## **Ark Housing Association**

## **Legitimate Interest Assessment -**

**Marketing using PECR Soft Opt-In CX system**

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| Part 1: Purpose test |

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

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| * 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? |
| Ark HA wishes to us the CX platform to contact tenants and :   * raise brand awareness and information about what we do; * promote our services   Regulation 22(3) of the Privacy and Electronic Communications Regulations, states that a person may send or instigate the sending of electronic mail for the purposes of direct marketing where:   1. That person has obtained the contact details of the recipient of that electronic communication in the course of the delivery of the service to the recipient; 2. The direct marketing is in respect of that person’s similar services only; and 3. The recipient has been given a simple means of refusing (free of charge except for the cost of the transmission of the refusal) the use of their contact details for the purposes of such direct marketing, at the time that the details were initially collected, and, where they did not initially refuse the use of the details, at the time of each subsequent communication.   All of these requirements will be met for all communications carried out in relation to marketing using the soft opt-in method.  All other data protection legislation, including the UK General Data Protection Regulation and the Data Protection Act 2018 will also be complied with.  There are no ethical issues relating to this processing activity. |

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| Part 2: Necessity test |

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

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| * 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? |
| It is necessary to carry out this marketing so that we can increase awareness of our services and continue to promote our services to customers who have already have a contract with us. This will increase interest in our services. |

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| 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.

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| **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? | |
| No special category personal data or criminal offence data will be processed for this processing activity.  The only personal data which will be processed is contact details already provided to us by the data subject.  No processing will take place in relation to children’s data or data relating to other vulnerable persons. | |
| **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? | |
| Individuals will have some relationship with us, as they are existing tenants.  The communication will include a link to our Privacy Notice and the recipients will be offered the option not to receive any further communications. Each subsequent marketing message will also provide the option to opt-out of any future marketing communications.  The method of using personal data in this manner is widely understood. We are not using any new or innovative techniques relating to 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? | |
| We would be happy to explain this processing to individuals.  No additional safeguards are needed as, if data subjects do not wish to receive the marketing materials, they will not receive any further direct marketing from us. | |
| 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.

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| Can you rely on legitimate interests for this processing? | | Yes / ~~No~~ |
| Do you have any comments to justify your answer? (optional)  The processing meets the legal requirements of PECR and other data protection legislation.  DPIA has been completed 10.12.24 | | |
| LIA completed by | T Knight DPO | |
| Date | 10.12.24 | |
| LIA approved by | M Loughin Ark HA | |
| Date | 10.12.24 | |

What’s next?

Keep a record of this LIA, and keep it under review.

Include details of your purposes and lawful basis for processing in your privacy information, including an outline of your legitimate interests.