**Legitimate Interest Template**

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| Identifying a Legitimate Interest | | |
| **Question** | **Response** | **Guidance** |
| 1. What is the purpose of the processing? |  | Identify a legitimate interest. |
| 2. Is the processing necessary for a specific objective? |  | If the processing operation is required to achieve a legitimate business objective, then it is likely to be legitimate. |
| 3. Is the processing necessary to meet one or more specific objectives of a third party, if applicable? |  | 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. |
| The Necessity Test | | |
| **Question** | **Response** | **Guidance** |
| 4. Why is the processing activity important to UCL? |  | Even if UCL’s interest in processing personal data for a specific purpose is obvious and legitimate and based on its objectives, it must be a clearly articulated and communicated to the individual. |
| 5. Why is the processing activity important to other parties to whom the data may be disclosed? |  |  |
| 6. Is there another way of achieving the objective? |  | If there isn’t, then it is likely that the processing is necessary; or:  • If there is another way but it would require disproportionate effort, then the processing is still necessary; or  • 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, then legitimate interests cannot be relied on as a lawful basis for that processing activity. |
| The Balancing Test | | |
| **Question** | **Response** | **Guidance** |
| 7. 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. |
| 8. Is the processing likely to negatively impact the individual’s rights? If so, how? |  | If processing would undermine or frustrate the ability to exercise those rights in future that might well affect the balance. |
| 9. Is the processing likely to result in unwarranted harm or distress to the Individual? |  |  |
| 10. What would happen if the processing did not occur? Would there be a prejudice to UCL or third party? If so, how? |  |  |
| 11. Is the processing in the interests of the individual to whom the personal data relates? |  |  |
| 12. What is the connection between the individual and the organisation? |  | For example:  • existing student,  • alumni,  • employee or contractor. |
| 13. What is the nature of the data to be processed? Does data of this nature have any special protections under data protection legislation (i.e. special category or criminal convictions/offences personal data)? |  | If processing special categories of personal data, an Article 9 or Article 10 condition (as applicable) must be identified as the lawful basis of processing. |
| 14. Is there any imbalance in who holds the power between the UCL 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. UCL will need to consider how it addresses any imbalance of power to ensure individuals’ rights are not impacted. |
| 15. Can the individual control the processing activity in any way? Can the individual opt out easily? | Yes  No  Partly  Explain: | Giving the individual increased control or elements of control may help UCL rely on legitimate interests where otherwise they could not. If individual control is not possible or not appropriate, explain why. |
| Outcome | | |
| Outcome of Assessment:  Click here to enter text. | | |
| Decided by: | | |
| Date: | | |