## ico_master_blue_rgb_PSWP LIA

This legitimate interest’s assessment (LIA) template is designed to help you to decide whether or not the legitimate interests basis is likely to apply to your processing. It should be used alongside our [legitimate interests guidance](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/legitimate-interests/).

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| Part 1: Purpose test |

You need to assess whether there is a legitimate interest behind the processing.

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| 1. Why do you want to process the data?
2. What benefit do you expect to get from the processing?
3. Do any third parties benefit from the processing?
4. Are there any wider public benefits to the processing?
5. How important are the benefits that you have identified?
6. What would the impact be if you couldn’t go ahead with the processing?
7. Are you complying with any specific data protection rules that apply to your processing (eg profiling requirements, or e-privacy legislation)?
8. Are you complying with other relevant laws?
9. Are you complying with industry guidelines or codes of practice?
10. Are there any other ethical issues with the processing?
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| 1. To build list of contacts for the purpose of soliciting views on emerging Neighbourhood Plan.
2. A wide ranging view from community stakeholders to feed into plan vision and objectives. It may also recruit new members to Planning Strategic Working Party.
3. No, list held on Parish Council drive and not shared externally outside Planning Strategic Working Party and office staff.
4. Yes, this would inform Vision and Objectives of plan that would be tested by the public at future consultation.
5. Really important to gain views of key stakeholders first.
6. Vision and objectives would be informed from narrow view of Planning Strategic Working Party and staff members only.
7. No, only collecting contact data, nothing else.
8. Yes, the Parish Council will be within the law.
9. Yes, GDPR training given to 3 members of the team on 09 02 21.
10. None known
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| Part 2: Necessity test |

You need to assess whether the processing is necessary for the purpose you have identified.

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| 1. Will this processing actually help you achieve your purpose?
2. Is the processing proportionate to that purpose?
3. Can you achieve the same purpose without the processing?
4. Can you achieve the same purpose by processing less data, or by processing the data in another more obvious or less intrusive way?
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| 1. Yes as the Parish Council will be fighting in the dark or using generic email addresses.
2. Yes, the Parish Council think so.
3. Possibly but it would take a long time and individual Planning Strategic Working Party members may duplicate effort by both contacting same person.
4. Only using minimal data – name, phone number, email address.
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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.

First, use the [DPIA screening checklist](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/data-protection-impact-assessments/). If you hit any of the triggers on that checklist you need to conduct a DPIA instead to assess risks in more detail.

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| **Nature of the personal data** |
| 1. Is it special category data or criminal offence data?
2. Is it data which people are likely to consider particularly ‘private’?
3. Are you processing children’s data or data relating to other vulnerable people?
4. Is the data about people in their personal or professional capacity?
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| 1. No.
2. Not particularly as it can probably be found in public forum.
3. No.
4. Professional generally although some contacts are residents as well as ‘commercial entities.’
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| **Reasonable expectations** |
| 1. Do you have an existing relationship with the individual?
2. What’s the nature of the relationship and how have you used data in the past?
3. Did you collect the data directly from the individual? What did you tell them at the time?
4. 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?
5. How long ago did you collect the data? Are there any changes in technology or context since then that would affect expectations?
6. Is your intended purpose and method widely understood?
7. Are you intending to do anything new or innovative?
8. Do you have any evidence about expectations – eg from market research, focus groups or other forms of consultation?
9. Are there any other factors in the particular circumstances that mean they would or would not expect the processing?
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| 1. In some instances yes, others are known as a Parish Council but perhaps not as individual Councillors.
2. Some are friends, some are acquaintances. Planning Strategic Working Party has not used this data before. Hazlemere Parish Council may have used some of the data for other purposes, e.g. Parish Council matters, communications, etc.
3. No. The Council has collected from Hazlemere Parish Council Councillors. Individuals are unaware we are compiling this list. The Parish Council will seek permission to process this data.
4. N/A.
5. Very recently, i.e. within the past few weeks. (January 2021)
6. Yes by Planning Strategic Working Party and Hazlemere Parish Council. The Parish Council will also inform individuals when contacting them.
7. No.
8. Not directly although evidence of consultation with key stakeholders is in the public domain and is accepted as best practice.
9. No.
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| **Likely impact** |
| 1. What are the possible impacts of the processing on people?
2. Will individuals lose any control over the use of their personal data?
3. What is the likelihood and severity of any potential impact?
4. Are some people likely to object to the processing or find it intrusive?
5. Would you be happy to explain the processing to individuals?
6. Can you adopt any safeguards to minimise the impact?
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| 1. Very minimal. They may receive what they regard as unsolicited contact however once the purpose is explained, we expect them to engage in conversation.
2. Definitely not.
3. Low/low.
4. Very few if any.
5. Of course, the Parish Council plans to as part of our engagement with them.
6. File is held on Hazlemere Parish Council drive. Intention may be to use Mailchimp for further GDPR compliance.
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| Can you offer individuals an opt-out?  | Yes  |

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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  |
| Do you have any comments to justify your answer? (optional) |
| LIA completed by | Paul Fleming |
| Date  | 10/02/2021 |

What’s next?

Keep a record of this LIA, and keep it under review.

Do a DPIA if necessary.

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