

Based on the ICO template

## 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?**

The data may include correspondence between contributors, divisional editors and BACP; for example contributors' emails; emails of book publishers; occasionally, consents from third parties, eg clients or participants in an article's case study; and, sometimes, letters from readers.

Contributors to each divisional journal liaise with the respective divisional editor about their article prior to publication. Editors need to be able to be in contact with them during the editing and production process with respect to editing and also to do relevant due diligence checks; for example, to ensure confidentiality and permissions in articles are in place. After BACP publishes the journal, we may need to contact the contributor eg about third-party journal requests about republication.

- **What benefit do you expect to get from the processing?**

Processing enables us to liaise with contributors about their articles, so they are aware of and agreeable to edits, ensuring we have accurate information about content, and so that we can make the necessary checks and receive the necessary confirmations from them to ensure they/we have done due diligence in respect of confidentiality and client permissions. Ensuring the appropriate checks have been carried out helps protect clients, journal contributors and BACP from consequences that might otherwise ensue, eg embarrassment, or distress, or legal claims. It also ensures we can evidence that data protection laws are being adhered to, eg around the handling of client data.

- **Do any third parties benefit from the processing?**

Clients, or study participants, or organisation or employer, which our guidelines require the contributor to obtain consents from. Third parties have their confidentiality and privacy protected when the processing of their data is carried out effectively and securely. Contributors are made aware of the need to do checks, and the need to transmit third-party information securely. Contributors are also made aware of how their own correspondence with editors is necessary for due diligence, and how it is processed.

- **Are there any wider public benefits to the processing?**

The liaison and checks we make ensure the divisional journals can be published safely, professionally and ethically, which protects clients, third parties, contributors, editors and BACP. In terms of the benefits of processing client data for case studies, these can enhance the learning in articles for our BACP members who are the readers of our journals. Liaising with journal contributors about their articles ensures we have clear communication, can do due diligence, and can work with them to produce articles which can best contribute to better practice in therapy.

- **How important are the benefits that you have identified?**

Very important, ethically and professionally, as described above, including protection of individuals and to the reputation of BACP.

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

We wouldn't be able to publish the divisional journals, because we couldn't have the necessary liaison with contributors to do so safely or professionally.

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

None that we are aware of.

- **Are you complying with other relevant laws?**

Our author checks allow us to make checks to ensure we comply with eg defamation, copyright and plagiarism law.

- **Are you complying with industry guidelines or codes of practice?**

Law relevant to publishing, as in previous point. Editors' Code of Practice requires care not to publish inaccurate, misleading or distorted content,

- **Are there any other ethical issues with the processing?**

We have to be vigilant to ensure confirmations and consents are in place in various categories detailed in our author guidelines, eg client consents about their counselling, or consents from study participants, any third party or family member mentioned in an article. Checks by divisional editors and liaison with contributors alert journal contributors and editors to any relevant issues pertaining to articles. This is the publishing setting within which data are collected.

## Part 2: Necessity test

- **Will this processing actually help you achieve your purpose?**  
Processing allows editors to liaise accurately and in a timely way with contributors, and to ensure we have the information necessary to publish safely.
- **Is the processing proportionate to that purpose?**  
The process is likely to be proportionate to prevent missed confirmations or consents, and inaccurate material being published, and any consequences thereof.
- **Can you achieve the same purpose without the processing?**  
It would not be viable to publish safely without.
- **Can you achieve the same purpose by processing less data, or by processing the data in another more obvious or less intrusive way?**  
It is unlikely that a less intrusive solution could be implemented to achieve the same objectives. We use secure methods to process any sensitive data, such as client consents. We use retention periods, at the end of which, data are deleted.

## Part 3: Balancing test

### Nature of the personal data

- **Is it special category data or criminal offence data?**

Consents from clients or study participants may relate to special category data under the health sub category, eg if they are giving consent for their participation in counselling to be published in a journal article, but the consent will not include details.

- **Is it data which people are likely to consider particularly 'private'?**

In terms of the data of journal contributors that we process, this is generally their email correspondence with editors and would not be considered particularly private. We communicate to contributors in our author guidelines the retention period for which we will hold their general correspondence with BACP.

If contributors have included any actual client in a case study, the client's data may be personal or private. That is why our contributor guidelines require contributors to confirm that the necessary consents and permissions from the client are in place before publication.

- **Are you processing children's data or data relating to other vulnerable people?**

In our *BACP Children, Young People & Families* journal, this could be the case if a contributor included a case study in a journal article about counselling a child client. We would require the contributor to obtain and provide client consent prior to publishing, as per our guidelines, which in this case, would need to be parental consent.

- **Is the data about people in their personal or professional capacity?**

It could be both. The data could be personal reflection, or it could relate to their work. If the latter, we ask contributors to confirm that they have obtained permission from their employer to publish information relating to their workplace.

### Reasonable expectations

- **Do you have an existing relationship with the individual?**

Not usually. Although some contributors write for the divisional journals more than once, eg regular contributors.

- **What's the nature of the relationship and how have you used data in the past?**

Journal contributors may approach divisional editors, eg by email, with an idea for an article. If the article is accepted for publication, contributor and editor will liaise about the article to finalise it for publication. Alternatively, editors may contact a potential contributor with a view to commissioning them to write an article. In all cases, contributors must follow our contributor guidelines, including any data they include in their articles.

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

In our contributor guidelines, which are provided to contributors by editors, and are also on BACP's website, there is a link to BACP's privacy notice, which is also published on BACP's website.

- **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?**

BACP's journal contributor guidelines require journal contributors to obtain consents from third parties in specific situations, eg from clients, if the contributor wishes to discuss them in a case study. Contributors are required to follow our author guidelines, and to provide consents to us via a secure method. We also ask journal contributors to confirm they understand their article may be shared by BACP across its communication channels after publication.

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

Due to the ongoing publishing schedules of the divisional journals, correspondence between editors and journal contributors takes place until publication of their article, and then the cycle begins again with fresh contributors for the next issue of the journal. We continue to strive to find the safest way to obtain and store data, balancing the need to do due diligence checks with regard to confidentiality and permissions, and following data protection guidance, including retention periods.

- **Is your intended purpose and method widely understood?**

Our author guidelines have a link to BACP's privacy notice, which is published on BACP's website.

- **Are you intending to do anything new or innovative?**

No. We use existing technologies to process data.

- **Do you have any evidence about expectations – eg from market research, focus groups or other forms of consultation?**

None specifically. We follow publishing law, and we work to good practice in our editorial processes.

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

Our author guidelines set out our publishing processes in terms of what we require from contributors, including client and other third-party permissions. They also include a link to BACP's privacy notice, which sets out how we process and retain data.

### **Likely impact**

- **What are the possible impacts of the processing on people?**

Impacts could potentially include a client's consent being read by an unintended recipient. This should be mitigated, however, as we ask contributors to provide consents securely, eg by a secure portal such as OneDrive, or by email with any identifying client data redacted.

Impacts could also potentially include a contributor's email being read by an unintended recipient. This should be mitigated, however, as email exchange is predominantly only between editor and contributor, although the managing editor can be copied in occasionally.

Impacts could also potentially include a third party unintentionally being included in an email thread from a contributor, if a thread is inadvertently forwarded to a divisional editor, and potentially to the managing editor, at BACP.

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

As far as contributors' own data is concerned, control is unlikely to be fully lost as BACP maintains data subject rights, including data access requests. We follow retention periods re data. Data will only be used where there is a legal basis to do so (in this case under legitimate business interest, for the reasons specified, or to defend BACP against potential legal claims). Recorded data is retained on site and access to it is restricted.

However, if consent to publish data were withdrawn by a contributor or third party after publication of a journal, the information would already be in the public domain.

- **What is the likelihood and severity of any potential impact?**  
Any unwanted impact, for reasons given previously, is likely to be minimal, as access to emails is restricted and only used in line with the above purposes.

- **Are some people likely to object to the processing or find it intrusive?**  
Contributors who liaise with BACP’s divisional editors by email, are in communication with BACP in order to protect them as contributors, their clients, and BACP. Contributors have to be in communication with editors, in order to tell their story. We ask contributors to provide proof of client consent/permission to publish their story, to ensure clients have read what is being written about them and are agreeable to its publication.

In summary, no, as it is in everyone’s interest, provided the controls to protect the data are effective.

- **Would you be happy to explain the processing to individuals?**  
Yes. This is explained in BACP’s privacy notice.

- **Can you adopt any safeguards to minimise the impact?**

- BACP’s privacy notice is published online and there is also a link to it in the author guidelines, which are published online and are also provided to contributors by editors.
- Contributors are informed of secure methods by which they should forward any consents to BACP.
- Any transfer of data from BACP is done in accordance with normal BACP procedures, eg names and addresses of divisional members (mailing data) is sent to the designers via secure portal, to enable mailout of divisional journals.
- BACP processes will be followed to enable data subject rights, ie access to correspondence.
- Retention policies are in place and communicated to contributors, as detailed earlier.

**Can you offer individuals an opt-out?**

To not process data would compromise BACP’s access to information required to safely publish an article in a divisional journal and would mean we could not publish.

Up to the point of publication, we can remove content from a journal, even an entire article, for example at the request of a contributor, or of someone whose data is included in an

**Depends on circumstance**

<p>article, or if BACP as publisher wishes to do so for any reason, data related or not.</p> <p>It would be difficult to retain control over data if consent to publish were withdrawn after publication, as the information would already be in the public domain.</p>	
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## Making the decision

<b>Can you rely on legitimate interests for this processing?</b>	<b>Yes</b>
<p><b>Do you have any comments to justify your answer? (optional)</b></p> <p>Liaison with contributors is an inherent part of producing journals. We take the steps described to ensure this is as safe as possible and risks are mitigated. Systems and processes are in place to ensure the data are only used for the specified purposes and to facilitate data subject rights. The above should ensure that processing is proportionate and unlikely to result in a significant impact to individuals.</p>	
LIA completed by	Managing Editor, Divisional Journals
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