## Legitimate Interests Assessment (LIA)

If you think that ‘[legitimate interests](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/legitimate-interests/)’ is the most appropriate lawful basis under the GDPR for a particular type of data processing you’re planning to do, complete this assessment before you make a decision. Doing so will help you balance our own interests against the interests of our data subjects, and only once you’ve done that can you reach a conclusion you feel comfortable with. It will also help us demonstrate compliance.

You should refer to the [ICO’s website](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/legitimate-interests/) if you need more information before you begin.

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| **Initial assessment completed by:** |  |
| **Date of initial assessment:** |  |
| **Next review due:** |  |
| **Last reviewed by:** |  |
| **Date of last review:**  |  |

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| **What exactly is the data processing you want to do?** *Include all details you think are relevant, for example the type of data involved, how it was gathered, how exactly it will be processed, any third parties involved, any technology used, what the individuals were told/will be told at the time the data is collected.* |

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| **List all audience/groups who will be affected by this data processing:** |

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### 1. Purpose test – are you pursuing a legitimate interest?

Identify the legitimate interest(s) by answering the following questions:

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| Why do you want to process the data – what are you trying to achieve? |  |
| Who benefits from the processing? In what way? *(consider our own commercial interests as well as the interests of third parties and wider society)*  |  |
| Are there any wider public benefits of the processing? |  |
| How important are those benefits? *(are they compelling or trivial?)* |  |
| What would the impact be if you couldn’t go ahead? |  |
| Would your use of the data be unethical or unlawful in any way? |  |

### 2. Necessity test – is the processing necessary for that purpose?

The processing must be a targeted and proportionate way of achieving our purpose. We cannot rely on legitimate interests if there’s another reasonable and less intrusive way to achieve the same result. So, considering your answers above, apply the necessity test. Consider:

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

### 3. Balancing test – do the individual’s interests override the legitimate interest?

When relying on legitimate interests, we have a responsibility to ensure that people’s rights are fully considered and protected. If an individual would not reasonably expect us to use their data in this way, or if would cause them unwarranted harm, then their interests are likely to override ours. If there’s a conflict, we need a clear justification to continue.

The third stage of this LIA is a balancing test. Consider the impact of your processing and whether this overrides the interest you have identified. Answer the following:

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| What is the nature of your relationship with the individual? |  |
| Is any of the data particularly sensitive or private? |  |
| Would people expect you to use their data in this way? |  |
| Are you happy to explain it to them? |  |
| Are some people likely to object or find it intrusive? |  |
| What is the possible impact on the individual? |  |
| How big an impact might it have on them? |  |
| Are you processing children’s data? |  |
| Are any of the individuals vulnerable in any other way? |  |
| Can you adopt any safeguards to minimise the impact? |  |
| Can you offer an opt-out? |  |

### 4. Decision – are you comfortable relying on legitimate interests?

Now you need to make a decision about whether you still think legitimate interests is an appropriate basis. There’s no foolproof formula for the outcome of the balancing test – but you must be confident that your legitimate interests are not overridden by the risks you have identified.

If you are not sure about the outcome of the balancing test, it may be safer to look for another lawful basis. Legitimate interests will not often be the most appropriate basis for processing which is unexpected or high risk. If you’ve identified significant risks, consider whether you need to do a [DPIA](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/data-protection-impact-assessments/) to assess in more detail.

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| **Do you think Legitimate Interests is an appropriate basis for personal data processing in this case?** |

**Why are you conducting this LIA?**

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| What to do nowIf you decide that we can rely on Legitimate Interests for this data processing:* Keep a record of your completed LIA and the outcome, to ensure we are in a position to demonstrate compliance and justify our decision if we need to in the future. This helps us to meet our obligations under the GDPR’s accountability principle.
* Update our privacy notice to tell people that we are relying on legitimate interests for this data processing, and explain what these interests are. Make sure we have informed individuals of their right to object to this processing.
* Keep the LIA under review and refresh it if there is a significant change in the purpose, nature or context of the processing. We would usually review an LIA annually as standard.
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