

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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- Naijalink wants to process the data to connect existing and new contacts for mutually beneficial partnerships and continue sending the newsletter to the existing mailing list.
 - Naijalink expects to benefit from increased sales and brand awareness.
 - The data subjects will benefit because they will have mutually beneficial business partnerships and they will continue to receive the newsletter and information pertaining to them that they have been receiving.
 - There are no wider public benefits
 - The benefits are very important, without these connections/introductions some businesses may not thrive. People may lose their jobs and fantastic small businesses disappear.
 - The impact would be decreased sales with subsequent risk to the small business' long-term future. They are usually looking to expand, but if we can't connect them to the right people or businesses, this will be under threat. All data protection rules and PECR are being followed. All newsletters have an unsubscribe option on them and are managed through Mail Chimp.
 - All relevant laws are being complied with.
 - There are no relevant industry guidelines or codes of practice.
 - There are no ethical issues with the 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?
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- This processing will definitely achieve the purpose.
 - The processing is entirely proportionate to the purpose.
 - There is no other way to achieve the same purpose without the processing.
 - Naijalink processes the minimum of data to achieve the purpose.

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?

- There is no special category or criminal offence data involved.
- Some may consider 'private', as it involves email addresses and phone numbers.
- Naijalink isn't knowingly processing children's data or that of vulnerable people.
- The data is about people in their personal 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?

- The data subjects have either previously opted in to receive the newsletters by an affirmative action but, while the process was compliant under the DPA 1998, it isn't under GDPR as not all the information about the controller was there. Alternatively, they have previously used Naijalink or attended an event organised by Naijalink.
- The data was collected directly from the individual
- Not applicable re third parties.
- The data was mainly collected within the last 10 years. The list was cleansed regularly to ensure relevance and accuracy. There are no changes in technology or context since then that would affect their expectations.
- The intended purpose and method is widely understood.
- Naijalink is not intending to do anything new or innovative other than change the purpose from consent to legitimate interest.
- No there are no other factors

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?

- Individuals will not lose any control over the use of their personal data.
- The likelihood of potential impact and the severity is very low
- Naijalink is very happy to explain the processing to the individuals.
- Safeguards adopted include seeking professional advice from a GDPR practitioner at every stage including defining strategy, appropriate security, organisational and technical measures.

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.

Can you rely on legitimate interests for this processing?	Yes / No
Do you have any comments to justify your answer? (optional)	
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Date	20/01/2021

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.