

LAWFULL BASIS

This document identifies our lawful basis for the processing of personal data. There are six available lawful bases for processing. No single basis is better or more important than the others. The basis that is most appropriate will depend on your purpose for processing and relationship with the individual.

In summary, the six lawful bases are:

- (a) Consent: the individual has given clear consent for you to process their personal data for a specific purpose.
- (b) Contract: the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.
- (c) Legal obligation: the processing is necessary for you to comply with the law (not including contractual obligations).
- (d) Vital interests: the processing is necessary to protect someone's life.
- (e) Public task: the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.
- (f) Legitimate interests: the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (This cannot apply if you are a public authority processing data to perform your official tasks.)

Since we are processing special category data or criminal offence data we also need to identify both a lawful basis for general processing and an additional condition (Article 9 condition) for processing this type of data. We need to give individuals information about how we intend to process their personal data and what your lawful basis is for doing so.

Our reason is Legitimate Interest.

/* NO COMMENT */
EVERY POLICE STATION, EVERY DAY!

We do not deal with members of the public. We do not use data for marketing. Defendants at a police station request the assistance of a solicitor to provide legal advice.

The personal data of a defendant is processed on the basis of us having a “legitimate interest” (i.e. you have a lawful business interest in processing the data and the impact resulting from that processing on the individual’s rights and freedoms is minimal).

The term “legitimate interest” is not clearly defined within the regulation but is likely to be interpreted widely; the GDPR states that “direct marketing” may be a legitimate interest, for example.

Since we have a legitimate interest in processing the data there is no need to obtain consent from the data subject provided that we inform the data subject that you will process the personal data in a specific way, and that you have a legitimate interest in doing so.

We have a contractual relationship with the defendant. We may also process personal data if doing so in “necessary” in order to fulfil a contract you have with the data subject. Again, there is no requirement for us to obtain consent in respect of that processing.

However as a matter of course we do obtain explicit consent from data subjects. We are processing sensitive personal data (under the GDPR sensitive personal data generally cannot be processed unless it is with explicit consent of the data subject).