## LIA for { process }

This legitimate interests assessment (LIA) is conducted to decide whether or not the legitimate interests basis is likely to apply to our processing.

|  |
| --- |
| Part 1: Purpose test |

You need to assess 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? |
| { purpose\_test } |

|  |
| --- |
| Part 2: Necessity test |

You need to assess whether the processing is necessary for the purpose you have 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? |
| { necessity\_test } |

|  |
| --- |
| Part 3: Balancing test |

You need to consider the impact on individuals’ interests and rights and freedoms and assess whether this overrides your legitimate interests.

First, use the [DPIA screening checklist](https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/accountability-and-governance/guide-to-accountability-and-governance/data-protection-impact-assessments/). If you hit any of the triggers on that checklist you need to conduct a DPIA instead to assess risks in more detail.

|  |  |
| --- | --- |
| **Nature of the personal data** | |
| * 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? | |
| { balancing\_test\_3\_1\_data } | |
| **Reasonable expectations** | |
| * 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? | |
| { balancing\_test\_3\_2\_expectations } | |
| **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? * 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? | |
| { balancing\_test\_3\_3\_impact } | |
| Can you offer individuals an opt-out? | { balancing\_test\_3\_4\_opt\_out } |

|  |
| --- |
| Making the decision |

This is where you use your answers to Parts 1, 2 and 3 to decide whether or not you can apply the legitimate interests basis.

|  |  |  |
| --- | --- | --- |
| Can you rely on legitimate interests for this processing? | | { lia\_decision } |
| Do you have any comments to justify your answer? (optional)  *{ lia\_decision\_comments }* | | |
| LIA completed by | { lia\_author } | |
| Date | { lia\_date } | |

What’s next?

Keep a record of this LIA, and keep it under review.

Do a DPIA if necessary.

Include details of your purposes and lawful basis for processing in your privacy information, including an outline of your legitimate interests.