

# GDPR: Processing data under legitimate interests

When considering the lawful basis for processing data that is most suitable for B2B marketing and sales, many companies might be attracted to choosing legitimate interests. You need to remember that if you have decided to use legitimate interests as your lawful basis for processing personal data, there is a strict process that you need to follow.

In order to be fully GDPR compliant when processing personal data under legitimate interests, make sure you tick all the boxes of this essential checklist:

- We have checked that legitimate interests is the most appropriate basis.
- We understand our responsibility to protect the individual's interests.
- We have conducted a legitimate interests assessment (LIA) and kept a record of it, to ensure that we can justify our decision.
- We have identified the relevant legitimate interests.
- We have checked that the processing is necessary and there is no less intrusive way to achieve the same result.
- We have done a balancing test, and are confident that the individual's interests do not override those legitimate interests.
- We only use individuals' data in ways they would reasonably expect, unless we have a very good reason.
- We are not using people's data in ways they would find intrusive or which could cause them harm, unless we have a very good reason.
- If we process children's data, we take extra care to make sure we protect their interests.
- We have considered safeguards to reduce the impact where possible.
- We have considered whether we can offer an opt out.
- If our LIA identifies a significant privacy impact, we have considered whether we also need to conduct a DPIA.
- We keep our LIA under review, and repeat it if circumstances change.
- We include information about our legitimate interests in our privacy notice.

For further information visit [www.ico.org.uk](http://www.ico.org.uk)

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