

Lawful basis for processing personal data | Electoral Commission

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processing of personal data to be lawful, it must be processed on a 'lawful basis'. 1

This includes: Legal obligation: the processing is necessary to comply with the law

(not including contractual obligations); or Public task: the processing is necessary

to perform a task in the public interest or in the exercise of official authority

vested in you as the data controller; or 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); or Consent: the individual

has given clear consent for you to process their personal data for a specific

purpose. For further information see the ICO's guidance on consent . Processing

personal data without a lawful basis runs the risk of enforcement activity, including

substantial fines, issued by the ICO, for further information see our guidance on

data protection breaches and sanctions. The ICO have advised that in the main, the

processing of personal data by EROs and ROs is likely to fall under the lawful basis

that it is necessary for the performance of a task carried out in the public interest

or in the exercise of the official authority vested in the controller. It is for you

to determine what the lawful basis for processing the data is, and to document your

approach. You must clearly set out in your privacy notice which lawful basis you are

relying on for processing and cite the relevant UK law where applicable. You may rely

on more than one legal basis if you consider it appropriate. We have provided

examples of lawful processing based on processing to perform a public task vested in

you by UK law. You should undertake an audit of all the personal data that you

collect to determine the lawful basis on which you are collecting/processing it. 1.

Article 6 General Data Protection Regulation 2018 ■ Back to content at footnote 1

Last updated: 22 February 2023 Book traversal links for Lawful basis for processing

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