## Legitimate Interests Assessment (LIA) template

The UK GDPR requires the University to have a lawful basis for processing of personal data, these options are listed in article six of the regulation. One of these is Legitimate Interest.

To use this lawful basis, it is essential we can demonstrate there is a clear purpose for using the personal data, it is necessary in order to achieve the purpose, and the interest of the University isn’t outweighed by the interests or fundamental rights of the people whose data we intend using.

A legitimate interest assessment is a three-part test used to document these considerations.

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| Part 1: Purpose test |

You will need to consider the purpose for your processing, this can be a commercial or administrative purpose, a benefit to society or an individual.

The University cannot use the lawful basis of legitimate interest to fulfil data processing tasks where the purpose is for purposes laid out in the University Charter e.g., for teaching purposes.

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| Please describe your legitimate purpose for processing (collecting, storing, using, sharing, etc.) personal information? These prompts may help: * Why are you processing personal data?
* What are the benefits of the processing?
* Is the processing in your interest or in the interest of any third parties?
* Is processing ethical?
* What would happen if you didn’t go through with the processing?
* Is the data processing legal?
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| Part 2: Necessity test |

You will need to consider if it is necessary to process personal data for the purposes you have identified. Necessary in this context means it must be more than just for the sake of convenience. If it’s possible to achieve your purpose without the use of personal data, you should not continue,

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| Please describe why it is necessary to process the personal data, these prompts may help:* Is processing personal data necessary to achieve the purpose?
* Is processing proportionate to what you are trying to achieve?
* Can you process less data or not process data at all?
* Are other, less intrusive methods available to help you achieve your purpose?
* Could you achieve the result you’re aiming for without using personal data?
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| 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. Individuals’ rights, freedoms and interests may include physical, financial, an inability to exercise rights, loss of control over the use of their personal data, and any social or economic disadvantage.

If there is any conflict between your interest and the interest of the individual, you must be able to clearly justify why your interest prevails (there needs to be a very good reason for continuing), and if there is a serious mismatch between your interests and those of the individual, it is more likely the interest of the individual will take priority. For example, if the processing activity could result in an economic disadvantage to the individual, you must not continue.

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| **Nature of the personal data** |
| Consider if the impact on individuals’ rights and interests out-weigh your own, these prompts may help:* Is it [special category data](https://www.lboro.ac.uk/data-privacy/resources/personaldata/) 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?
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| **Reasonable expectations** |
| * Do you have an existing relationship with the individual?
* 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?
* Are you intending to do anything new or innovative?
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| **Likely impact** |
| * What are the possible impacts of the processing on people? This could be a positive impact.
* 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?
* Can you adopt any safeguards to minimise the impact?
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| Can you offer individuals an opt-out?  | Yes / No |

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| 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.

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|  Can you rely on legitimate interests for this processing?  | Yes / No |
| Do you have any comments to justify your answer? (optional) |
| LIA completed by |  |
| Date  |  |

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| What’s next? |

The individual responsible for the initiative should keep a record of this LIA and keep it under review.

Complete a [Data Protection Impact Assessment (DPIA)](https://www.lboro.ac.uk/data-privacy/resources/dpia/) if necessary. You have to complete a DPIA by law if your data processing activity is ‘[likely to result in high risk](https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/accountability-and-governance/data-protection-impact-assessments-dpias/examples-of-processing-likely-to-result-in-high-risk/)’.

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

Any questions please contact your Data Co-ordinator in the first instance or contact our Information Governance team at DP@lboro.ac.uk.