best companies™

Legitimate Interest Assessment

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Legitimate Interest Assessment

Parties:

(1) Client: The person, firm, company or organisation who is requesting and is opting to make use of Best Companies products and services.

(2) Best Companies Limited: Best Companies Limited, Hamilton House, Rackery Lane, Llay, Wrexham, United Kingdom, LL12 0PB

Service: Best Companies b-Heard survey; rating of Client for Best Companies Accreditation and entry for Best Companies list(s)

Sharing of data between parties is achieved, on the legal basis of legitimate interest.

The Information Commission (ICO) acknowledges that companies may have a:

"Legitimate interest in processing data as long as the processing does not have a disproportionate impact on the individual." (ICO).

Resources

Best Companies recommends this Legitimate Interest Assessment is viewed alongside the Best Companies Data Processing Record, and b-Heard Survey Data Fields: Purpose, Minimisation and Retention documentation available within the Trust Centre.

Overview

Best Companies exists to make the world a better workplace. They do this by improving organisational health through effective people leadership. When employees feel valued, heard and engaged, they are more likely to be happier, more productive and committed to the success of their organisation.

Best Companies Measure

Based on Best Companies' robust methodology, Workplace Insight provides a detailed breakdown and analysis of organisational health through graphical charts, filters and comparisons, enabling organisations to identify trends and gain deeper insight into their survey results.

The reporting helps organisations understand what employees are saying by combining survey comments with quantitative and qualitative analysis to identify key themes. Insights can then be

used to identify areas to celebrate and opportunities for improvement, supporting focused action and stronger people leadership.

Accreditation Programme

Best Companies sets the standard for organisational health. Best Companies Accreditation is based on the unique BCI score generated by your b-Heard survey. Your BCI score is scored on a fixed scale of 0 - 1000 and if high enough, you will receive either a 'One to Watch' status, or a 1, 2- or 3-Star accreditation. Accreditation can help attract and retain the best talent and give you an accurate benchmark against which to compare your engagement levels year-on-year, as well as seeing how you compare to others. It is a standard of excellence towards which many organisations aspire, but only the best achieve it. Achieving recognition from Best Companies provides you with unrivalled PR and marketing opportunities, showcasing your organisation as part of a nationally recognised scheme.

→ Data Processing and GDPR Compliance

Purpose of Data Processing: The data processing provides a measure of organisational health to inform the organisation's people strategy. A Best Companies Index score of over 600, demonstrates that the Client is a responsible employer, supports employee welfare, and enhances the organisation's reputation as a "Best Company" through accreditation or recognition on the Best Companies lists. It also aids in attracting and retaining top talent.

Legal Basis for Processing: The processing of data is conducted under Article 6(1)(f) of the GDPR, which allows for processing necessary for the legitimate interests of the organisation. The employer (referred to as the "Client") has valid reasons for sharing personal data with Best Companies, including:

- Measuring employee engagement.
- Informing people strategy.
- Improving workplace engagement.

Data Minimisation: Best Companies will assist in data minimisation by converting data into bandings and deleting unnecessary entries, in line with GDPR principles.

Transparency: To ensure fairness and transparency, the individual respondents are provided with multiple opportunities to view the Best Companies privacy notice www.b.co.uk/privacy-notice. It is included in the survey announcement which should be sent to all employees, one week before the survey launch, ideally from the CEO of the organisation. It is also included within the survey invitation, the survey itself, as well as being available on the Best Companies website. The privacy notice clearly states that Best Companies protects responses and excludes them from the Client dataset. A basic version of the privacy notice is also available on request.

Data Usage and Anonymisation

Reporting and Insights: Data provided to Best Companies will be used to generate meaningful reports on engagement. A minimum number of responses is required for reporting against each demographic to ensure anonymity of the respondents. Individuals are free to choose whether to answer the question or not. Responses are based on a 1 – 7 scale, with the option to provide direct feedback with three free text comments. A just in time notice is given at this point to remind the respondent not to inadvertently identify themselves within the comment.

Research: Best Companies will use the survey responses as statistical data for ongoing research with the goal of discovering useful information, informing conclusions, and supporting decision-making into better understanding of organisational health.

Low-Risk Processing: The shared personal data is not classified as special category data or sensitive information (e.g., bank details), leading to a determination that the processing is low risk.

Application for Accolade Evaluation

- **Employee Data Requirement:** To apply for evaluation for a Best Companies Accreditation and inclusion on the lists, it is essential for the Client to provide data for all employees. This ensures fair competition and allows all employees to contribute feedback. Alternatively, organisations may survey for a measure only, without evaluation for an accolade (e.g. specific departments or areas of the business)
- **Retention Period** [Described in Table 1. Retention Periods]
- **Storage Duration:** Personal data is stored for up to three years following the lapse of the subscription term. This timeframe allows for meaningful comparisons of organisational changes over time.
- **Early Deletion Requests**: Clients can request the deletion of personal data earlier if it is no longer needed for reporting purposes.

By prioritising workplace engagement and adhering to data protection regulations, Best Companies helps organisations foster a positive work environment and achieve recognition as a leading employer.

Table 1. Retention Periods

Retention periods: Best Companies shall retain the relevant data for the following periods:

Category of Personal Data	Agreed retention period
Full Name Payroll/Unique Number Email Address	Best Companies shall retain the minimum amount of personal data required for up to 3 years following the lapse of the subscription term or sooner upon Client request. The Client will notify Best

Delivery Postcode Reporting Office Postcode	Companies if retention is no longer required, and to commence the anonymisation process prior to the determined schedule.
Year/ Date of Birth Employment Start Date	Data fields to be converted to a banding after the provision of services and the individual entry deleted

→ Balance Assessment regarding Legitimate Interest

For service:

Legitimate Interest

The Client organisation has a legitimate interest to understand levels of employee engagement within its organisation.

Processing is Necessary

It is necessary to process personal data for the survey to be delivered to the correct person, and to ensure there is no duplication of surveys, the demographics will also provide additional insight into different areas of the organisation. The personal data will also provide layering to pinpoint areas within the organisation to highlight areas where employees are engaged and where further focus is required. Employees should feel confident answering honestly without fear of reprisal. Conducting the survey through an independent third party ensures a true reflection of engagement and allows benchmarking against previous years and the relevant sector.

Balance Against the Individual's Interests, Rights and Freedoms

The GDPR acknowledges that organisations may have a legitimate interest in processing data as long as the processing does not have a disproportionate impact on the individual. On balance, the legal basis of legitimate interest against the individual impact: the services are reasonable, the organisation's interests in the services appear compelling, and the processing has minimal impact on individuals. The services can be considered low risk processing.

It is reasonable to expect that the reporting data that they provide to the employer based on the collective individual responses, should benefit not only the employer but also every employee in the organisation. This is in consideration of the ability for employers to support staff to become happier and more productive, increase publicity in the organisation by being recognised as a 'Best Company' which may assist in retaining existing talent and in attracting top talent by generating unique PR and marketing opportunities on a national stage with an accreditation and place on the lists.

Objection Consideration

Where a data subject objection request is received, in line with ICO guidance, an individual must give specific reasons why they are objecting to the processing of their data. These reasons should be based upon their particular situation.

When deciding whether you have compelling legitimate grounds that override the interests of an individual, you should consider the reasons why they have objected to the processing of their data. If an individual objects on the grounds that the processing is causing them substantial damage or distress (e.g., the processing is causing them financial loss), the grounds for their objection will have more weight. In making a decision on this, you need to balance the individual's interests, rights and freedoms with the organisation's own legitimate grounds. During this process you should remember that the responsibility is for you to be able to demonstrate that your legitimate grounds override those of the individual.

If you are satisfied that you do not need to stop processing the personal data in question you should let the individual know within the one-month timeframe. You should explain your decision and inform them of their right to make a complaint to the ICO and their ability to seek to enforce their rights through a judicial remedy.

ICO Guidance:

(1) https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/individual-rights/individual-rights/right-to-object/

→ Compatible Processing by Best Companies

Best Companies continued processing for statistical research purposes with the goal of discovering useful information, informing conclusions, and supporting decision-making and a better understanding of employee engagement.

GDPR Recital 50: The processing of personal data for purposes other than those for which the personal data were initially collected should be allowed only where the processing is compatible with the purposes for which the personal data were initially collected. In such a case, no legal basis separate from that which allowed the collection of the personal data is required. … Further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes should be considered compatible lawful processing operations.

Consideration:

1. There is a link between the initial purpose for collection relating to the Client need for better understanding of employee engagement in their workplace and Best Companies' continued research, which has the goal of discovering useful information, informing conclusions, and supporting decision-making into better understanding of employee engagement.
2. Existence of appropriate safeguards in both the original and intended further processing operations, enforced policies in place and the use of pseudonymisation.

3. The nature of the personal data; no criminal offence data, special category data, or other sensitive data such as bank or card payment details are processed.
4. The possible consequences for individuals of the new processing – individuals are informed through the Best Companies privacy notice of the research they conduct; processing is considered low risk. All research is conducted by Best Companies, and the personal data is not shared with other research companies or third parties.
5. The privacy notice is communicated to the individual by a multi-layer approach; by the employer, in advance of the survey taking place with Best Companies identified as the survey provider. A template is provided to the employer, which contains the URL to the Best Companies privacy notice. They can provide guidance to clients in how the employer should assist in delivery of the Best Companies privacy notice. The opportunity to view the privacy notice is also communicated in correspondence from Best Companies to the individual and at point of survey. This is for the individual to reasonably identify Best Companies as the service provider and a controller of the data.
6. The survey is Best Companies branded and therefore an individual should reasonably be able to identify Best Companies as the service provider.
7. Data is collected directly from the data subject and the employer (Client) organisation; data subject is informed through the Best Companies privacy notice what data is collected and how it is used to ensure fair and transparent processing.
8. In consideration of Article 5, which states that "personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes". The GDPR specifically says that further processing for the following purposes should be considered to be compatible lawful processing operations: archiving purposes in the public interest; scientific research purposes; and statistical purposes. GDPR Recital 50.
9. In consideration of whether there are means, where it can be deemed reasonably likely to identify a data subject, they have taken account the objective factors, such as the costs of and the amount of time required for attempting identification of remaining data, taking into consideration the available technology at the time of the processing and technological developments. Having reviewed the remaining statistical data held after the identified fields have been deleted, they have determined an individual could not be identified.

Third Parties

Best Companies may on occasion have a requirement to share the contact details of a PR representative and/or project manager(s) to a third party. This is to outsource to external writers for conducting interviews and writing editorial pieces. The names and contact details of the appropriate organisation representatives are provided by the employer within the Company Profile, which is completed during survey setup. The information shared will be the minimum required for them to make contact about your accreditation, list position or award. Best Companies is the data controller of these activities. Processing is based on legitimate interest.

Legitimate Interest

The Client has requested and been successful in achieving accreditation and a place on a national, regional and/or sector list.

Processing Is Necessary

To benefit the Client and ensuring accurate representation of the Client it is reasonable that Best Companies' third parties can contact directly due to timeframes and the quantity of organisations.

Balance Against the Individual's Interests, Rights and Freedoms

The personal data being shared is where the individual holds a specific position at the Client organisation, and they have identified the individual as the best point of contact handling related queries. Processing has been determined for the specific purpose, and the employee has a duty to their organisation as part of their job role/function. Processing is considered low risk.