

SWSDTA

LEGITIMATE INTEREST ASSESSMENT (LIA)

Notes:

- *Legitimate interests is most likely to be an appropriate basis where you use data in ways that people would reasonably expect and that have a minimal privacy impact.*
- *Where there is an impact on individuals, it may still apply if you can show there is an even more compelling benefit to the processing and the impact is justified.*
- *You should avoid using legitimate interests if you are using personal data in ways people do not understand and would not reasonably expect, or if you think some people would object if you explained it to them.*
- *You should also avoid this basis for processing that could cause harm, unless you are confident there is nevertheless a compelling reason to go ahead which justifies the impact.*
- *Recording your LIA will also help you demonstrate compliance in line with your accountability obligations under Articles 5(2) and 24. In some cases a LIA will be quite short but in others there will be more to consider.*

LEGITIMATE INTEREST(S):

1. *Why do you want to process the data – what are you trying to achieve?*

To provide a full range of membership services (contractual relationship) for Society members

2. *Who benefits from the processing? In what way?*

Members

- Payment of membership and affiliations
- Managing the Society's financial position, membership services (see below), business, communications (incl. mailings), governance and audit.
- Publication of annual Trials Diary
- Arranging Society sheep dog trials
- Publishing trial results
- Arranging insurance cover for members trials
- SWSDTA Website content

3. *Are there any wider public benefits to the processing?*

- Public information – details of Trials for spectators
- Promoting the Society

4. *How important are those benefits?*

- Not crucial

5. *What would the impact be if you couldn't go ahead?*

- Society would cease to function / exist - recording and maintaining each members 'individual consent' is impractical and unsustainable

6. *Would your use of the data be unethical or unlawful in any way?*

- No

NECESSITY TEST:

1. *Does this processing actually help to further that interest?*

- Crucial to maintain and sustain the Society (organisation)
- Crucial to provide the expected and long established membership services

2. *Is it a reasonable way to go about it?*

- Yes – members understand that to provide their membership services, their personal contact information has to be processed by the Society.

3. *Is there another less intrusive way to achieve the same result?*

- No – impractical

BALANCING TEST (INDIVIDUALS' INTERESTS, RIGHTS AND FREEDOMS)

1. *What is the nature of your relationship with the individual?*

- 'Contractual' – membership services

2. *Is any of the data particularly sensitive or private?*

- No

3. *Would people expect you to use their data in this way?*

- Certainly – long established

4. *Are you happy to explain it to them?*

- Yes and included in "Privacy Notice"

5. *Are some people likely to object or find it intrusive?*

- No – no member has ever objected to their personal information being processed to provide the contracted membership services and all previous arrangements will continue unchanged.

6. *What is the possible impact on the individual?*

- How big an impact might it have on them? - No impact
- Are you processing children's data? - No
- Are any of the individuals vulnerable in any other way? - No
- Can you adopt any safeguards to minimise the impact? – Minimum contact details published and only those required by law or to conduct the members legitimate business eg. organising or judging sheep dog trials
- Can you offer an opt-out? – Yes included in "Privacy Notice"

Notes:

- *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.*
- *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.*

The SWSDTA wish to acknowledge Martin Davidson from NWSDS for sharing the above information