

Fraud Lawyers Association

Legitimate Interests Assessment

Part 1: Purpose test

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

- Why do you want to process the data?
- What benefit do you expect to get from the processing?
- Do any third parties benefit from the processing?
- Are there any wider public benefits to the processing?
- How important are the benefits that you have identified?
- What would the impact be if you couldn't go ahead with the processing?
- Are you complying with any specific data protection rules that apply to your processing (eg profiling requirements, or e-privacy legislation)?
- Are you complying with other relevant laws?
- Are you complying with industry guidelines or codes of practice?
- Are there any other ethical issues with the processing?

The FLA wants to process data in order to administer the membership of the Association, to organize educational and social events for its members (and guests) and to keep members updated as to the Association's activities. The processing will enable the Association to conduct each of those tasks. There may be third party benefit from the processing, in that our events are open to non-members who may wish attend either because they are invited or of their own choosing. There is also a wider public benefit in the pursuance of the objectives of the Association (e.g. providing responses to consultations on relevant matters of law).

If the Association could not carry out the processing, it could not function as a voluntary membership association. There are no additional specific data protection rules that apply to the processing. There are no other ethical issues with the processing.

Part 2: Necessity test

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

- Will this processing actually help you achieve your purpose?
- Is the processing proportionate to that purpose?

- Can you achieve the same purpose without the processing?
- Can you achieve the same purpose by processing less data, or by processing the data in another more obvious or less intrusive way?

The processing is essential to the existence of the Association; without a membership database it cannot exist.

In the view of the Association, the processing is proportionate: it only uses personal data that has been supplied to it directly by its members pursuant to their application for membership or indirectly by members (with consent) for the purposes of organizing educational or social events. The personal data is used for the strictly and limited purposes described above. There is no data analysis (save to monitor membership numbers), no automatic decision making, no sharing of data with third parties (save attendee names shared with event venues for the purposes of security and/or health & safety) and no harvesting of data otherwise than by way of direct provision of data.

The Association cannot achieve the same purposes without the processing or by processing less data. The processing is neither obvious or intrusive.

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](#). If you hit any of the triggers on that checklist you need to conduct a DPIA instead to assess risks in more detail.

Nature of the personal data

- Is it special category data or criminal offence data?
- Is it data which people are likely to consider particularly 'private'?
- Are you processing children's data or data relating to other vulnerable people?
- Is the data about people in their personal or professional capacity?

The only potential special category data is dietary requirement / allergy information when arranging meals at social events. The Association does not think it likely that people would consider such data particularly 'private'.

Reasonable expectations

- Do you have an existing relationship with the individual?
- What's the nature of the relationship and how have you used data in the past?

- Did you collect the data directly from the individual? What did you tell them at the time?
- 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?
- How long ago did you collect the data? Are there any changes in technology or context since then that would affect expectations?
- Is your intended purpose and method widely understood?
- Are you intending to do anything new or innovative?
- Do you have any evidence about expectations – eg from market research, focus groups or other forms of consultation?
- Are there any other factors in the particular circumstances that mean they would or would not expect the processing?

As set out above, in most circumstances the Association has a direct relationship with the individual (because they are a member). In those circumstances, members have access to the Privacy Notice and Data Protection Policy via the Association website.

When the data is from third parties, for example data about other individuals supplied by members in relation to their guests at events, sometimes those third parties will know (for example, those providing dietary requirements) but in other cases they may not specifically know.

The data will only be used for so long as it is relevant, but may be stored thereafter in order to comply with legal obligations to which the Association is subject. Generally, that will be no longer than three years after the data was used. Once it is no longer required, it will be securely disposed of.

The purposes of administering the Association and organizing events is commonly understood; the Association is not doing anything new or innovative. The Association does not have evidence about expectations, save that members and others would expect it to keep personal data secure and to comply with the law at all times.

Likely impact

- What are the possible impacts of the processing on people?
- Will individuals lose any control over the use of their personal data?
- What is the likelihood and severity of any potential impact?
- Are some people likely to object to the processing or find it intrusive?
- Would you be happy to explain the processing to individuals?
- Can you adopt any safeguards to minimise the impact?

The likely impact is extremely limited, in that the processing is for the benefit of the membership. Individuals will lose control over their data to the extent that the Association is processing it without their specific consent, but consent could be inferred from the act of either (a) applying for membership, or (b) accepting an invitation to be a guest at an Association organised event.

It is extremely unlikely that any individuals might object to the processing, but the Association would be happy explain and/or cease the processing it if requested to so do.

The Association can adopt all the safeguards recommended by the ICO to minimise the impact of the processing.

Can you offer individuals an opt-out?	Yes / No
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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.

Can you rely on legitimate interests for this processing?	Yes / No
Do you have any comments to justify your answer? (optional)	
LIA completed by	The Chair
Date	24.05.2018

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.