

Hanley Consulting

Surgery Assist Legitimate Interest Assessment



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Authors

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Dr Youssef Oskrochi	Data Protection Officer (Curistica Ltd)	14/03/2025	1.0

Reviewers

This document must be reviewed by the following people:

Name	Title/Responsibility	Date	Version
Sharon Hanley	Director	14/03/2025	1.0
Dr Keith Grimes	Chief Digital Health Officer & CSO	14/03/2025	1.0

Approved by

This document must be approved by the following people:

Name	Title/Responsibility	Date	Version
Dr Youssef Oskrochi	Data Protection Officer (Curistica Ltd)	14/03/2025	1.0

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?
- What benefit do you expect to get from the processing?
- Do any third parties benefit from the processing?
- Are there any wider public benefits to the processing?
- How important are the benefits that you have identified?
- What would the impact be if you couldn't go ahead with the processing?
- Are you complying with any specific data protection rules that apply to your processing (eg profiling requirements, or e-privacy legislation)?
- Are you complying with other relevant laws?
- Are you complying with industry guidelines or codes of practice?
- Are there any other ethical issues with the processing?

Hanley Health Ltd wants to use data automatically collected during user interaction with the Surgery Assist platform for the purposes of monitoring function and performance, improving user experience and assessment of impact/benefit.

The expected benefit is to have data which allows:

- Early and effective identification of potential issues with the platform, allowing remedial action to be taken.
- Aggregate analysis of user behaviours to inform future product development, improving user experience.
- Indication of number of users choosing to use the product, providing measure by which impact/benefit can be calculated for clients.

The benefits identified are crucial for the success of the platform/product and are of key importance to our clients. Without this data, we would not be able to identify and address issues in real time, improve user experience for our clients (without explicit feedback which is rare) and we would not be able to demonstrate our value proposition to clients.

We are not collecting directly identifiable personal data nor special category data, therefore we are not subject to additional requirements.

We are not aware of being subject to any additional laws, nor do we foresee any ethical issues.

We are complying with industry standards (DTAC, DCB0129) in the development and rollout of our product.

Part 2: Necessity test

You need to assess whether the processing is necessary for the purpose you have identified.

- Will this processing actually help you achieve your purpose?
- Is the processing proportionate to that purpose?
- Can you achieve the same purpose without the processing?
- Can you achieve the same purpose by processing less data, or by processing the data in another more obvious or less intrusive way?

The processing is necessary for achieving our purpose as outlined above.

The processing is proportionate and necessary and we cannot achieve the same purpose without the processing.

Without a UserID field we cannot identify returning users (evidence of effectiveness, acceptability and impact).

Without an ODS code we cannot determine which practice may be having issues (e.g. high drop-out rates, long session times) and this cannot target resources to investigate, identify and address them.

The data and processing used to achieve the above aims is minimal and the least intrusive way, as outlined in our DPIA.

Part 3: Balancing test

You need to consider the impact on individuals' interests and rights and freedoms and assess whether this overrides your legitimate interests.

First, use the [DPIA screening checklist](#). If you hit any of the triggers on that checklist you need to conduct a DPIA instead to assess risks in more detail.

Nature of the personal data

- Is it special category data or criminal offence data?
- Is it data which people are likely to consider particularly 'private'?
- Are you processing children's data or data relating to other vulnerable people?
- Is the data about people in their personal or professional capacity?

The data is not special category or criminal offence data.

The data is not one which people are likely to consider particularly private, given the context it is being used in (i.e. identifying a GP practice when you are using a service on that GP's website).

The platform does not ask, nor differentiate based on age, it can be used by children and/or vulnerable people but the platform would not be able to distinguish those users from anyone else.

The data would be about people in their personal capacity, however no personal data, such as names or contact details, is collected.

Reasonable expectations

- Do you have an existing relationship with the individual?
- What's the nature of the relationship and how have you used data in the past?
- Did you collect the data directly from the individual? What did you tell them at the time?
- 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?
- How long ago did you collect the data? Are there any changes in technology or context since then that would affect expectations?
- Is your intended purpose and method widely understood?
- Are you intending to do anything new or innovative?
- Do you have any evidence about expectations – eg from market research, focus groups or other forms of consultation?
- Are there any other factors in the particular circumstances that mean they would or would not expect the processing?

The GP practice who hosts the platform will in the vast majority of cases have an existing relationship with the user who will also be bound by the privacy policy of that practice which includes data sharing terms.

Data is not collected directly from individuals, rather usage metrics are collected automatically as users utilise the digital assistant. This is stated in Hanley Health Ltd and the GP practice privacy policies.

The intended purpose of the digital assistant is clear and this is made clear both before and during the interaction of users with the platform. In addition, where users are referred to use the platform (either by phone or through signage in practices) it is made clear what that purpose is. Users may also choose not to use the digital assistant, thus preventing automated data collection.

Users interacting with the digital assistant would also be doing so on their GP practices website, and therefore could reasonably expect some level of data collection (e.g. identification of their GP practice).

Likely impact

- What are the possible impacts of the processing on people?
- Will individuals lose any control over the use of their personal data?
- What is the likelihood and severity of any potential impact?
- Are some people likely to object to the processing or find it intrusive?
- Would you be happy to explain the processing to individuals?
- Can you adopt any safeguards to minimise the impact?

The impact of such processing on the individual is very likely to be negligible.

No personal data, such as names or contact details, is collected and the digital assistant does not capture data beyond the user's interaction with it.

The UserID is randomly generated, does not directly identify a user, is not linked to any other personal data and cannot be reverse engineered.

The ODS code is required because each practice has its own implementation of the Surgery Assist platform, therefore if there are issues, we would need to have that identifier to determine which implementation requires attention. Given that users interact with the platform via their GP's website, there would be a reasonable expectation that this information would be recorded.

We do not believe that the minimal data collection infringes on individuals privacy rights and we do not believe that people will object to this, given there will be some expectation of data capture when they interact with their GP practice services.

<p>Users are able to contact Hanley Health Ltd through a clear feedback mechanism requesting information on the processing; such information is also available on our privacy policy.</p> <p>Each GP practice will also have their own clear privacy notice explaining the data processing.</p> <p>Ultimately, individuals may decide not to use the digital assistant if they do not wish for automated data collection to occur. The platform will not record data outside of users interaction with it.</p>	
Can you offer individuals an opt-out?	No

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
LIA completed by	Dr Youssof Oskrochi (Curistica Ltd)
LIA reviewed and authorised by	Dr Youssof Oskrochi DPO (Curistica Ltd)
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