and in particular any measures that you take to mitigate the risks.

Finally, after assessing the risks and benefits we detail our conclusion, based on the Interests, benefits, the risks, the safeguards and mitigating measures, as to whether or not there is a legitimate basis for processing data.

Legitimate Interests Assessment To process personal information for the purpose of the provision of dental care.

Lime Tree Dental Practice 6 Woodhill Road, Portishead, North Somerset. BS20 6RJ.

Prompt	Answer
Why does the practice need to process personal information	The practice has a legitimate interest, as well as an ethical and professional duty to provide evidence based dental care to patients in the safest and most effective way in line with current guidance, and practice
How does the processing meet the objectives of the practice	Personal data must be processed to provide preventative dental care to our patients
What is the optimum way of processing data to achieve the practice requirements	We process data in hard copy, by computer, through our website and we contact patients by telephone, post, text and email
Are there alternative ways of achieving the practice objectives	No
What is the relationship between the individual and the practice	The individuals are patients who have consented to having dental care at the practice
What is the value to the individual of processing the data	The ability to access dental health provision and treatment for optimal oral health and health awareness
What are the risks to the individual of processing their data	There could be an electronic data breach, hard copy records could be lost or stolen, postal recalls, treatment plans and reminders could be intercepted. The wrong person could be spoken to on the phone
Can the processing affect the interests or the fundamental rights and freedoms of the individuals	Not as far as we are aware
What are the risks of not processing the data to the practice	If we do not continue to deliver excellent and preventative dental treatment this could result in professional disciplinary action, negligence claims or the closure of the practice
What are the risks of not processing the data to the individual	Regular attendance, prevention and timely treatment according to the patient's individual need is the best way to prevent and treat dental disease. Untreated dental disease can cause pain, suffering, limitations in social functioning and is associated with many health problems
What are we doing to mitigate risk of processing the data	We ensure that the information collected kept to the minimum necessary and is retained for the minimum amount of time. We have robust confidentiality policies and procedures, including Information Governance Procedures (M 217C) and the Data Protection and Information Security Policy (M 233-DPT). The team are regularly trained on confidentiality and information governance at practice meetings

Prompt	Answer
Can the individual object to processing data or request its deletion	<p>The patients can object to processing their data if they inform us that they no longer want to be a patient at the practice. We cannot delete clinical records unless the patient has left the practice and our retention period has lapsed according to our Record Retention rules (M 215).</p> <p>If we are informing members of the public who are not patients or who are past patients, about dental prevention and healthcare they can object to the processing of their data. People who have never been patients can request deletion of their data</p>

Legitimate interests assessment for the processing of personal information Summary
<p>Based on my assessment, Nick Williams who is the Data Controller, has a legitimate interest to process personal data for the purpose of providing evidence based dental care and prevention. The risks to the individuals are minor, they are mitigated by our policies, procedures and training.</p> <p>Our assessment is that the risks of processing personal data are much outweighed by the benefits. It is the interests of the person to receive timely preventative, evidence based dental care. The lack of dental care has a negative impact on the health, well-being and functioning of the individual and society</p> <p>Signed by Anita Williams, the Information Governance Lead.</p> <p>Signature:</p> <p>Date:06/02/2023</p>

Legitimate Interests Assessment Guidance

Prompt	Answer	Guidance
Why does the practice need to process personal information	Anita Williams of Lime Tree Dental Practice is in agreement with Agilio (Compliance governance provider) about their guidance recommendation answers for the legitimate Interest of data capture.	Consider keeping in touch with patients and prospective patients to encourage attendance. Also, to inform people in the community about the availability of our health services to encourage registration and regular attendance. Consider the need to make sure that people in the community are aware of our new treatment and preventative services so that they are taken up
How does the processing meet the objectives of the practice	Anita Williams of Lime Tree Dental Practice is in agreement with Agilio (Compliance governance provider) about their guidance	Consider the need to maintain sufficient patient numbers to provide the optimum health service to all. Also, the requirement to provide preventative healthcare to the maximum numbers of patients in the

	recommendation answers for the legitimate Interest of data capture.	community
What is the optimum way of processing data to achieve the practice requirements	Anita Williams of Lime Tree Dental Practice is in agreement with Agilio (Compliance governance provider) about their guidance recommendation answers for the legitimate Interest of data capture.	Consider that whilst electronic processing is the least expensive, direct mail has an important role in bringing awareness to patients and the benefits of each
Are there alternative ways of achieving the practice objectives	Anita Williams of Lime Tree Dental Practice is in agreement with Agilio (Compliance governance provider) about their guidance recommendation answers for the legitimate Interest of data capture.	Consider other ways that you could make the community aware such as advertising and compare the effectiveness. Highly targeted approaches are often the most effective
What is the relationship between the individual and the practice	Anita Williams of Lime Tree Dental Practice is in agreement with Agilio (Compliance governance provider) about their guidance recommendation answers for the legitimate Interest of data capture.	E.g. patient, team member, member of the local community
What is the value to the individual of processing the data	Anita Williams of Lime Tree Dental Practice is in agreement with Agilio (Compliance governance provider) about their guidance recommendation answers for the legitimate Interest of data capture.	Consider the health benefits of regular attendance, health awareness and preventative measures
What are the risks to the individual of processing their data	Anita Williams of Lime Tree Dental Practice is in agreement with Agilio (Compliance governance provider) about their guidance recommendation answers for the legitimate Interest of data capture.	Consider how sending emails or letters or other forms of communication could impact on personal data risk
Can the processing affect the interests or the fundamental rights and freedoms of the individuals	Anita Williams of Lime Tree Dental Practice is in agreement with Agilio (Compliance governance provider) about their guidance recommendation answers for the legitimate Interest of data capture.	No
What are the risks of not processing the data to the practice	Anita Williams of Lime Tree Dental Practice is in agreement with Agilio (Compliance governance provider) about their guidance recommendation answers	Consider the impact of low patient flow on health care delivered

	for the legitimate Interest of data capture.	
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Prompt	Answer	Guidance
What are the risks of not processing the data to the individual	Anita Williams of Lime Tree Dental Practice is in agreement with Agilio (Compliance governance provider) about their guidance recommendation answers for the legitimate Interest of data capture.	Consider the problems that arise from non-attendance and lack of health awareness
What are we doing to mitigate risk of processing the data	Anita Williams of Lime Tree Dental Practice is in agreement with Agilio (Compliance governance provider) about their guidance recommendation answers for the legitimate Interest of data capture.	Refer to the Data Protection and Information Security Policy (M 233-DPT), Privacy Impact Assessment (M 217Q) and Information Governance Procedures (M 217C) and all of the other audits and procedures in the other M 217 templates
Can the individual object to processing data or request its deletion	Anita Williams of Lime Tree Dental Practice is in agreement with Agilio (Compliance governance provider) about their guidance recommendation answers for the legitimate Interest of data capture.	Refer to your Privacy Notice (M 217T)

**Legitimate interests assessment for marketing
Summary**

1) Our assessment, based on the Interests, health benefits, the health risks, the safeguards and mitigating measures whether or not there is a legitimate basis for processing data:

Yes, there is legitimate interest.

2) For processing the personal data of practice patients for health awareness/important announcements/products and services:

Yes, there is legitimate interest.

3) For processing the personal data of non-patients health awareness/important announcements/products and services:

Yes, there is legitimate interest.

Signed by Anita Williams, the Information Governance Lead.

Signature:

Date: 06/02/2023