

Disclosure UK | What is Legitimate Interests?

Data privacy laws in the UK (GDPR¹) mean that to process **personal information** about an individual, companies must identify an appropriate lawful basis before they do so. There are **six bases** potentially available, as defined by the Information Commissioner's Office (ICO). Deciding which basis is most appropriate to use will depend on the purpose and relationship with the individual.

What is personal data? Information that relates to an identified or identifiable individual, e.g. name and practice address of a healthcare professional (HCP)

In order for pharmaceutical companies to legally and publicly disclose on Disclosure UK the names and practising address of the doctors, pharmacists, nurses (etc.) they have worked with, together with the values they received, companies must identify an appropriate lawful basis. The bases' most relevant to Disclosure UK are 'Consent' or 'Legitimate Interests'.

Lawful basis - Consent

A majority of pharmaceutical companies are relying on 'Consent' to publish a HCP's name and practice address against the value they received on Disclosure UK. The terms of processing data under Consent require clear and explicit agreement from each individual.

Practically, this means companies must ask each HCP for permission to publish their name, principle practicing address together with the values received on Disclosure UK.

Operating under 'Consent' means that **if an HCP says no when asked for permission, the company cannot publish the value against a name and address on Disclosure UK.** In this instance, companies publish an aggregate value.

While the medical communities support Disclosure UK and encourage HCPs to agree to disclosure²³⁴⁵, individuals have the right to remove their name from the database, which many chose to do.

¹ [Guide to the UK General Data Protection Regulation \(UK GDPR\)](#)

² NHS England '[Managing Conflicts of Interest in the NHS](#)'

³ Academy of Medical Royal Colleges statement's on HCP disclosure - [2017](#) + [2018](#)

⁴ General Medical Council HCP case study on [declaring conflicts of interest](#)

⁵ Leaflet for HCPs: [Step up to Disclosure UK](#)



Lawful basis - Legitimate Interests

Under ‘Legitimate Interests’ a company asserts their transparency commitments over the data rights of the individual HCP. To reach that conclusion, a company must first consider why it wants to deal with the data in this way, if there are other means of achieving the same result, and if, on balance, the legitimate interests of the company in making this data publicly available should override the individual HCP’s own interests.

In practice, this means **a company does not ask the HCP for permission to publish their name and practice address with the value received on Disclosure UK**. Whilst no longer asking for formal consent, the company has a responsibility to be clear about their intentions with the HCP and must allow individuals to exercise their right to raise objections.

The ABPI champions companies’ use of Legitimate Interests for Disclosure UK as a strong commitment to ethical and transparent collaboration. This position is supported by stakeholders across the UK life-sciences sector⁶:

- ◆ Academy of Medical Royal Colleges
- ◆ British Medical Association
- ◆ British Pharmacological Society
- ◆ British Society of Immunology
- ◆ Chartered Society of Physiotherapy
- ◆ Department of Health and Social Care
- ◆ European Federation of Pharmaceutical Industries and Associations
- ◆ Faculty of Pharmaceutical Medicine
- ◆ Health and Social Care Alliance Scotland
- ◆ Medicines & Healthcare products Regulatory Agency
- ◆ National Pharmacy Association
- ◆ National Voices
- ◆ NHS Confederation + NHS Employers
- ◆ Royal College of Nursing
- ◆ Royal College of Physicians
- ◆ Royal College of Surgeons of England
- ◆ Royal Pharmaceutical Society
- ◆ Welsh Government

Note for healthcare professionals (HCPs) - If you are an HCP and have any concerns about your responsibilities for managing Conflicts of Interest, we would encourage you to speak with your employer, or relevant professional body.

Note on healthcare organisations (HCOs) - Information about HCOs is not considered personal data therefore a lawful basis is not required to publish organisation names and addresses on Disclosure UK. We expect 100% of the values made to HCOs to be published individually on Disclosure UK.

⁶ 2021 - Launch of ABPI Legitimate Interests guidance to disclosing companies. Supportive statements received from named organisations published in [ABPI press release December 2021](#).

