

Legitimate Interest Template

a. Identifying a Legitimate Interest			
	Question	Answer	Guidance
1.	What is the purpose of the processing operation		The first stage is to identify to a legitimate interest – what is the purpose for processing the personal data?
2.	Is the processing necessary to meet one or more specific organisational objectives?		If the processing operation is required to achieve a lawful business objective, then it is likely to be legitimate for the purposes of this assessment.
3.	Is the processing necessary to meet one or more specific objectives of a third party?		While you may only need to identify one legitimate interest, it may be useful to list all interests in the processing, including those of a third party.
4.	Does the GDPR specifically identify the processing activity as a legitimate activity, subject to the completion of the positive outcome of a balancing test?		For example: Legitimate Interests might be relied on where an individual's information is processed by the University for the purposes of network security.
b. The Necessity Test			
	Question	Answer	Guidance
1.	Why is the processing activity important to the University?		A legitimate interest may be elective or business critical; however, even if the University's interest in processing personal data for a specific purpose is obvious and legitimate, based its objectives, it must be a clearly articulated and communicated to the individual.
2.	Why is the processing activity important to other parties the data may be disclosed to, if applicable?		Just because the processing is central to what the University and/or a third party does, does not make it legitimate. It is the reason for the processing balanced against the potential impact on an individual's rights that is key.
3.	Is there another way of achieving the objective?		If there isn't, then clearly the processing is necessary; or: <ul style="list-style-type: none"> • If there is another way but it would require disproportionate effort, then the processing is still necessary; or

			<ul style="list-style-type: none"> • If there are multiple ways of achieving the objective, then a PIA should have identified the least intrusive means of processing the data which would be necessary; or • If the processing is not necessary (It is unlikely that there will be many scenarios where processing is not necessary where it has been identified as being a means to achieve a stated business objective), then legitimate interests cannot be relied on as a lawful basis for that processing activity
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c. The Balancing Test

	Question	Answer	Guidance
1.	Would the individual expect the processing activity to take place?	.	If individuals would expect the processing to take place then the impact on the individual is likely to have already been considered by them and accepted. If they have no expectation, then the impact is greater and is given more weight in the balancing test.
2.	Does the processing add value to a service that the individual uses?		
3.	Is the processing likely to negatively impact the individual's rights? If so, how?		
4.	Is the processing likely to result in unwarranted harm or distress to the Individual?		
5.	Would the processing limit or undermine the rights of individuals?		If processing would undermine or frustrate the ability to exercise those rights in future that might well affect the balance.
6.	Would there be a prejudice to the University or third party if processing does not happen? How?		
7.	Is the processing in the interests of the individual whose personal data it relates to?		

8.	Are the legitimate interests of the individual aligned with those of the University or the third party?		What are the benefits to the individual or society? If the processing is to the benefit of the individual, then it is more likely that legitimate interests can be relied on, as the individual's interests will be aligned with those of the University. Where the processing is more closely aligned with the interests of the University or a third party than with those of the individual, it is less likely that the interests will be balanced and greater emphasis needs to be placed on the context of the processing and relationship with the individual.
9.	What is the connection between the individual and the organisation?		For example: <ul style="list-style-type: none"> • Existing student • alumni • Employee or contractor
10.	What is the nature of the data to be processed? Does data of this nature have any special protections under GDPR?		If processing special categories of personal data, an Article 9 condition must be identified as the lawful basis of processing.
11.	Is there any imbalance in who holds the power between the University and the individual?		Does the individual have a choice regarding the processing of their personal information? If the organisation has a dominant position, this will tip the balance slightly against the use of legitimate interests. The University will need to consider how it addresses any imbalance of power to ensure individuals' rights are not impacted.
12.	Can the individual control the processing activity in any way? Can the individual opt out easily?		Giving the individual increased control or elements of control may help the University rely on legitimate interests where otherwise they could not. If individual control is not possible or not appropriate, explain why.
d. Outcome			
	Outcome of Assessment:		

	Decided by:
	Date: