

Simply Clicks – GDPR Legitimate Interests Assessment

Part 1: Purpose test

You need to assess whether there is a legitimate interest behind the processing.

1. Why do you want to process the data?
2. What benefit do you expect to get from the processing?
3. Do any third parties benefit from the processing?
4. Are there any wider public benefits to the processing?
5. How important are the benefits that you have identified?
6. What would the impact be if you couldn't go ahead with the processing?
7. Are you complying with any specific data protection rules that apply to your processing (eg profiling requirements, or e-privacy legislation)?
8. Are you complying with other relevant laws?
9. Are you complying with industry guidelines or codes of practice?
10. Are there any other ethical issues with the processing?

Answers:

1. To make our website and related marketing more effective.
2. To be able to target prospects with the highest propensity to become customers.
3. Not directly. However, we aim to generate business via programmes such as Google Adwords. Therefore, Google gain an indirect benefit.
4. People who present poorer prospects would receive fewer marketing messages.
5. Minor.
6. We would waste marketing resources, time and money.
7. Yes. We give website visitors the opportunity to opt out of cookies. We have also advised how they can use online sources and tools to achieve the same object.
8. Yes.
9. Yes.
10. No.

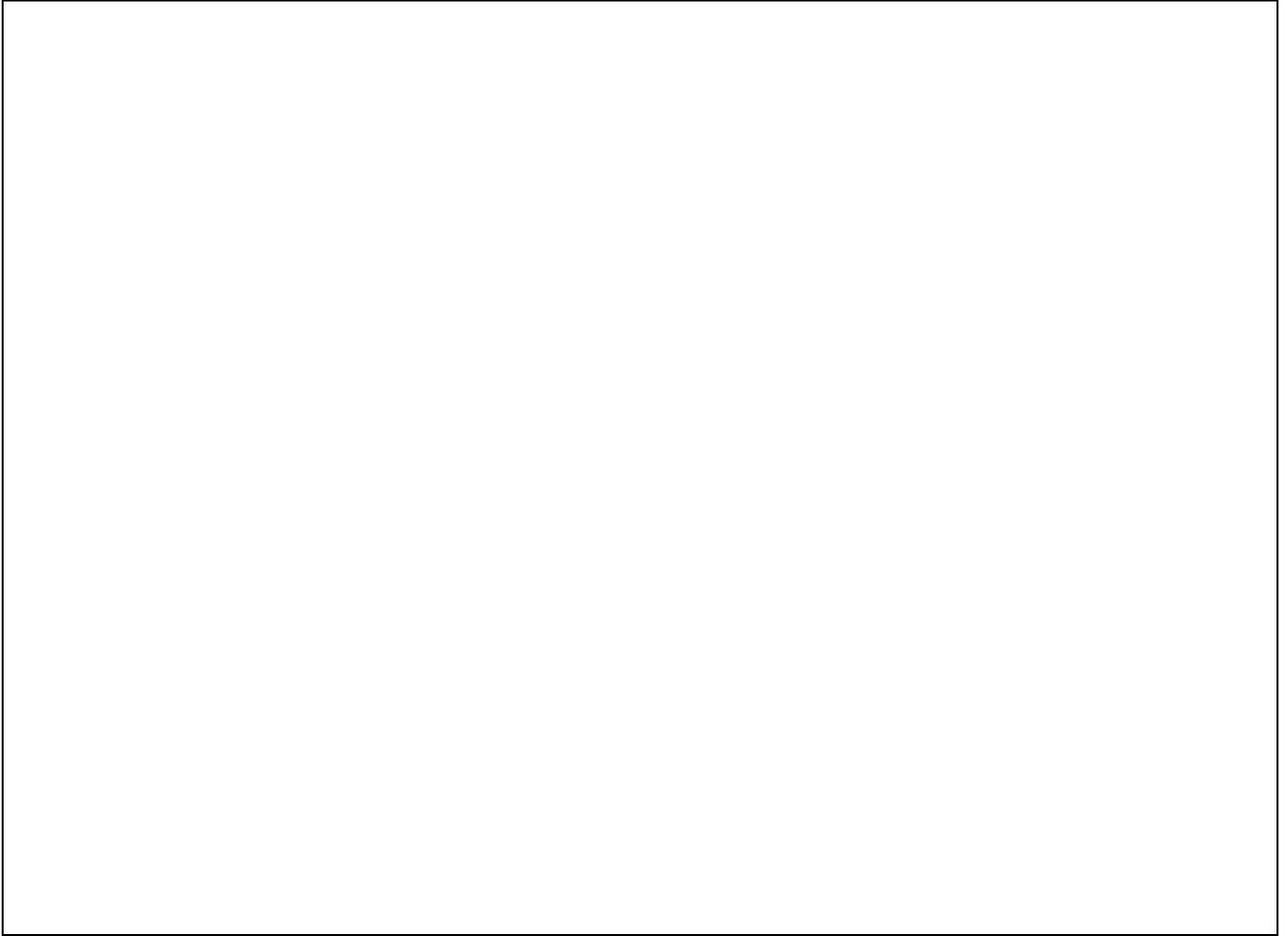
Part 2: Necessity test

You need to assess whether the processing is necessary for the purpose you have identified.

1. Will this processing actually help you achieve your purpose?
2. Is the processing proportionate to that purpose?
3. Can you achieve the same purpose without the processing?
4. Can you achieve the same purpose by processing less data, or by processing the data in another more obvious or less intrusive way?

Answers:

1. Yes. Our track record demonstrates this.
2. Yes. We target and attract B2B visitors.
3. It would be very difficult and rely on guesswork.
4. No.



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.

Nature of the personal data

1. Is it special category data or criminal offence data?
2. Is it data which people are likely to consider particularly 'private'?
3. Are you processing children's data or data relating to other vulnerable people?
4. Is the data about people in their personal or professional capacity?

Answers:

1. No.
2. Most of the time we are relying on IP addresses. They may consider their email address or phone number private. We only gain access to these once an enquiry has been received.
3. No.
4. Only their professional or business capacity and activity.

Reasonable expectations

1. Do you have an existing relationship with the individual?
2. What's the nature of the relationship and how have you used data in the past?
3. Did you collect the data directly from the individual? What did you tell them at the time?
4. 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?
5. How long ago did you collect the data? Are there any changes in technology or context since then that would affect expectations?
6. Is your intended purpose and method widely understood?
7. Do you intend to do anything new or innovative?
8. Do you have any evidence about expectations – e.g. from market research,

focus groups or other forms of consultation?

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

Answers:

1. Sometimes. If they are an existing customer or have previously enquired.
2. As a client commissioning digital marketing services.
3. Only if they have submitted an enquiry form, email or made a phone call. They can read our website privacy statement. Our email responses also include details of data use.
4. The only third parties used are Google and Statcounter. They are global businesses used on millions of websites and have their own GDPR and E-Privacy systems and regulations.
5. Typically, when someone first uses our website. This could be as long ago as 2006 if they enquired about our services.
6. Yes. We are targeting business professionals that have an interest in our marketing services.
7. We may extend our marketing activities to a wider range of pay per click platforms, semi-automated email based on CRM and social media.
8. No. We are relying on industry norms and any contact we have had with clients.
9. Only potential customers' lack of knowledge regarding the ability to track website usage.

Likely impact

1. What are the possible impacts of the processing on people?
2. Will individuals lose any control over the use of their personal data?
3. What is the likelihood and severity of any potential impact?

<p>4. Are some people likely to object to the processing or find it intrusive? 5. Would you be happy to explain the processing to individuals? 6. Can you adopt any safeguards to minimise the impact?</p>	
<p>Answers:</p> <ol style="list-style-type: none"> 1. They may receive targeted marketing messages on a periodic basis. Perhaps once or twice per year. 2. No. Only if an organisation such as Google or Statcounter chooses to break GDPR guidelines. 3. I am not able to say. Even the largest organisations have the occasional data breach. 4. Possibly. We have described possible opt-outs in a privacy policy. 5. Yes. 6. Most of our data is stored on the Cloud by organisations such as Google or Yahoo. We will rely on any remedies they provide. 	
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
Do you have any comments to justify your answer? (optional)	
LIA completed by	David Burdon
Date	20 th April 2018

We have included details of our purposes and the lawful basis for processing on our website privacy page, including an outline of our legitimate interests. This can be found here:

<http://www.simplyclicks.com/Privacy-Statement.html>