**Utilising the Legitimate Interest Legal Basis for Processing Personal Data –**

**Legitimate Interest Assessment**

As a hybrid body (i.e. one that exercises some public authority functions (such as teaching and research in the public interest) as well as some private functions (such as fundraising)), Imperial College cannot rely on legitimate interests for any processing which would be defined as being carried out as part of our tasks as a public authority. However, if you process information in respect of activities outside of this scope, then you can consider using the legitimate interest’s basis for processing where appropriate.

**How can we apply legitimate interests in practice?**

If you want to rely on legitimate interests, you can use the following three-part test to assess whether it applies. Commonly known as a Legitimate Interests Assessment (LIA), this should be completed prior to 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 instances where LIA is relied upon, such as within the College’s Information Asset Register, will also help demonstrate compliance with the College’s accountability obligations under the General Data Protection Regulation. In some cases an LIA will be quite short, but in others there will be more to consider.

Overview

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| What does the Legitimate Interest Assessment relate to? |
| Provide an overview explaining the processing which is being reviewed |

**Part 1**

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| Identify the Legitimate Interests |
| Consider the following:* 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?
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**Part 2**

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| Apply the necessity test |
| Consider the following:* 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?
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**Part 3**

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| Outline the impact of the processing |
| Consider 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?
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**Decision Process**

Once Part 1-3 are complete you must consider the impact of your processing and whether this overrides the interest you have identified and if ultimately legitimate interests is still an appropriate legal basis.

Whilst there is no matrix/formula for deciding the balancing test – you must be confident that your legitimate interests are not overridden by the risks you have identified as this may be challenged.

**Keep a record of your LIA and the outcome.**

There is no standard format for this, but it’s important to record your thinking to help show you have proper decision-making processes in place and to justify the outcome.

Keep your LIA under review and refresh it if there is a significant change in the purpose, nature or context of the processing.

If you are not sure about the outcome of the balancing test, it may be safer to look for another lawful basis. Legitimate interests will not often be the most appropriate basis for processing which is unexpected or high risk.

If your LIA identifies significant risks, consider whether you need to do a DPIA (a Data Protection Impact Assessment) (if one does not already exist or is being written) to assess the risk and potential mitigation in more detail.

Once completed, send a copy to the College’s Data Protection Officer via **Data-Protection@imperial.ac.uk**. Furthermore, if the activity involves Alumni / Past students data, include **F.Main@imperial.ac.uk** of the Advancement Team.

**What else do we need to consider?**

People must be made aware in your privacy notice that you are relying on legitimate interests, and explain what these interests are.

If you want to process the personal data for a new purpose, you may be able to continue processing under legitimate interests as long as your new purpose is compatible with your original purpose. We would still recommend that you conduct a new LIA, as this will help you demonstrate compatibility.