

This legitimate interests 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](#).

## 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?
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- To keep subjects informed about the University and to provide opportunities for them to continue to be involved in the life and activities of the University.
  - To further the university's charitable and educational aims, including fundraising, volunteering and event attendance.
  - No
  - Yes - Support for current students, via donations and mentoring\placement opportunities and involvement with individuals\organisations in the local community to work collaboratively or in partnership with BSU.
  - These benefits are very important as they keep data subjects informed and further engage them with the University's charitable and educational aims. This includes fundraising, volunteering and event attendance. Without these communications the above would be very limited as we would only be able to communicate these opportunities via social media and website.
  - We would not be able to keep the subjects informed of activities at BSU and further engage them in opportunities they could potentially be interested in. There would also be reduced fundraising as we would be unable to inform subjects of any projects\campaigns.
  - PECR soft opt in for email and LI for Mail
  - Each communication sent will have the option to update preferences and the individual would be given clear guidance on how to be removed from mailing list, along with an easy opt out.

- Yes - Ethical Fundraising Policy and Donors' Charter (<https://www.bathspa.ac.uk/about-us/governance/policies/ethical-fundraising-policy/>) and the Fundraising Regulator (<https://www.fundraisingregulator.org.uk/>)
- No

## 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?
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- Yes - if the email or mail reaches the recipient, any bounced or returned communication will be updated on Raisers Edge to ensure contact details are correct
  - Yes - we have an existing relationship with subjects and each communication provides an opportunity to opt out. Communications are not sent repetitively. A monthly e-newsletter and an annual fundraising ask is what is generally sent. Subjects have the opportunity and choice to get involved in fundraising, volunteering or events should they wish to. Subjects have full control over the use of their data as they can opt out or amend their preferences.
  - No - we would be unable to engage further with the graduate. Without this processing we would only be able to achieve this if they visited social media or BSU website.
  - No - we would be unable to build engagement without these communications. Reliance upon social media, website or word of mouth does not guarantee that all subjects will see the communications.

## 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.

<b>Nature of the personal data</b>
<ul style="list-style-type: none"><li>• Is it special category data or criminal offence data?</li><li>• Is it data which people are likely to consider particularly 'private'?</li><li>• Are you processing children's data or data relating to other vulnerable people?</li><li>• Is the data about people in their personal or professional capacity?</li></ul>
<ul style="list-style-type: none"><li>• No</li><li>• No</li><li>• No</li></ul> <p>Both - it depends on what our relationship with the subject is and what information we hold on them.</p> <p><b>DPIA is attached to this LIA.</b></p>
<b>Reasonable expectations</b>
<ul style="list-style-type: none"><li>• Do you have an existing relationship with the individual?</li><li>• What's the nature of the relationship and how have you used data in the past?</li><li>• Did you collect the data directly from the individual? What did you tell them at the time?</li><li>• 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?</li><li>• How long ago did you collect the data? Are there any changes in technology or context since then that would affect expectations?</li><li>• Is your intended purpose and method widely understood?</li><li>• Are you intending to do anything new or innovative?</li><li>• Do you have any evidence about expectations – eg from market research, focus groups or other forms of consultation?</li><li>• Are there any other factors in the particular circumstances that mean they would or would not expect the processing?</li></ul>
<ul style="list-style-type: none"><li>• Yes - graduate, former student of BSU, people who have previously donated or corporate/community partnerships</li></ul>

- The relationship is professional (alumni, businesses, for example). The data has been previously used to send relevant communications to subjects, as detailed previously.
- Data collected directly from individual as a student, which is then put on the SITS database. This information is then uploaded to Raisers Edge when they graduate or leave the University, in accordance with our privacy statement. For businesses, we collect the data directly from the subject. This may be at event registration or following an expression of interest in working with BSU.
- N/A
- Collected after graduation or when the individual leaves BSU - data is imported from SITS, although some is already on Raisers Edge graduated previously. This data is collected on an ongoing basis, by way of a monthly SITS report, as students transition through the University. The import process into Raisers Edge is managed by Importomatic. The change in context from student to leaver would not affect expectations as this use is covered in the privacy notice. Business contact information is collected on an ad hoc basis, as the relationship develops.
- Yes - as communicated via the privacy notice.
- No
- No
- No

### **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?

<ul style="list-style-type: none"> <li>• Subjects receive unwanted or unexpected communications.</li> <li>• No, they will be able to update their communication preferences from a link on the email and they can easily request to have their data removed.</li> <li>• There is potential that people will not want to receive the communications but the severity is mitigated as they are easily able to opt out or amend their communication preferences.</li> <li>• Yes but subjects can easily opt out. It is unlikely to be considered intrusive because communications are generally only sent on a monthly basis, nor are they repetitive.</li> <li>• Yes, explained in the privacy notice.</li> <li>• Yes - safeguards implemented as subjects are able to easily opt out and amend communication preferences.</li> </ul>	
Can you offer individuals an opt-out?	Yes

## 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
Do you have any comments to justify your answer? (optional)	
LIA completed by	Katie Donaldson and Gemma Wise
Date	10/05/2021

## 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.

