

GDPR Legitimate Interest Assessment Policy – Suppliers, Customers & Prospect Customers of SEERS Medical

According to the Information Commissioners Office (ICO) there are three elements to the legitimate interest basis: Identify a legitimate interest; show that the processing is necessary to achieve it; and balance it against the individual's interests, rights and freedoms.

- The legitimate interests can be your own interests or the interests of third parties. They can include commercial interests, individual interests or broader societal benefits.
- The processing must be necessary. If you can reasonably achieve the same result in another less intrusive way, legitimate interests will not apply.
- You must balance your interests against the individual's. If they would not reasonably expect the processing, or if it would cause unjustified harm, their interests are likely to override your legitimate interests.
- Keep a record of your legitimate interest assessment (LIA) to help you demonstrate compliance if required.
- You must include details of your legitimate interests in your privacy notice.

Source: <https://ico.org.uk>

Background

Under strict licence conditions, SEERS Medical communicates with organisations such as elected members in the UK Public, Private and Primary Care Health Sectors. This marketing communication contains limited, work-related, non-sensitive details of such individuals.

Identification and Justification of Legitimate Interest

Ability to Trade

SEERS Medical LTD is an established business, successfully trading since 2008. Almost all our revenue is derived from manufacturing & supplying the private and public sector medical industry Medical Couches, Patient Transport Trolleys & Medical Seating. Without the ability to communicate and process our customer's data, SEERS Medical would be unable to operate a duty of care to existing customers and communicate to the healthcare industry to attract new customers.

We are unable to use a different GDPR legal base for processing and maintaining work related data as they all require explicit consent. As the data set we operate comprises of some 18,000 individual contact records, it would be impossible to speak personally to every person in that data set to obtain such consent.

Freedom to promote products & services

We believe we have the right to promote our products and services in a fair and responsible way, compliant with GDPR. We may also use the GDPR Legitimate Interest option where justified.

Compliance with the GDPR

Recital 47 of the official GDPR text says this about Legitimate Interest: “The processing of personal data for direct marketing purposes may be regarded as carried out for a Legitimate Interest”. The Information Commissioner (ICO) says: “Legitimate Interests (may be used if): the communication & processing is necessary for your Legitimate Interests. Unless there is a good reason to protect the individual’s personal data which overrides those Legitimate Interests”. The Direct Marketing Association (DMA) say: “B2B marketers will be able to make use of the Legitimate Interest legal ground for their marketing activity in most instances”. We believe that we meet all those points in a fair and transparent way.

Impact on Privacy

Data Acquisition

The names and job titles of most senior management team and all elected representatives are available, please contact Matt Clarke – (0)7827 948310, websites and freedom of information requests addressed, and are therefore already in the ‘public domain’. Where the public domain sourcing of data is not an option, information is sourced either directly from the prospect, from other GDPR compliant sources, or directly from their employer. The data we acquire is regularly refreshed by a continuous cycle of improvement and editing. All requests to be removed, suppressed or forgotten are honoured.

Limited Dataset

As stated earlier, only professional work related information is stored such as name, job title, work address, telephone number and business email address. No demographic or sensitive data is collected (e.g. salary, home address, marital status).

Controlled Distribution of Data

We do not sell data, the data will not be copied, resold or shared.

We limit our email campaigns, to ensure that our messages aren’t perceived as spam.

We check where possible to ensure that any potential & existing customer we contact is legitimate.

Potential Harm to Data Subject

Based on the above methods and controls, we do not believe that SEERS Medical Ltd using data constitutes any personal risk to the data subject or causes any harm. No minors or vulnerable persons are affected. Reasonable Expectations of Data Subjects As representatives of public bodies, data subjects should reasonably expect that commercial organisations will attempt to contact them with relevant information, provided that their rights under the GDPR are protected.

Rights of Data Subjects

Data subjects can easily contact SEERS Medical Ltd to request suppression or permanent removal from a list. The individual senders of emails can usually be blocked by a prospect or existing client from within their email or on a platform such as MailChimp if it is felt that the communication is irrelevant or intrusive.

SEERS Medical Ltd