

Legitimate Interest Overview

Chandler Simmons provide a Payment Protection Insurance (PPI) and Packaged Bank Account (PBA) Claims Management Service to Consumers. The business has retained data from legacy cases pursued in contract on behalf of clients which includes cases where the banks have, it now transpires, erroneously rejected client claims. Details of the client case have been retained legitimately based on a contract having been in place and the nature of the business being that of a regulated business whereby client files may be required for inspection by the regulator.

Chandler Simmons provide their claims service in contract so where a consumer responds to a postal campaign their data is processed based on the potential clients' consent to check for PPI.

The following LIA provides a comprehensive schedule that supports the case for the further processing of individual client data based on Legitimate Interest.

Legitimate Interest Purpose test

The following provides an assessment to evaluate the legitimate interest behind the processing.

1. Why do you want to process the data?

Chandler Simmons require data processing to operate and service existing, legacy and potential clients.

1. What benefit do you expect to get from the processing?

Chandler Simmons core business is Claims Management our business objective is to generate genuine quality services which in turn supports income revenue that supports the overall development of the business and to ensure clients, past, present and new benefit from redress services to remedy financial detriment of being mis-sold a financial product.

2. Do any third parties benefit from the processing?

There is no third-party benefit as we provide our service directly to the end client ie the consumer.

4. Are there any wider public benefits to the processing?

The potential for consumers to claim mis-sold PPI ends on 29th August 2019, it is therefore incumbent upon the claim management industry to ensure that all members of the general Public are made aware of not only the possibility of mis-sold PPI but of the various changes that have manifest in relation to the processing of mis-sold PPI claims. As a regulated Claims Management Company with several years' experience we have a duty to help advise the wider public of the benefits of re-visiting any previous mis-sold claim enquiry because of the changes within the industry ie: changes to how cases are assessed by the lenders and the imminent deadline within which to bring a claim.

5. How important are the benefits that you have identified?

The benefits to consumers, past clients and the wider public are significant where a financial product may have been sold without the knowledge of the individual who will have paid premiums and will therefore be entitled to redress which has the potential to reduce current financial burden

and in traduce economic capacity of consumer spend into the economy in general.

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

If the processing does not go-ahead we will need to conduct a robust re-organisation of our business which could result not only in the loss of employment but could result in our Claims Management Business having to close.

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

We ensure we comply with all relevant data protection rules and, in this instance, we have considered, at great length our compliance through the lawful processing 'Legitimate Interest' as detailed in rectal 46 of the GDPR where it states that Direct Marketing 'may' be a legitimate interest. Given the fact that the wider public have the right to know whether they were ever mis-sold PPI within a timescale to a deadline date we remain satisfied that a passive postal campaign to our previous contracted clients would be a genuine and necessary lawful basis to process data.

8. Are you complying with other relevant laws?

We comply with all relevant law. Appropriate regulatory rules will be complied with along with relevant laws including data protection and consumer protection rights.

9. Are you complying with industry guidelines or codes of practice?

Although we are not a member of the DMA we always work to their codes of practice.

10. Are there any other ethical issues with the processing?

There are no known ethical issues with our processing activities. The processing will not involve profiling.

Legitimate Interest Necessity Test

The following assessment supports the processing as necessary for the purpose identified.

11. Will this processing help you achieve this purpose?

Processing the data will certainly help us achieve our goal in ensuring clients who have contracted with us in the past are given a further opportunity to have their case re-considered in light of new oversights now recognised within the industry.

12. Is the processing proportionate to the purpose?

The process of re-contacting the client is proportionate as this involves contacting previously contracted clients to provide the client with an offer of a further review which if provided could result in redress to which the client is, in law, entitled.

13. Can you achieve the same purpose without the processing?

With the skillset we have in house our route to market is to contact previously contracted clients known to us as a result of the service we have previously provided by way of TPS telephone call or MPS mail campaigns only. It would be impossible to provide the client with this important service without re-processing legacy data from previous contracts.

14. Can you achieve the same purpose by processing less data, or by processing the data in another more obvious or less intrusive way? We intend to keep the contact rate of our consumer data to a minimum where possible by ensuring our call systems are updated to monitor the amount of times, we contact any one client.

PPI market has been subject to rouge cold callers to the extent that members of the public have

failed to engage with redress providers. The reluctance to engage has in recent years been misguided leaving many consumers unaware of their potential right to redress. Many members of the public continue to be reluctant to check whether they ever had PPI it is therefore incumbent upon us, Chandler Simmons to re-visit those clients who have contracted with us in the past to ensure that there has been no element of oversight in relation to the potential to bring a successful claim for redress.

Legitimate Interest Balancing test

This assessment looks at the impact on individuals' interests and rights and freedoms and access whether those factors override our legitimate interest.

Chandler Simmons have carried out DPIA Screening. There are limited triggers on that checklist that support the requirement to conduct a DPIA instead of this LI assessment to assess risks in more detail.

Nature of the personal data

15. Is it special category data or criminal offence data?

No

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

Yes, the data provided does include financial data relating to loans, credit cards and catalogue accounts and, where a claim enquiry is made data may also relate to matters of health which we consider to be private data.

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

As processing will involve re-contacting previously rejected mis-sold claims we cannot know which clients have suffered from ill-health, bereavement, change of circumstance, accident or other personal situation that may mean that they are now a Vulnerable Consumer. We have a Vulnerable Consumer policy in place and all staff have been trained to recognize vulnerability.

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

Data is personal to the individuals who have previously contracted with Chandler Simmons.

Reasonable expectations

19. Do you have an existing relationship with the individual?

Yes,

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

We have provided individuals with a previous claims service where the claim has been rejected by the lender. Lenders have since advised that mistakes and oversights occurred

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

Yes, we collected data direct for the individual and all clients were fully informed of the service and process we were providing

22. 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?

NA

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

Up to 6 years ago as this is the period of time that we retain our previously contracted data.

24. Is your intended purpose and method widely understood?

Yes, the PPI industry has been subject to a great deal of publicity generally so individuals are well aware of what a service for mis-sold PPI entails.

25. Are you intending to do anything new or innovative?

No

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

Yes see 24 above.

27. Are there any other factors in the circumstances that mean they would or would not expect the processing.

Individuals aware of the deadline date may well expect to be hearing from Claims Management Companies, as they have contracted with Chandler Simmons previously then they are also familiar with our business. Individuals on the MPS register would not expect to receive marketing communication and as a business we update our MPS list regularly to ensure we do not contact those individuals.

Additional notes: Our expectation is to educate our previously unsuccessful clients of their right to redress, the deadline by which to act and the changes to how a client case is now assessed by lenders.

As touched on above where we identify vulnerability or mental incapacity, we have systems in place to ensure that processing does not take place unless we are satisfied that such processing is fully supported by an 'appropriate adult'

Likely impact

28. What are the possible impacts of the processing on people?

Annoyance on the consumer part although our call handlers are sensitive to this and where possible we will explain the necessity to ensure the client is well informed. There may be limited incident whereby a previously contracted client has deceased and a remaining relative may receive our call inadvertently. Data will only be processed in the way that we advise the individual, it will not be processed further.

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

They will not. We maintain archives to track all data processing activities to fully understand what was selected and where that data is processed at any given time. There is no potential for the processing to impact on an individual severely.

30. What is the likelihood and severity of any potential impact?

There is a very small chance that some individuals may object to processing which could be influenced by what is happening in their day to day lives. An example being where one of our previous clients may have passed away, clearly very upsetting for any recipient; situations such as these will always be handled sensitively.

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

Some ex-clients/consumers may object or find our contact intrusive. We would explain the rights of the data subject and, on request cease processing their data. Where an individual objects to processing they will be directed to opt-out. The usual SAR and RTBF processes will apply.

32. Would you be happy to explain the processing to individuals?

Yes, have full traceability to ensure the reason for which that particular consumer was selected as relevant to the campaign. Giving us confidence to reply with all necessary data compliance requests should they be required. We always operate transparently and explain

full details of our processing which can be addressed further with an individual if they enquire.

33. Can you adopt any safeguards to minimise the impact?

We have developed effective systems to manage the data we hold. This ensures we have traceability options that give us confidence and answers to hand if a client raises concerns or a complaint. We have no major concern about adverse impact and have identified our duty of care surrounding vulnerability and mental capacity (See above).

Individuals can opt out at any time as directed in our Privacy Policy and Unsubscribe links

[www.Chandler Simmons.co.uk/privacy-policy](http://www.ChandlerSimmons.co.uk/privacy-policy)

Legitimate Interest Outcome

Based on the above assessment we conclude that Chandler Simmons can rely on legitimate interests for this processing

LIA completed by:

Date: 14 February 2019

ACTIONS

- I. A record of this Legitimate Interest Assessment will be retained and kept under review.
- II. You should carry out a DPIA if necessary.
- III. Include details of your purposes and lawful basis for processing in your privacy information, including an outline of your legitimate interests.