



### LEGITIMATE INTEREST TEST

This document records the outcome of the legitimate interest test conducted for the processing of personal data by end of life care providers to enable their participation in the FAMCARE survey carried out by the Association for Palliative Medicine of Great Britain and Ireland (APM).

Date of assessment            29 May 2020

Assessors                        Nadine Bondsfield (APM), David Lowe (on Behalf of Crimson Crab Ltd)

Identify the legitimate interest(s)	Comment
Why do you want to process the data – what are you trying to achieve?	Continuous evaluation and improvement of the standard of care provided to end of life patients.
Who benefits from the processing? In what way?	<ul style="list-style-type: none"> <li>• Future patients – the care provided is and remains of a high standard that is appropriate to their circumstances.</li> <li>• Relatives / carers – a mechanism is provided for them to provide their views on the care that their loved ones have received.</li> <li>• Care providers – gaps or shortcomings can be identified and measures put in place to address them.</li> </ul>
Are there any wider public benefits to the processing?	Yes – the public can have confidence that the palliative care their relatives will receive will be delivered appropriately and sensitively.
How important are those benefits?	Continuous review and improvement is absolutely necessary to ensure that the standards of care remain high and commensurate with patients’ and their carers’ expectations.

What would the impact be if you couldn't go ahead?	The sector would be unable to assess satisfaction levels with the care that it provides to those at the end of their lives and the need for required improvement not identified.
Would your use of the data be unethical or unlawful in any way?	No
<b>Necessity test</b>	
Does this processing actually help to further that interest?	Yes
Is it a reasonable way to go about it?	Yes
Is there another less intrusive way to achieve the same result?	No – the only alternative to asking for their views shortly after the death of their relative would be to ask NOK / carers at the point of death of their loved one. This would be insensitive and not likely to provide objective responses.
<b>Balancing test</b>	
What is the nature of your relationship with the individual?	They are the relatives, next of kin or carers of patients who have recently died.
Is any of the data particularly sensitive or private?	No
Would people expect you to use their data in this way?	Yes
Are you happy to explain it to them?	Yes
Are some people likely to object or find it intrusive?	It is possible, although historically no complaints about being included into annual surveys have been received.
What is the possible impact on the individual?	The experience from previous surveys is that recipients of it understand the benefit of it for other families in the future.
How big an impact might it have on them?	High response rates indicate that it is viewed as positively as it can be in the circumstances.
Are you processing children's data?	No
Are any of the individuals vulnerable in any other way?	No
Can you adopt any safeguards to minimise the impact?	Provision of privacy information, including articulation of the survey process and the wider societal benefits.

Can you offer an opt-out?	Yes – early notification of the intention to carry out the survey will include direction on how to opt out.
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