



Legitimate Interests

We have suggested that for most clubs and counties their most likely lawful basis for collecting and processing data under the General Data Protection Regulation (GDPR) will be [legitimate interests](#): when the processing is necessary for your legitimate interests or the legitimate interests of a third party, unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.

There is a [document on the subject](#) available from the Data Protection Network, and here is a bit more detail from the ICO's information on the subject, in the document linked above.

Article 6(1)(f) gives you a lawful basis for processing where:

“processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.”

This can be broken down into a three-part test:

- Purpose test: are you pursuing a legitimate interest?
- Necessity test: is the processing necessary for that purpose?
- Balancing test: do the individual's interests override the legitimate interest?

A wide range of interests may be legitimate interests. They can be your own interests or the interests of third parties, and commercial interests as well as wider societal benefits. They may be compelling or trivial, but trivial interests may be more easily overridden in the balancing test.

Legitimate Interests Assessment

The ICO has also provided more information about using the three-part test to assess whether it applies, known as a legitimate interests assessment (LIA), which should be done before you start the processing.

An LIA is a type of light-touch risk assessment based on the specific context and circumstances. It will help you ensure that your processing is lawful. Recording your LIA will also help you demonstrate compliance in line with your accountability obligations under Articles 5(2) and 24. In some cases an LIA will be quite short, but in others there will be more to consider.

First, identify the legitimate interest(s). Consider:

- Why do you want to process the data – what are you trying to achieve?
- Who benefits from the processing? In what way?
- Are there any wider public benefits to the processing?
- How important are those benefits?
- What would the impact be if you couldn't go ahead?
- Would your use of the data be unethical or unlawful in any way?

Second, apply the necessity test. Consider:

- 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?

Third, do a balancing test. Consider the impact of your processing and whether this overrides the interest you have identified. You might find it helpful to think about the following:

- 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?

You then need to make a decision about whether you still think legitimate interests is an appropriate basis. There's no fool-proof 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.

We have an example of a [Legitimate Interests Assessment](#) based on the likely responses that would be given by a bridge club that uses *Legitimate Interests* as its lawful basis for processing. Clubs should go through this to see if the answers given are applicable to them in order to determine whether they should use *Legitimate Interests* as their lawful basis for processing