

## LEGITIMATE INTEREST ASSESSMENT

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**This Legitimate Interest Assessment has been carried out by Lancashire Archery Association on 15<sup>th</sup> January 2024**

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It is worth noting that while this LIA will help to determine if Legitimate Interests can be relied on, conclusions will be subjective and should be based on the experience and judgement of the individual or individuals completing the assessment.

- The LIA outcome should be documented as evidence and reviewed periodically, particularly where the criteria used in the assessment change materially in any way which could affect the outcome.
- This template was completed alongside the Data Protection Network's guidance on Legitimate Interests
- This Assessment can be modified to suit our own organisation, for example questions can be added as required from sector to sector.
- The LIA assumes that all other requirements relating to Article 5 of the GDPR (where applicable) have been satisfied. (**Article 5 GDPR** sets out all the guiding principles to be observed when processing personal data: lawfulness, fairness and transparency; purpose limitation; data minimisation; accuracy; storage limitation; integrity and confidentiality; and accountability.)
- Where possible, evidence should be provided.

***This template was provided by the Data Protection Network at:***

***<https://www.dpnetwork.org.uk/dpn-legitimate-interests-guidance/>***

A) IDENTIFYING A LEGITIMATE INTEREST

|   | Question   | Answer  | Guidance  |
|---|--|---|---|
| 1 | What is the purpose of the processing operation  | <b>The Administration of association tournaments, Have a Go, Taster and training shoots</b>   | The first stage is to identify to a Legitimate Interest – what is the purpose for processing the personal data?   |
| 2 | Is the processing necessary to meet one or more specific organisational objectives?  | <b>To offer the availability of tournaments, Have a Go, Taster and training shoots to the associations membership and membership of The Grand National Archery Society (aka Archery GB)</b>                                       | If the processing operation is required to achieve a lawful business objective, then it is likely to be legitimate for the purposes of this assessment. The focus when answering this question should be on your business objectives not the interests of your consumers.   |
| 3 | Is the processing necessary to meet one or more specific objectives of any Third Party?  | <b>Yes</b><br><b>Archery GB to recognise and award national records and ranking points and medals.</b>  | For this question, a Third Party is any organisation or individual with whom you may share data with for their own purposes. While you may only need to identify one Legitimate Interest for the purposes of an LIA – the interest that you are seeking to rely on it may be useful to list all apparent interests in the processing, those of you as the Controller, as well as those of any Third Party who are likely to have a Legitimate Interest. |
| 4 | Does the GDPR, ePrivacy Regulation or other national legislation specifically identify the processing activity as being a legitimate activity, subject to the completion of a balancing test and positive outcome? | <b>Yes</b>  | For example: Legitimate Interests might be relied on where an individual's (including client or employee) information is processed by a group of companies for the purposes of administration (Recital 48).   |
| 5 | Why is the processing activity important to the Controller?  | <b>It is in our legitimate interest to collect and store personal information from attendees at tournaments and other shooting events in order to provide the services associated with attendance at the tournament or event.</b> | A Legitimate Interest may be elective or business critical; however, even if the Controller's interest in processing personal data for a specific purpose is obvious and legitimate, based on the objectives of the Controller, it must be a clearly articulated and communicated to the individual.  |
| 6 | If applicable, why is the processing activity important to Third Parties the data may be disclosed to?   | <b>Archery GB needs the data to process claims for national records, ranking points and medal claims.</b>   | A Legitimate Interest could be trivial or business critical, however, the organisation needs to be able to clearly explain what it is. Some purposes will be compelling and lend greater weight to the positive side of the balance, while others may be ancillary and may have less weight in a balancing test. Consider whether your interests relate to a fundamental right, a public interest or another type of interest.                          |

## A) IDENTIFYING A LEGITIMATE INTEREST

|  | Question | Answer | Guidance   |
|--|----------|--------|--|
|  |          |        | <p>Just because the processing is central to what the organisation does, does not make it legitimate. It is the reason for the processing balanced against the potential impact on an individual's rights that is key.</p> <p>It is important to consider whose Legitimate Interests are being relied on. Understanding this will help inform the context of the processing. In combination with the reason the Personal Data is being processed, this information will determine the weight of the Legitimate Interest that needs to be balanced.</p> |

## B) THE NECESSITY TEST

|   | Question  | Answer  | Guidance   |
|---|---|---|--|
| 1 | Is there an alternative way to achieve the objective without conducting this processing activity? | <b>The use of Consent may be possible, but would require disproportionate effort to achieve, due to the make-up of the associations membership and attendees at any given event. Therefore there is no realistic alternative method to achieve the objective.</b> | <ul style="list-style-type: none"> <li>• If there isn't an alternative, then clearly the processing is necessary; or</li> <li>• If there is an alternative but it would require disproportionate effort, then the processing may still be necessary; or</li> <li>• If there are multiple ways of achieving the objective, then a Data Protection Impact Assessment should have identified the least intrusive means of processing the data which would be necessary</li> </ul> |

## C) THE BALANCING TEST

|   | Question  | Answer   | Guidance   |
|---|---|--|--|
| 1 | Would the individual expect the processing activity to take place?              | <b>We believe our members and members of Archery GB expect us to use their data to safely administer their attendance at association events.</b>   | If the individual would not expect the processing to take place, this could in particular override the Controller's interests. Consider the expectations of the individual, would this processing activity be within their reasonable expectations? Have they been informed? Consider including here any evidence you may have of their expectations that this processing would occur? |
| 2 | Does the processing add value to a product or service that the individual uses? | <p><b>This process adds value and convenience to the service, by retaining and managing their data we can offer information and updates relating the event the member is attending.</b></p> <p><b>The process also ensures that members are covered by our</b></p> | If the processing adds value for the individual this may strengthen the case for Legitimate Interest.  |

| C) THE BALANCING TEST |  |  |  |
|-----------------------|--|--|--|
|                       | Question   | Answer   | Guidance   |
|                       |  | <b>Public Liability Insurance.</b>   |  |
| 3                     | Is the processing likely to negatively impact the individual's interests and/or rights?                                      | <b>We believe that the processing will not negatively impact an individual's interests and/or rights as detailed in the adjacent guidance. And does not prevent data subjects exercising control over their personal data.</b>   | Consider here whether the processing could lead to discrimination, financial loss, reputational damage, loss of confidentiality or professional secrecy. Or any other economic or social disadvantage. (Please note this is not an exhaustive list). Does the processing prevent data subjects exercising control over their personal data? (See GDPR Recital 75). |
| 4                     | Would the processing limit or undermine the rights of individuals?   | <b>Processing will not limit or undermine the rights of individuals, now or in the future.</b>   | If processing would undermine or frustrate the ability to exercise those rights in future that might well affect the balance.  |
| 5                     | Is the processing likely to result in unwarranted harm or distress to the individual?  | <b>The processing is unlikely to result in unwarranted harm or distress to the individual.</b>   |  |
| 6                     | Would unwarranted harm or distress to the individual occur if the processing did not take place?                             | <b>There would be no unwarranted harm to the individual if the processing did not take place but there could be distress and financial expense to the individual.</b><br><br><b>If processing did not take place it would not be possible for a member to attend or benefit from attending the tournament / event.</b> | <i>NOTE: It would not be feasible for someone to join if the organisation holds no information on them. It would not be safe and it could also impact on an individual's insurance cover as they effectively wouldn't 'exist'".</i>  |
| 7                     | Would there be a prejudice to the Data Controller if processing does not happen?   | <b>There could be a negative organisational and reputational impact if attendance was refused due to none processing of data.</b>  | Would there be a negative organisational or commercial impact on the data controller if this processing were not to take place?  |
| 8                     | If applicable, would there be a prejudice to the Third Party if processing does not happen?                                  | <b>No</b>  | Would there be a negative organisational or commercial impact on a Third Party if this processing were not to take place?  |
| 9                     | Is the processing in the interests of the individual whose personal data it relates to?                                      | <b>Processing is in the interest of the individual, as this will allow members / attendees to be provided with information about the activities to which they are subscribing.</b>   | Focus your response on the customer and any potential benefits of this processing.   |
| 10                    | Are the interests of the individual aligned with the party looking to rely on their legitimate interests for the processing? | <b>The benefits to the individual include:</b><br><br><b>The administration of tournament / event attendance;</b>  | What are the benefits to the individual or to society?<br><br>If the processing is to the benefit of the individual, then it is more likely that Legitimate Interests can be relied on, as   |

C) THE BALANCING TEST

|        | Question  | Answer   | Guidance   |
|--------|---|--|--|
|        |   | <b>To inform members / attendees about the activity to which they have subscribed.</b>   | the individual's interests will be aligned with those of the Controller. Where the processing is more closely aligned with the interests of the Controller or a Third Party than with those of the individual, it is less likely that the interests will be balanced, and greater emphasis needs to be placed on the context of the processing and relationship with the individual.   |
| 1<br>1 | What is the connection between the individual and the organisation?   | <b>Existing members of the association and / or members of Archery GB who are not members of the local association who wish to / are attending the tournament / event.</b>   | Identify the connection: <ul style="list-style-type: none"> <li>• Existing customer</li> <li>• Lapsed/cancelled customer</li> <li>• Employee or contractor</li> <li>• Business client</li> <li>• Prospect (never purchased goods or services)</li> <li>• Supplier</li> <li>• None of above</li> </ul>  |
| 1<br>2 | What is the nature of the data to be processed? Does data of this nature have any special protections under GDPR?   | <b>Only contact, gender, health and age related data will be processed in this manner.</b><br><br><b>Under Article 9 we ask if a member has any relevant health issues which could have a negative impact on their ability to safely participate in the sport of Archery. Therefore, processing of the data is necessary for the safety of members / attendees at the event.</b><br><br><b>Under Article 6 processing is necessary for compliance with a legal obligation to which the controller is subject; i.e. : safeguarding, members / attendees health and safety and parental or guardian consent.</b> | What types of personal data are being processed e.g. contact data, financial details etc.? Is it data relating to a child? If processing Special Categories of Personal Data, an Article 9 condition must be identified in addition to a lawful basis under Article 6.   |
| 1<br>3 | Is there a two-way relationship in place between the organisation and the individual whose personal information is going to be processed? If so how close is that relationship? | <b>For the purposes of administering association tournaments and events there is a one-off relationship between the association and the event attendees. However there is also ongoing mutual relationship between the organisation and its members via membership of the governing body.</b>  | Where there is an ongoing relationship, or indeed a more formal relationship, there may well be a greater expectation on the part of the individual that their information will be processed by the organisation. The opposite is also possible, but it does depend on the purpose of processing.<br><br>Consider the nature of the relationship, is it: <ul style="list-style-type: none"> <li>• Ongoing</li> <li>• Periodic</li> </ul> |

C) THE BALANCING TEST

|        | Question  | Answer  | Guidance  |
|--------|---|---|---|
|        |   | <b>And therefore, a greater expectation on the part of the individual that their information will be processed by the association.</b>  | <ul style="list-style-type: none"> <li>• One-off</li> <li>• No relationship, or relationship has effectively ceased</li> </ul>  |
| 1<br>4 | Has the personal information been obtained directly from the individual, or obtained indirectly?  | <b>All personal information will be collected directly from the individual, via event entry / application forms.</b>  | <p>Consider whether personal information has been collected:</p> <ul style="list-style-type: none"> <li>• Directly</li> <li>• Indirectly</li> <li>• A mix of both</li> </ul> <p>If the information was obtained directly from the individual then you should take due consideration of the Fair Processing Notice, the relationship with the individual and their expectations of use. If the data was collected directly and these factors are positive, then it may tip the balance in favour of the processing operation. Where Personal Data is not collected directly, there may need to be a more compelling Legitimate Interest to overcome this. It will also depend on the context of the processing and if the organisation has a two-way relationship with the individual.</p> |
| 1<br>5 | Is there any imbalance in who holds the power between the organisation and the individual?  | <b>No, the association ensures the interests and rights of the individual are protected. Attendees at association events are advised of their rights under GDPR.</b>  | If the organisation has a dominant position, this places more responsibility on the Controller to ensure that the interests and rights of the individual are protected. The Controller will need to consider how it addresses any imbalance of power to ensure individuals' rights are not impacted.  |
| 1<br>6 | Is it likely that the individual may expect their information to be used for this purpose?  | <b>Yes, the association believes attendees at tournaments and events expect us to use their data to administer their attendance. In line with the governing bodies Rules of Shooting and Shooting Administration Procedures</b> | <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> <li>• Not sure</li> </ul> <p>Given the relationship between the parties, services/products being provided, including the information notices available, would the individual reasonably expect or anticipate that their information would be used for those or connected purposes? The stronger the expectation, the greater the chances that Legitimate Interests can be relied on.</p>  |
| 1<br>7 | Could the processing be considered intrusive or inappropriate? In particular, could it be perceived as such by the individual or in the | <b>No, We believe attendees at a tournament / event expect us to use their data to administer their attendance. In conjunction with the governing bodies Rules of</b>   | Processing should not be unduly intrusive - intrusion into the private life of an individual may be justified based on the nature of the relationship or special circumstances. However, the greater the intrusion, perceived or otherwise, the   |

### C) THE BALANCING TEST

|    | Question   | Answer   | Guidance   |
|----|--|--|--|
|    | context of the relationship?   | <b>Shooting and Shooting Administration Procedures</b><br><br><b>As there is an expectation by attendees, we don't believe the process to be intrusive or inappropriate.</b>   | more overwhelming the Legitimate Interest should be and the more the rights of the individual must be considered within the balance. Consider here the way the data is processed (e.g. large scale, data mining, profiling, disclosure to a large number of people or publication).  |
| 18 | Is a Fair Processing Notice provided to the individual, if so, how? Are they sufficiently clear and up front regarding the purposes of the processing? | <b>A fair processing notice is included within the Data Protection Policy together with an information notice included on the tournament / event application / entry form.</b> | Remember that the more unusual, unexpected or intrusive the processing, the greater the importance of making the individual aware of the processing. Particularly where Legitimate Interests are to be relied on.  |
| 19 | Can the individual, whose data is being processed, control the processing activity or object to it easily?   | <b>Yes. All members are free to use all of their rights under GDPR.</b>  | <ul style="list-style-type: none"> <li>• Yes (cover how you do this in the next section on "Mitigation and Compensating Controls")</li> <li>• No</li> <li>• Partly</li> </ul> <p>Giving the individual increased control or elements of control may help a Controller rely on Legitimate Interests where otherwise they could not. If individual control is not possible or not appropriate, explain why.</p>  |
| 20 | Can the scope of the processing be modified to reduce/mitigate any underlying privacy risks or harms?  | <b>Yes</b>   | <p>If yes (cover how you intend to do this in the next section "Mitigation and Compensating Controls")</p> <p>This is a similar concept to a Data Protection Impact Assessment. Where a DPIA might identify potential privacy harms it also allows the organisation to mitigate the risk of non-compliance by adapting or altering the scope of the activity. The same is true for an LIA. If you conclude that the processing presents a privacy risk to the individual, the processing can be limited or adapted to reduce the potential impact.</p> |

### D) SAFEGUARDS AND COMPENSATING CONTROLS

|   | Question                               | Answer   | Guidance   |
|---|--|--|--|
| 1 | What existing safeguards are in place? | <b>As we only process necessary details, thus reducing the risks of negative impacts. We will also restrict access to the data, detail</b> | Safeguards include a range of compensating controls or measures which may be put in place to protect the individual, or to reduce any risks or potentially negative impacts of processing. These are likely to have been |

## D) SAFEGUARDS AND COMPENSATING CONTROLS

|   | Question                                     | Answer   | Guidance   |
|---|--|--|--|
|   |  | <p><b>our retention periods and when necessary improve security methods used to protect data.</b></p> <p><b>The association has policies and procedures to comply with applicable law.</b></p> <p><b>The association keeps personal data no longer than is absolutely necessary and stores personal data securely.</b></p> | <p>identified via a Privacy Impact Assessment conducted in relation to the proposed activity. For example: data minimisation, de-identification, technical and organisational measures, privacy by design, adding extra transparency, additional layers of encryption, multi-factor authentication, retention, restricted access, opt-out options. , hashing, salting, and other technical security methods used to protect data.</p> <p>Please include a description of any compensating controls that are already in place, or will be put in place, to preserve the rights of the individual.</p> |
| 2 | Will any further safeguards be put in place? | <b>We will continue to review and improve safeguards as/or when risks are identified.</b>  |  |

## E) REACHING A DECISION AND DOCUMENTING THE OUTCOME

| Outcome of Assessment:   | Guidance  |
|--|---|
| <p><b>Having carried out the above balancing test and LIA we believe that the policies and procedures we have put in place will ensure that our legitimate interests are not overreached by the rights of individuals whose personal data we will process.</b></p> <p><b>It is in our legitimate interest to collect and store personal information from attendees at our tournaments and events in order to provide the services and safeguards associated with attendance.</b></p> <p><b>We believe members expect us to use their data in the way described, when they apply to participate in an association tournament or event..</b></p> <p><b>We therefore believe that this organisation is able to rely on Legitimate Interests for the processing operation.</b></p> | <p>Using the responses above now document if you believe you are able to rely on Legitimate Interests for the processing operation. Please explain, perhaps using bullet points, why you are, or are not, able to rely on this legal basis. You should draw on the answers you have provided in this questionnaire.</p> |
| <b>Signed by:</b> <i>A. G. Burrows</i>   | <b>Role:</b> <i>Chairman</i>  |
| <b>Dated:</b>  |   |
| <b>Review date:</b>  |   |



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| V1.0D                             | 15 <sup>th</sup> January 2024           | G. Burrows             | Draft Document.<br>This Legitimate Interest Assessment has been undertaken to assess the viability of using this Legal Basis to process contact details of attendees at association tournaments and events. |
| V1.1D                             | 24 <sup>th</sup> January 2024           | T. Dodd                | Corrected typographical errors  |