

LEGITIMATE INTERESTS ASSESSMENT

for the NATIONAL EXPERT WITNESS AGENCY (NEWA)

The National Expert Witness Agency (NEWA) has undertaken a Legitimate Interests Assessment and this is documented below. The Assessment conforms to the Guidance for Legitimate Interest Assessments provided by the Information Commissioner's Office ('ICO').

See ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/legitimate-interests/

IDENTIFYING A LEGITIMATE INTEREST

Question	Answer
Why do you want to process the data – what are you trying to achieve?	To provide an internet directory based service ('the service') for expert witnesses for purposes that enables them to deal with solicitors and lawyers to hopefully lead them to be instructed for expert witness work. The information is on their listing online is supplied by the expert witness in question.
Who benefits from the processing? In what way?	Two groups – 1) Medical. The data subjects themselves (consultants, GPs, their secretaries and practice staff etc.) Non-Medical. (engineers, accountants, surveyors, IT specialists, banking/financial experts and automotive experts etc.) 2) Lawyers and solicitors who use NEWA to form part of the instruction they are working on. To hire the expert witness.
Are there any wider public benefits to the processing?	Yes, the service is available to the public who wish to hire an expert witness direct, however this is very rare as it really the position of the solicitor or lawyer to instruct an expert witness. Insurance companies also use this service to find an expert witness in medico-legal claims.

How important are those benefits?	Very important for solicitors and lawyers in helping their client(s) win cases such as personal injury and clinical negligence claims etc.
What would the impact be if you couldn't go ahead?	The service would cease to the detriment of all concerned.
Would your use of the data be unethical or unlawful in any way?	No.

THE NECESSITY TEST

Does this processing actually help to further that interest?	Yes, the processing is an integral part of the service.
Is it a reasonable way to go about it?	Yes, the service uses information technology and the internet for communicating with data subjects to obtain their up to date details and provide the service efficiently and cost-effectively to users for expert witness related purposes.
Is there another less intrusive way to achieve the same result?	Intrusion to data subjects is minimal and makes use of email, telephone, fax and postal methods of communication with data subjects. As a considerable number of solicitor and lawyer organisations use the service, there is less intrusion to data subjects as they supply the data once for use by many different solicitors and lawyers users who would otherwise have to contact the data subjects individually themselves. This would be considerably more intrusive.

THE BALANCING TEST

What is the nature of your relationship with the individual?	NEWA is independent from both the users of the service and the data subjects.
Is any of the data particularly sensitive or private?	No. It mainly consists of names, work contact details (telephone, fax, email and postal addresses), qualifications, where and when qualified, specialty and special interests.
Would people expect you to use their data in this way?	As expert witnesses, the data subjects will expect their identity, location, qualifications, experience and areas of expertise to be made available to solicitors and lawyers.
Are you happy to explain it to them?	Yes. Data subjects are regularly contacted to inform them of the existing details held processed, to enable them to update these details where necessary and to re-iterate the use to which the details are put in the service.
Are some people likely to object or find it intrusive?	Inevitably but experience has shown this to be a very small number (< 0.1%)
What is the possible impact on the individual?	Minimal. Regular contact more with data subjects by email, telephone, fax and post is normally once per year.
Are any of the individuals vulnerable in any other way?	No.
Can you adopt any safeguards to minimise the impact?	Yes. Details of contact dates and response dates are stored to avoid repetition of contact and deletions are marked as such to avoid contact again through subsequent research.
Can you offer an opt-out?	Yes, if the data subject does not want to continue with their annual NEWA listing. Removal from the service is avoided where possible as it could imply erroneously that the data subject was no longer practising expert witness work.

OUTCOME OF ASSESSMENT

The above assessment shows that the service is of considerable benefit not only to the legal community but also to the Data Subjects concerned (consisting of medical and non-medical expert witnesses) in assisting them to provide their experience and expertise to the legal industry. The inclusion of Data Subjects in the service may result in Data Subjects receiving postal, telephonic, fax or email (where they have provided it) communications from the solicitor or lawyer concerned. Communications may also be received from NEWA in the form of our email monthly newsletter, email alerts and related topics.

Users will normally use the contact specialty and special interests data provided by the service to communicate with Data Subjects likely to be interested in the topic concerned. If the topic is of no interest to the Data Subject, it is easy to dispose of, or delete, the communication concerned. This minor inconvenience is insignificant compared to the potential benefits of the Service to a) Data Subjects themselves by promoting their expert witness work to the various legal organisations. b) Users of the service for expert witness purposes.

Signed:

A handwritten signature in black ink, appearing to read 'D Haley', written in a cursive style.

David Haley

Position: Director

Review Date: 9th May 2018