

This form is created from guidelines set out by the ICO for assessing whether legitimate interest is an appropriate basis for you to process citizen's data.

**Identify your processing activity:**

**Identify the data used:**

First, identify the legitimate interest(s). Consider:

<ul style="list-style-type: none"> <li>• Why do you want to process the data – what are you trying to achieve?</li> </ul>	
<ul style="list-style-type: none"> <li>• Who benefits from the processing? In what way?</li> </ul>	
<ul style="list-style-type: none"> <li>• Are there any wider public benefits to the processing?</li> </ul>	
<ul style="list-style-type: none"> <li>• How important are those benefits?</li> </ul>	
<ul style="list-style-type: none"> <li>• What would the impact be if you couldn't go ahead?</li> </ul>	
<ul style="list-style-type: none"> <li>• Would your use of the data be unethical or unlawful in any way?</li> </ul>	

Second, apply the necessity test. Consider:

<ul style="list-style-type: none"> <li>• Does this processing actually help to further that interest?</li> </ul>	
<ul style="list-style-type: none"> <li>• Is it a reasonable way to go about it?</li> </ul>	

<ul style="list-style-type: none"> <li>• Is there another less intrusive way to achieve the same result?</li> </ul>	
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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:

<ul style="list-style-type: none"> <li>• What is the nature of your relationship with the individual?</li> </ul>	
<ul style="list-style-type: none"> <li>• Is any of the data particularly sensitive or private?</li> </ul>	
<ul style="list-style-type: none"> <li>• Would people expect you to use their data in this way?</li> </ul>	
<ul style="list-style-type: none"> <li>• Are you happy to explain it to them?</li> </ul>	
<ul style="list-style-type: none"> <li>• Are some people likely to object or find it intrusive?</li> </ul>	
<ul style="list-style-type: none"> <li>• What is the possible impact on the individual?</li> </ul>	
<ul style="list-style-type: none"> <li>• How big an impact might it have on them?</li> </ul>	
<ul style="list-style-type: none"> <li>• Are you processing children's data?</li> </ul>	
<ul style="list-style-type: none"> <li>• Are any of the individuals vulnerable in any other way?</li> </ul>	
<ul style="list-style-type: none"> <li>• Can you adopt any safeguards to minimise the impact?</li> </ul>	
<ul style="list-style-type: none"> <li>• Can you offer an opt-out?</li> </ul>	

You then need to make a decision about whether you still think legitimate interests is an appropriate basis. There's no foolproof 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 DPIA to assess the risk and potential mitigation in more detail. See our guidance on DPIAs for more on this.