

This legitimate interests assessment utilises the ICO template designed to help to decide whether or not the legitimate interests basis is likely to apply to processing. It has been used alongside ICO [legitimate interests guidance](#).

Part 1: Purpose test

- Why do you want to process the data?
To circulate information and news likely to be useful to voluntary and community sector (VCS) organisations.
- What benefit do you expect to get from the processing?
This is a fundamental part of our organisation's social purpose and latterly an agreed activity to qualify for grant funding from Kent County Council (KCC) via Stronger Kent Communities (SKC).
- Do any third parties benefit from the processing?
This contributes to both KCC meeting its declared intentions to support the VCS in Kent and SKC's agreed requirements for funding to inform the sector.
- Are there any wider public benefits to the processing?
The recipients of the circular are kept informed of news, events and relevant information to their activities and are offered to publicise their own activities using the same channel. Statutory and funding bodies also utilise this to communicate opportunities across the sector.
- How important are the benefits that you have identified?
As outlined above they are fundamental to the purposes of our organisation and SKC. Key importance is the efficiency of information circulation saving the recipients time and effort searching and/or missing opportunities. This enables them to give more focus to providing services to their community beneficiaries.
- What would the impact be if you couldn't go ahead with the processing?
Greatly reduced reach of our information which would only be accessible to the VCS through active and regular engagement with our website.
- Are you complying with any specific data protection rules that apply to your processing (eg profiling requirements, or e-privacy legislation)?
The only profiling activity is selection of recipients for specific information bulletins likely to be of interest to them based on their stated purposes.
- Are you complying with other relevant laws?
Yes, to our knowledge. All communications carry the option to discontinue contact and regular efforts and audits are made to keep data updated.
- Are you complying with industry guidelines or codes of practice?

We are not aware of specific guidelines or codes of practice. The nearest would relate to journalism. We make every effort to ensure accurate information is supplied to the recipients of our circulars and bulletins.

- Are there any other ethical issues with the processing?
Not to our knowledge.

Part 2: Necessity test

- Will this processing actually help you achieve your purpose?
Yes, for the reasons outlined in the purpose section above.
- Is the processing proportionate to that purpose?
Yes. We send our circular fortnightly to ensure that opportunities are not missed through delays and also to avoid excessive emails being sent.
- Can you achieve the same purpose without the processing?
Not without posting mail. This would make this service uneconomic and build in additional delays.
- Can you achieve the same purpose by processing less data, or by processing the data in another more obvious or less intrusive way?
The only way to process less data would be to reduce activity and size classifications making mailings more intrusive. The data held is publicly available via, for example, the Charity Commission, or has been supplied by the recipients

Part 3: Balancing test

We have used the [DPIA screening checklist](#) to ensure that we do not hit any of the triggers on that checklist requiring a DPIA instead to assess risks in more detail.

Nature of the personal data

- Is it special category data or criminal offence data?
No
- Is it data which people are likely to consider particularly 'private'?
No. The most private data we hold are residential addresses where individuals running voluntary organisations or groups do not have premises.
- Are you processing children's data or data relating to other vulnerable people?
No. It is known that some contacts have a vulnerability in common with the purpose of their activity but this data is not recorded about them.
- Is the data about people in their personal or professional capacity?

It is about people in their voluntary or professional capacity as leaders or key contacts in an organisation except where they have subscribed as an individual because of an interest in the VCS.

Reasonable expectations

- Do you have an existing relationship with the individual?
With the exception of more recent online applicants we have been supplying these circulars and bulletins for several years. Approximately 428 of recipients are those who have specifically signed up to an ongoing relationship with us and are covered by an opt-in. A further 2311 have a passive relationship with us but will include those who attend events we have notified. Our CRM has not recorded relationship data on this or answering queries for information.
- What's the nature of the relationship and how have you used data in the past?
The relationship with the bulk of recipients is only in relation to receiving and possibly responding to our information. 117 are fee paying subscribers who enjoy additional access to information on our website and funding bulletins.
- Did you collect the data directly from the individual? What did you tell them at the time?
All data has been collected directly from interested individuals in the course of their activities originally with KentCAN (the charity) and then transferred to KentCAN (the CIC). They would have been informed of our social purposes. This is not always specifically recorded where it has been provided on a face to face basis at networking events etc.
- 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?
Not applicable.
- How long ago did you collect the data? Are there any changes in technology or context since then that would affect expectations?
The data started to be collected in 2009. Whilst there have obviously been changes in technology since then the primary difference is that we do not contact people by post unless specifically commissioned and paid for by a recognised "Communicator" who would normally be a statutory body such as KCC or a health trust.
- Is your intended purpose and method widely understood?
We believe so. It is long established and clearly stated on our website.
- Are you intending to do anything new or innovative?
In recent months we have been sending out our information under the banner of SKC as part of our funding agreement with them. This has not occasioned any concern or drop out from our mailings. KentCAN is scheduled to close as a company and it is proposed that our data is transferred to Action for Rural Communities in Kent (ARCK) as part of our asset lock when it will become accessible to SKC as they are part of that consortium company. This transfer

will be for the purpose of continuing the supply of information as before. We would expect them to adopt the same assessment of legitimate interest and to update is as required if they intended to vary the purpose or methods of delivery e.g. introducing SMS.

- Do you have any evidence about expectations – eg from market research, focus groups or other forms of consultation?

We hold anecdotal information from service users and networking events that indicate our service is a welcome and trusted source of impartial information.

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

There are no other known considerations based on current processing. In order to ensure that recipients can continue to expect future processing we will be detailing our intentions to them and offering them the option to discontinue our holding and transferring of their data with reasonable notice.

Likely impact

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

Impacts are very limited by the nature of the data held and largely beneficial.

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

No data will be held unless provided by the data owner or in the course of their transactions.

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

The risks of negative impact are very low. Even in the event that the data was obtained illegally it would be limited in use unlikely to be more than is already in the public domain.

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

We do not believe so.

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

Yes, in full detail.

- Can you adopt any safeguards to minimise the impact?

We currently utilise secure online systems for data held and regular checks on returned mailings etc. Where emailings are returned we endeavour to contact the person the check whether they have simply changed their email or it has malfunctioned and whether they wish to continue receiving our communications. In the event of no response their data is deleted from our database.

Prior to transferring this data we will seek assurances from SKC that it will only be used for the purposes described above until such time as data owners are informed of any other intended purposes along with the option to discontinue communications.

Can you offer individuals an opt-out?

Yes

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
<p data-bbox="165 645 1129 683">Do you have any comments to justify your answer? (optional)</p> <p data-bbox="165 734 1445 947">I believe the nature of the supply of information that is likely be of direct interest without any ask or requirement on the recipient to respond is a low risk activity for the benefit of the VCS. The data held is, in the vast majority of cases, related to professional/voluntary activities known and advertised to the public.</p> <p data-bbox="165 1003 1417 1171">The continued efforts to make this an opt-in service (achieved with all those 428 with a direct relationship) and clear option to discontinue both receipt of communications and holding of contact details provides individuals with sufficient control of the use of their data.</p> <p data-bbox="165 1227 1398 1305">Transfer of this data will be carefully explained to all involved with the clear option to discontinue and the request to opt-in.</p>	
LIA completed by	Jane Roberts – Chair of KentCAN
Date	16 th October 2018

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.