

Legitimate Interest Assessment

Based on the ICO template

Part 1: Purpose test

Assessment as to 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?

As a business, On Device Research collects, aggregates and analyses data for the purposes of market research and digital advertising measurement on behalf of our clients. The benefit to the client is to allow them to assess the performance of current advertising, as well as to plan for future advertising strategy.

We measure digital advertising by working with our media partners, who embed our tracking pixel within the ad creatives being measured. Upon a consumer being exposed to the ad, the pixel allows us to collect the cookie (if browser) or advertising identifier (if mobile app) in our proprietary application.

We have data processing agreements (DPAs) in place with these media partners which contractually obliges them to only pass on data that is legally obtained. They are obliged to assure us that consent has been obtained by the publishers they work with, with whom they also have contracts in place. We will use the IAB Europe's Transparency & Consent Framework to understand consent where possible.

Part 2: Necessity test

Assessment as to whether the processing is necessary for the purpose 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?

We only collect the data needed to verify panellists (double opted in at point of registration), provide the surveys (via our mobile app), pay incentives to our panellists, and to provide the service for the benefit of our clients. We do not believe we can achieve the same purpose without processing, or processing in a way that is meaningfully different. The personal data collected at point of panel registration includes email address and mobile phone number. The personal data being processed has been kept to a minimum and we ensure that only the necessary amount of information is collected for a particular study. Any data whereby a panellist's device ID or cookie is related to an exposure to some advertising is purged after 90 days by default.

Part 3: Balancing test

Consideration of the impact on individuals' interests and rights and freedoms and to assess whether this overrides our legitimate interests.

Nature of the personal data
<ul style="list-style-type: none">• 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?
<p>The survey data collected is always related to the consumers' opinion on brands having been exposed, or not, to some advertising. Consumers answer surveys in a personal capacity, not a professional capacity. No special category data or criminal offence data is being processed. No children's data or that of vulnerable people is being processed. The legitimate interests pursued should not override the interests of data subjects.</p>
Reasonable expectations
<ul style="list-style-type: none">• 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?

Consumers are explicitly notified of sharing personal data for research opportunities, and must explicitly agree to:

- our privacy notice (<https://s.on-device.com/privacyPolicy>)
- our terms and conditions (<https://s.on-device.com/termsAndConditions>)
- participation in surveys and other market research activities
- the use of cookies for market research purposes
- the collection and/or sharing of mobile advertising identifiers

Our panellists will have signed T&Cs when opening their account. In order to join On Device Research’s survey panel, the consumer must download our Curious Cat app, at which point they must agree to various terms and conditions, and allow various permissions; one of which is to allow us to collect the Device ID of their mobile device, and for us to write first party cookies to their device which we may read at a later point. We do not collect any third party cookies or IDs.

Our attestation to compliance to the TCF can be accessed from our website at <https://ondeviceresearch.com/gdpr>, which also has links to privacy policy, terms and conditions and a webform allowing panellists to request actions on personal data.

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?

<ul style="list-style-type: none"> • 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? 	
<p>Panellists are unlikely to object to the processing or find it intrusive as joining the panel is entirely voluntary, the privacy policy and terms & conditions should be understood upfront, we have a support email for panellists' queries, and we have a personal data request webform which allows requests for withdrawal of consent for any personal data held, the erasure of any personal data or a copy of all the personal data associated with the panellist.</p>	
Can you offer individuals an opt-out?	Yes

Making the decision

Application of the legitimate interests basis.

Can you rely on legitimate interests for this processing?	Yes
<p>Our points of data collection regarding consumer panel registration, answering online surveys and device IDs/cookies are all via first party consent. The purpose of the legitimate interests assessment is to establish a legal basis otherwise, for processing users' privacy choices recorded in a TC String, in case the TC string is considered personal data from the users' perspective.</p>	
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