

DPIA Appendix: Legitimate Interestst Assessment

1 Purpose Test

What is the legitimate interest behind the processing?

1.1 Why do you want to process the data?

To run competitions promoting TfGM interests in a transparent way by publishing names and residential location, or social media username of competition winners.

1.2 What benefit do you expect to get from the processing?

Engagement with the public on issues relating to public transport and our work in Greater Manchester, and complying with the guidance issued in the UK Code of Non-broadcast Advertising and Direct Promotional Marketing (CAP Code).

1.3 Do any third parties benefit from the processing?

Yes – participants in TfGM run competitions and prize draws.

1.4 How important are the benefits that you have identified?

We may not have engagement in the activity we want to promote, which is broadly beneficial to the travelling public and residents of Greater Manchester. It is also important that the competitions are run in a transparent way to ensure trust with those who do engage with us, and so that we are compliant with the CAP Code.

1.5 What would be the impact if you couldn't go ahead with the processing?

We would not be able to operate competitions or prize draws in a transparent manner or comply with the CAP Code.

1.6 Are you complying with any specific data protection rules that apply to your processing (e.g. profiling requirements, or e-privacy legislation?)

Individuals will be given the opportunity to object to their name and other information published as prize winners.

1.7 Are you complying with other relevant laws?

N/A

1.8 Are you complying with industry guidelines or codes of practice?

Yes – CAP Code

1.9 Are there any other ethical issues with the processing?

Competitions which have been entered by minors should where possible seek parental consent for the young person to enter the competition.

2 Necessity Test

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

2.1 Will this processing actually help you achieve your purpose?

Yes No

2.2 Is the processing proportionate to that purpose?

Yes No

2.3 Can you achieve the same purpose without the processing?

Yes No

2.4 Can you achieve the same purpose by processing less data, or by processing the data in another more obvious or less intrusive way?

Yes No

3 Balancing Test

You need to consider the impact on individuals' interests and rights and freedoms and assess whether this overrides your legitimate interests.

Nature of the Personal Data

3.1 Is it special category or criminal offence data?

Yes

No

3.2 Is it data which people are likely to consider particularly 'private'?

Yes

No

3.3 Are you processing children's data or data relating to other vulnerable people?

Yes

No

3.4 Is the data about people in their personal or professional capacity?

Personal

Professional

Reasonable expectations

3.5 Do you have an existing relationship with the individual?

Yes

No

3.6 What's the nature of the relationship and how have you used that data in the past?

In some cases competition or prize draws may be run based on an existing relationship such as being a customer who holds a particular type of travel pass, or subscribers to a particular newsletter.

3.7 Did you collect the data directly from the individual? What did you tell them at the time?

In all cases the data will have been collected directly from the individual, and they will have been told that their data would be used for the specific purpose they are providing it for.

3.8 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

3.9 How long ago did you collect the data? Are there any changes in technology or context since then that would affect expectations?

Depending on the competition, the data may have been collected either specifically for the competition in paper or electronic format, including social media. In the case of social media “like”/”comment”/”share” type competitions, these are widespread over social media platforms and there is an expectation by individuals that competitions in this way will be run simply, and prizes announced using individuals’ usernames by “tagging” them and asking them to contact the business to arrange collection of their prize. This announcement will be publicly available for other followers of the organisation.

In the case of prize draws run including individuals who are, say active users of a particular type of transport or travel pass, or newsletter sign up prize draws, the data may have been collected some time ago. The processing is low risk, as it will be done on a random basis, and prizes can be turned down if individuals are not happy about being included. Only those individuals who win a prize will have their name/location published, and they will be given the opportunity to object to this processing, which will be assessed on a case by case basis.

3.10 Is your intended purpose and method widely understood?

Yes

No

3.11 Are you intending to do anything new or innovative?

Yes

No

3.12 Do you have any evidence about expectations – e.g. from market research, focus groups or other forms of consultation?

N/A

3.13 Are there any other factors in the particular circumstances that mean they would or would not expect the processing?

See 3.9 above re social media competitions.

Likely impact

3.14 What are the possible impacts of the processing on people?

Data published will be limited to either a firstname or surname, and the district or town in which they live. In most circumstances this will make the individuals anonymous. If they do have an unusual name for that area, it is remotely possible that they could be placed at risk by having these details published. However, this is one of the reasons that they will be given an opportunity to object to the publication by presenting their concerns, which will be considered on a case by case basis.

3.15 Will individuals lose any control over the use of their personal data?

Yes

No

3.16 What is the likelihood and severity of any potential impact?

Very low likelihood but high severity – overall a low risk of potential impact.

3.17 Are some people likely to object to the processing or find it intrusive?

Yes

No

3.18 Would you be happy to explain the processing to individuals?

Yes

No

3.19 Can you adopt any safeguards to minimise the impact? What?

Data is to be minimised to a firstname or surname and the district or town in which they live. In most circumstances this will minimise the impact. If there is a residual risk of identification then an objection to publication may be upheld.

3.20 Can you offer individuals an opt out?

Yes

No

4 Decision making

4.1 Can you rely on legitimate interests for this processing?

Yes

No

4.2 Do you have any comments to justify your answer?

TfGM has legitimate interests in complying with the CAP Code by publishing names and partial addresses and/or social media usernames of the winners of competitions and prize draws we run to increase engagement with TfGM run initiatives. These legitimate interests are not covered by our public task, and do not interfere with the rights and freedoms of individuals. In the rare instances where individuals have a legitimate objection to the publication of limited data about them, then information will not be published, upholding the individuals' rights.

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