

LIA ARK Housing Association Ltd

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 the ICO's 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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- ARK HA using legitimate interest to process data relating to:
 - references for staff,
 - references for tenants,
 - This processing allows Ark to deliver its requirements to deliver a service to other individuals, such as other housing associations, and future employers of ARK staff
 - Other housing associations will benefit from the processing of references.
 - The processing is not a core part of the HAs work, but provides a mutual aid, safety and efficiency benefit to the organization
 - This processing is compliant with UK GDPR
 - This processing is commonplace in the housing and care sector.
 - No ethical issues are identified from this 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 helps us achieve our purpose
- It is proportionate
- It is not possible to achieve the purpose without this processing
- It is not possible to achieve this purpose through other means

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?

- References are sensitive data
- The Data is processed in both personal and professional capacity

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?

- Yes – existing relationships with data subjects
- These are business relationships
- Data is collected from the data subjects
- Processing is widely understood
- The processing is not new or innovative
- Expectations are that that this data will be processed
- There are no factors that would imply the data subjects do not expect this processing

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?

- Impact is low to data subjects
- Individuals will have control over the data if required – they can refuse for references to be requested
- If people object they are unlikely to have the benefit of the processing
- We are happy to explain the purpose of the processing to data subjects
- Impact on data privacy risks is minimised by maintaining data accuracy

Can you offer individuals an opt-out?	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
Do you have any comments to justify your answer? (optional)	
References for staff and tenants is commonly requested and is a well known process	
LIA completed by	T Knight DPO RGDP
Date	6.9.22

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.