

Preston Park u3a

NOTICE OF LEGITIMATE INTERESTS

Legitimate interests is one of the six lawful bases for processing personal data. You must have a lawful basis in order to process personal data in line with the ‘lawfulness, fairness and transparency’ principle.

Legitimate interests is different to the other lawful bases as it is not centred around a particular purpose (e.g. performing a contract with the individual, complying with a legal obligation, protecting vital interests or carrying out a public task), and it is not processing that the individual has specifically agreed to (consent). Legitimate interests is more flexible and could in principle apply to any type of processing for any reasonable purpose.

Because it could apply in a wide range of circumstances, it puts the onus on you to balance your legitimate interests and the necessity of processing the personal data against the interests, rights and freedoms of the individual taking into account the particular circumstances. This is different to the other lawful bases, which presume that your interests and those of the individual are balanced.

Showing that you have a legitimate interest does mean however that you (or a third party) must have some clear and specific benefit or outcome in mind. This however is helpful as it should point clearly to what data you need to process.

The key elements of the legitimate interests provision can be broken down into a three-part test. It makes most sense to apply this as a test in the following order:

- **Purpose test** – is there a legitimate interest behind the processing?
- **Necessity test** – is the processing necessary for that purpose?
- **Balancing test** – is the legitimate interest overridden by the individual’s interests, rights or freedoms?

The UK GDPR does not define what factors to take into account when deciding if your purpose is a legitimate interest. It could be as simple as it being legitimate to start up a new business activity, or to grow your business.

Because the term ‘legitimate interest’ is broad, the interests do not have to be very compelling (although in some instances they may be) and it does not rule out interests that are more trivial. An interest that could be seen as trivial or controversial could still be a legitimate interest for these purposes, although be aware they are more easily overridden in the balancing test or if the data subject objects under Article 21.

Showing that you have a legitimate interest does mean however that you (or a third party) must have some clear and specific benefit or outcome in mind. It is not enough to rely on vague or generic business interests. You must think about specifically what you are trying to achieve with the particular processing operation.

Version No	Date	Approved by	Approved on	Next Review
1	September 2025	PPu3a Committee	October 2025	September 2026