



Holly Hill Primary School

Privacy Notice (D2.7) version 3

Marketing activities additional information D2.7b

LEGITIMATE INTERESTS ASSESSMENT Marketing

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?

Schools sometimes use students' images or comments in promotional materials, for example school prospectus'. This is to promote the school and provide prospective pupils and parents with information about the school.

Whilst the student attends the school, consent will be sought from them or their parent where they do not have capacity to consent themselves. Once a student has left the school, if the material is still in circulation, we will rely on our legitimate interests for the continued processing of the personal data.

In most cases we would not be able to identify where the personal data used in publications is held. In the event of consent being withdrawn, and the right to erasure exercised, we could not guarantee that we could delete the personal data as we would no longer know where every copy is held. This is made clear to pupils and parents at the point of consenting to the processing and is clearly referenced in our privacy notice.

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?

The processing will meet our objective. The personal data is minimised. In many cases pupils are not named and only their images used, however in some cases, for example news coverage of a school event, names may be used with the consent of the pupils or parents.

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?

Because this processing is likely to include images of school children, we have considered whether some of the personal data will be special category as it may provide a clue to the ethnicity or religion of a pupil. However, we do not believe this is likely, and where it may occur, it is unlikely to create risk for the pupil. The data would not have been used initially without the consent of the pupil or parent, and it is only processed based on our legitimate interests once the pupil has left the school.

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?	
At the point of collection, the student or their parent would have consented to the processing. Once the pupil leaves the school it becomes more difficult for the school to contact the pupil or parents to refresh their consent. For this reason, we believe we should then cease to rely on their consent and instead rely on legitimate interests as our basis for any continued processing. Once the prospectus or other publication has been superseded it is likely the school would wish to retain the information as a matter of public interest.	
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?	
Whilst the school cannot control any material used in marketing publications once it has been disseminated, this is explained to pupil/parents when seeking consent. It is unlikely that this processing would have any negative impacts on the pupils as this would have been identified with them/their parent when consent was sought, and any issues addressed.	
Can you offer individuals an opt-out?	No

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
The personal data was originally processed based on the consent of the pupil/parent. It was made clear at the time of collection and via our privacy notices that once disseminated it was likely that should they withdraw consent and exercise their right to erasure we would be unable to locate all copies. We are only relying on legitimate interest where the pupil has left the school and it is no longer possible for us to refresh or rely on their consent. It is highly unlikely that any risk is created for pupils through this processing.	
LIA completed by	Holly Hill Primary School
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