## Bewbush Community Nursery CIC

## Legitimate Interest Assessment

|  |
| --- |
| Part 1: Purpose test |

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 (e.g. 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? |
| **Purpose**  **Why do we want to process the data – what are we trying to achieve?**  Bewbush community Nursery wishes to process personally identifiable information in relation to the enrolment of pre-school children into the nursery and the employment of staff. Other legal basis exists to process the majority of data, but some data is processed on a basis of it being in the legitimate interest of the staff member, nursery and the child.  **Who benefits from the processing? In what way?**  Ultimately, the children and the parents/ guardians benefit from this processing by providing peace of mind that the children will be treated well and with respect and that should there be an issue which requires notification and the parent is not available, another contact is available. Staff members also are reassured that in the event of an issue affecting them, an emergency contact is available.  **Are there any wider public benefits to the processing?**  No  **How important are those benefits?**  N/A  **What would the impact be if you couldn’t go ahead?**  We would not be able to provide the level of reassurance in relation to ensuring that there is an additional contact available should something occur that required immediate attention and notification.  **Are you complying with any specific data protection rules that apply to your processing?**  We are conducting this Legitimate Interest assessment in order to establish our basis for processing emergency contact data and language details to comply with the GDPR.  **Would your use of the data be unethical or unlawful in any way?**  No, the contact details are a fall back and will not be used unless required. The language data helps the nursery understands specific needs. We will protect this data within our electronic and paper based filing systems. |

|  |
| --- |
| Part 2: Necessity test |

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? |
| **Does this processing actually help achieve our purpose?**  Yes.  **Is it a reasonable and proportionate way to go about it?**  Yes, we request this data during the registration process for children and contracting of staff. Neither type of data is special category.  **Can you achieve the same purpose without the processing?**  No, this would require processing to achieve the required result.  **Is there another less intrusive way to achieve the same result?**  No, this is considered the least intrusive way. |

|  |
| --- |
| Part 3: Balancing test |

Consider the impact on individuals’ interests and rights and freedoms and assess whether this overrides your legitimate interests.

In conducting this Legitimate Interest Assessment, we have reviewed the ICO’ s Data Protection Impact Assessment checklist and have assessed that there is no need to conduct a DPIA.

|  |  |
| --- | --- |
| **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? | |
| **Is it special category data or criminal offence data?**  No.  **Is it data which people are likely to consider particularly ‘private’?**  No, the data being processed is limited to contact details including name and email address and language spoken identification.  **Are you processing children’s data or data relating to other vulnerable people?**    No, none of the processing is concerned with children or vulnerable persons.  **Is the data about people in their personal or professional capacity?**  Personal | |
| **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? | |
| **Do you have an existing relationship with the individual?**  Not initially, this is data required at the beginning of the enrolment or engagement process.  **What’s the nature of the relationship and how have you used data in the past?**  The relationship is one of parent (or guardian) or employee. The data is held on file until the retention period is completed.  **Did you collect the data directly from the individual? What did you tell them at the time?**  Yes, explained the reason for the data collection as described above.  **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?**  N/A  **How long ago did you collect the data? Are there any changes in technology or context since then that would affect expectations?**  Data is collected on an ongoing basis.  **Is your intended purpose and method widely understood?**  Yes, it is a common requirement in the sector  **Are you intending to do anything new or innovative?**  No.  **Do you have any evidence about expectations – e.g. from market research, focus groups or other forms of consultation?**  No.  **Are there any other factors in the particular circumstances that mean they would or would not expect the processing?**  No, on the contrary, it would be expected to collect this information. | |
| **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? | |
| **What are the possible impacts of the processing on people?**  The personal data we process is limited to name and contact details or the language spoken at home. There are no assessed impacts on the data subject in relation to exercising their rights, loss of control of their data, physical harm, financial loss, identity fraud, or any discrimination or reputational damage.  **Will individuals lose any control over the use of their personal data?**  No, all rights will be protected  **What is the likelihood and severity of any potential impact?**  The likelihood is very low and the severity also very low  **Are some people likely to object to the processing or find it intrusive?**  Not anticipated  **Would you be happy to explain the processing to individuals?**  Yes, and in addition, our privacy notice explains our approach to the protection of Data Subjects personal data.  **Can you adopt any safeguards to minimise the impact?**  The impact is assessed as extremely low and our data security policies procedures and technical assurance is considered sufficient. | |
| Can you offer individuals an opt-out? | ~~Yes~~ / No |

|  |
| --- |
| Making the decision |

The 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?  This decision is based on our response to the required questions and driven by our organisational philosophy which is to avoid any unnecessary intrusion and promote our business in a credible and professional manner. | | |
| LIA completed by | Derek Mann Compliance and Privacy Solutions Ltd | |
| Date | August 2019 | |

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.

