

LEGITIMATE INTEREST

Legitimate Interest is the most flexible lawful basis for processing, but we do not assume it will always be the most appropriate. It is likely to be most appropriate as:

1. We you use people's data in ways they would reasonably expect and which have a minimal privacy impact and
2. There is a compelling justification for the processing.

GDPR specifically mentions use of client or employee data, marketing, fraud prevention, intra-group transfers, or IT security as potential legitimate interests, but this is not an exhaustive list.

It also says that you have a legitimate interest in disclosing information about possible criminal acts or security threats to the authorities.

We rely on legitimate interests and use the three-part test, or a legitimate interests assessment (LIA), to assess whether it applies. We do this before we start the processing.

Firstly, we identify the legitimate interest. We consider:

1. Why do we want to process the data? What are we trying to achieve?
2. Who benefits from the processing?
3. In what way?
4. Are there any wider public benefits to the processing?
5. How important are those benefits?
6. What would the impact be if you couldn't go ahead?
7. Would your use of the data be unethical or unlawful in any way?

Secondly, we apply the necessity test. Considering:

1. Does this processing actually help to further that interest?
2. Is it a reasonable way to go about it?
3. Is there another less intrusive way to achieve the same result?

Thirdly, we do a balancing test. We consider the impact of our processing and whether this overrides the interest you have identified. We find it helpful to think about the following:

1. What is the nature of your relationship with the individual?
2. Is any of the data particularly sensitive or private?
3. Would people expect you to use their data in this way?
4. Are we happy to explain it to them?
5. Are some people likely to object or find it intrusive?
6. What is the possible impact on the individual?
7. How big an impact might it have on them?
8. Are you processing children's data?
9. Are any of the individuals vulnerable in any other way?
10. Can we adopt any safeguards to minimise the impact?
11. Can you offer an opt-out?

We choose to rely on legitimate interests and we take on extra responsibility for considering and protecting people's rights and interests.