

Legitimate Interest Assessment

The content of this document is taken from the [ICO website](#).

If you want to rely on legitimate interests in your club (even if it is only for part of your data processing), you can use this three-part test to assess whether it applies. This is known as a '**Legitimate Interests Assessment**' (LIA) and you should do it before you start the processing.

The assessment is based on specific context and circumstances, and will help you ensure that your processing is lawful

You will need to record your LIA to help you demonstrate compliance in line with your accountability obligations. 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?

What to do next?

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.

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 Data Protection Impact Assessment (DPIA) to assess the risk and potential mitigation in more detail. [See DPIA guidance on the ICO website.](#)

You must tell people 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. It is recommended that you conduct a new LIA, as this will help you demonstrate compatibility.

Over the coming months there will be regular updates and guidance about how to become GDPR compliant. Check out www.thebmc.co.uk/gdpr-mountaineering-clubs for the links to other articles

GDPR arrives on 25th May 2018 – Be ready!

This document has been written for the committee of a mountaineering, walking or climbing club to use while reviewing the way that their club processes data within their club to ensure compliance with GDPR. It is based on information available at the time of writing. There are several topics where the Information Commissioners Office still has to provide full guidance, therefore additional information may be made available to clubs in the future.

This guidance is provided by the BMC to assist clubs and does not constitute legal advice.