

Legitimate Interest Assessment

– CPD Hub

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?

BACP wishes to provide members with a portal for planning and recording their CPD activities (CPD Hub). These are the reasons data will be processed:

- To use as a source of information for audit processes. Information can be taken from the CPD Hub as evidence during the audit process.
- To report on the type of CPD activities being undertaken (this includes training completed as well as the number of unique visits). This will be used to identify requirements for further support (for BACP members). This will also be used to identify how popular a resource is – this is used to help identify if the resource is being used to its fullest extent and will help to identify if any further action needs to be taken by BACP (e.g. further awareness).
- To suggest content based on the user (e.g. membership grade and divisional membership). A student would be provided with student related resources for example.
- To provide members with access to learning content.
- To enable members to record and gain evidence of the CPD they have undertaken.

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

BACP are more likely to attract new members and improve member retention if it can provide a better learning experience. Better services and functionality should also lead to more members that renew their subscriptions.

The CPD Hub will also provide aggregated analytic data that can be used to provide improved resources and services to our members, together with gaining a better understanding of what our members want/need (this should ultimately lead to the benefits listed above)

The CPD HUB should help to reduce the number of members failing their audits, as it should help them to ensure the correct information is in place for the audit. Improving member experience.

The new system should make processing audits more efficient.

Curation of content should be a more streamlined process and will allow resources to be categorised to enable better search results for users.

- Do any third parties benefit from the processing?

Members will have a central location available to keep a record of their CPD activities and any other training (e.g. external CPD), which should lead to more members passing their audit. They will also be able to download their certificates from the central location.

It should be easier for members to apply the correct categories to information with improved uploading processes.

Members should be able to plan their training more effectively

The record includes an archive function (e.g. the ability to see historic records) – this is not currently available as a service from BACP.

Members will have a more streamlined process for recording their CPD activities (some of the processing will be automated where it isn't currently).

Members will receive personalised CPD certificates (this isn't the case currently)

The search functionality will be much better. It is a more intuitive process and improved categorisation should result in more relevant search results for users.

If a registered member is selected for audit then they are able to submit their CPD record directly from the CPD Hub instead of sending their completed Word templates on to us. They do this by clicking on 'Submit for review' - it is only once this confirmation has taken place that the BACP audit team will access the personal CPD record of a member.

- Are there any wider public benefits to the processing?

The wider public benefits are indirect but include better counselling services being provided by our members.

- How important are the benefits that you have identified?

The benefits are important to BACP's reputation and the wider public with regard to safe counselling practices.

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

The impact would potentially be reduced member retention and reduced quality in CPD materials. Existing processes would continue to be used which would remain less efficient and may ultimately lead to a lost opportunity with regard to providing better/safer counselling practices.

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

Not applicable

- Are you complying with other relevant laws?

Not Applicable

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

There are no known industry standards or guidelines that relate directly to these objectives (within the counselling membership sector).

- Are there any other ethical issues with the processing?

The main ethical consideration is around the recording of special category data. We will ask members to use broad terms when completing their reflections and planning associated with their CPD. The intention is that they will talk about a personal situation (or some other broadly similar wording) rather than naming anyone specifically. The requirement for not uploading special category data will be added to the system terms and conditions.

We will define special category data and we will also include an example of how they could include this information without referencing special category data. We will ensure that we will check all information included in the reflections box for the percentage of members called for audit (2% at the time of writing but this is subject to change). This will provide a sample check that the guidance around special category data is being followed.

There are ethical considerations regarding the content being used in the CPD Hub. These will be considered as part of the relevant processes and include ensuring that content is relevant, accurate and up-to-date. Also ensuring that warnings are placed on any content which could be deemed to be upsetting for members to view.

Part 2: Necessity test

- Will this processing actually help you achieve your purpose?

The processing will help BACP to achieve the benefits listed above because it provides additional functionality we don't currently have. This includes the CPD log in a central location that can be accessed by the members and BACP staff at the same time.

The provision of this software also means that BACP can help to ensure the correct information is provided to BACP (e.g. the information is asked for through using appropriate fields and questions), which should help to keep the data to that which is required (data minimisation) and to ensure BACP has the data it needs to process audits effectively.

The above is necessary to achieve the objectives as the functionality isn't currently available.

- Is the processing proportionate to that purpose?

The processing is likely to be proportionate provided transparency and consideration around controls to prevent unwanted recording of special category data.

Individuals can still log their CPD in a different way – Word documents are available from the BACP website

The processing is minimal and for the purpose of benefitting our members, providing them with supportive tools to capture and log their CPD and providing them with access to a range of affordable CPD resources. This is not compulsory, members can access CPD resources outside of the CPD Hub and outside of having a CPD subscription.

- Can you achieve the same purpose without the processing?

It is unlikely the objectives could be achieved without this in place as members do not currently have this central resource available to them.

We can deliver resources to members outside of the CPD Hub system. However these resources are video based and are delivered through a separate system, which was not built for this purpose. The CPD Hub provides additional functionality which is adding value to our members and helps BACP to process audits effectively.

- Can you achieve the same purpose by processing less data, or by processing the data in another more obvious or less intrusive way?

The intention of keeping the information is to support the member by having a central portal for their CPD. We currently ask for information when members are selected for audit and this is achieved by sending documents via email or post.

Previous years of data are only there to support the member so that their information is centralised should they wish to refer back to anything.

From a CPD resource perspective, we could not achieve the same purpose by processing less data as the functionality we require would not be possible without it. The member data will still be held in the CRM system and not the CPD Hub. Members will not be able to update their data in the CPD Hub system so we have the necessary controls in place to ensure data is not duplicated or held in multiple locations.

Part 3: Balancing test

Nature of the personal data

- Is it special category data or criminal offence data?

There is no intention to deliberately capture special category data or criminal offence data.

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

It will be the member that is in control of what they include in the system. We will make it clear that we don't need specific details – for example in relation to a medical condition and that using broad phrasing is appropriate.

There will be controls in place in terms of who can access the information that a member inputs into their CPD planning and reflections.

The remaining data relates to their learning activities. This data is only accessible to BACP and the member in question and is unlikely to be considered particularly private. Users will be able to delete their learning history with instructions provided in the privacy notice.

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

It is possible that members could be classed as vulnerable but the system is designed to capture data that does not constitute special category data. The use of the data is related to their professional practices rather than anything related to their vulnerabilities (if that is the case).

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

The data that is captured within the CPD area will be about their professional development needs and is therefore about their work as a therapist. However, linked to this they may identify some self-care

needs which could potentially be considered a link to their personal life (but this is in relation to their professional capacity as a therapist).

Reasonable expectations

- Do you have an existing relationship with the individual?

All of the people using the platform will be members of BACP and therefore have an existing relationship with BACP.

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

This is the first time this data will be collected in this way. However, the data was collected previously via different means (manually through the members providing the information to BACP in word documents or similar). The data will primarily be used in the same way.

The main difference is that data will be held centrally.

Reporting data will be aggregated across groups and so individuals won't be identifiable as part of this.

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

The data will be collected directly from the individual as they interact with the new system.

A detailed privacy notice will be available to the users before they upload any data or use the system. Users will also be asked to agree to terms and conditions before using the CPD Hub.

- 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?

Not applicable in this case

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

The information used is either collected directly from the user when they interact with the system (the information will be as old as it is when the user uploads it). Other information is obtained from the CRM system which the user has the ability to update themselves by other means.

- Is your intended purpose and method widely understood?

A detailed privacy notice will be available to users. We will also widely communicate details about the system to potential users when it is launched.

- Are you intending to do anything new or innovative?

No - standard technology and processes are being used to process the data.

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

CPD tools are used widely by other organisations and they operate in a similar way. BACP have also processed this data in a similar way for a number of years; this project helps to automate and improve that processing.

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

The data subjects initiate the contact and should understand what the service entails as they are presented with a privacy notice before data is collected. They are also asked to agree with terms and conditions before using the CPD Hub.

Likely impact

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

Impacts could include accidental recording of special category data. This should be reduced as there will be a process in place to audit a small percentage of records (2% at time of writing but this is subject to change) to see if this is happening. Within the terms and conditions of use, which members will need to sign before entering the CPD Hub, details of the process involved if special category data is entered will be included. We will also outline in the terms and conditions that special category data should not be uploaded to the system. An example will be provided to show how a generic entry can be made without any reference to special category data.

Provided that the above controls are effective, the impact of an individual's personal reflections will be linked to what you can identify from them. The individual has control over the information they submit.

Members could feel that BACP are introducing this system to keep a closer eye on their CPD record keeping. This is not the case, usage of the system is voluntary, and comms will be carefully worded around this in the initial launch and on the landing page.

The remainder of the information relates primarily to the member's learning history, which should not present a significant impact if the data were compromised.

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

Control is unlikely to be fully lost as data subject rights will be maintained. Members will have the ability to ask for their record to be deleted at any time. As the CPD Hub system is integrated with the CRM, all records are maintained within the CRM where members can log into their Dashboard to update their personal details and password at any time.

- What is the likelihood and severity of any potential impact?

Personal data is already held in the CRM. A privacy notice will be included which will outline the impact of processing the data. The

severity and likelihood are minimal because there are controls in place to help prevent unauthorised access and the information being processed should not include special category data (where the relevant controls are effective).

- Are some people likely to object to the processing or find it intrusive?

Some members may not want to plan and log their CPD in a central electronic system, however using the system is not mandatory and members can continue to use the offline Word document if they choose to.

- Would you be happy to explain the processing to individuals?

The processing will be explained in the fair processing and privacy notice which will be linked to in the terms and conditions.

- Can you adopt any safeguards to minimise the impact?

Safeguards to minimise the impact are as follows:

- Members will have the ability to delete their CPD plan and log if they choose
- Updates to personal data (such as name) can only be made in the CRM
- CRM drives the data which is transferred to the CPD Hub, members can update this personal data in their member dashboard on the BACP website
- Usage of the system is voluntary; this has been developed as a supportive tool for members to assist with their CPD requirements.
- Update privacy notice to include CPD Hub usage to access CPD resources and usage of the plan and log for CPD
- Details in the terms and conditions for members to not record special category data which will be signed by all members entering into the CPD Hub
- Processes to enable data subject rights (i.e. access to their CPD plan and log – both current and archive records from Jan 2021 launch)

<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <ul style="list-style-type: none"> - Training for internal staff system users to ensure they know how to use it so they can support members </div> <ul style="list-style-type: none"> • Can you offer individuals an opt-out? <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> <p>Opt-out is applicable as use of the system is voluntary and has been developed as a tool to support members with their CPD needs. Members can continue to use the offline Word document if required and they can also access CPD outside of BACP from external organisations.</p> </div>	
Can you offer individuals an opt-out?	Yes

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.

Can you rely on legitimate interests for this processing?	Yes
<p>Do you have any comments to justify your answer? (optional)</p> <p>Special category data should not be recorded, and processes are in place to delete special category data (and criminal conviction data) should it be discovered. There will also be an audit process in place whereby internal staff will check a percentage of CPD records annually to ensure special category data is not been recorded by members (2% of records at time of writing but this is subject to change). If special category data is found during the audit, there will be a process to inform the member so they can record the information using alternative terminology. The data may be deleted from the system if required.</p> <p>Processes and systems are in place to ensure the data is only used for the specified purposes and to facilitate data subject rights.</p> <p>The above should ensure that processing is proportionate and unlikely to result in a significant impact to individuals.</p>	

LIA completed by	Data Protection Lead, Member Resources Manager and Assistant Registrar
Date	22 Jan 2021 (last review)