

Legitimate interests assessment: phone call recording

Your name and contact details	Neil Brown
Brief overview of the project	The recording of phone calls to and from decoded:Legal.
Date of completion	18 th June 2018

	Question	Circle each answer that applies	What you need to do
Initial checks			
1	Are you going to be processing personal data? (Personal data is any information relating to an identified or identifiable natural person, such as a client, prospective client, or website visitor)	Yes	Okay, carry on.
		No	Stop — you do not need to complete this document.
2	Does the processing involve data about any of the following: <ul style="list-style-type: none"> - racial or ethnic origin - political opinion - religious or philosophical beliefs - trade union membership - health or data concerning a natural person's sex life or sexual orientation - genetic data 	Yes	Processing this type of data needs an additional basis other than “legitimate interests”. Check this now.
		No	Okay, carry on.

	<ul style="list-style-type: none"> - biometric data for the purpose of uniquely identifying a natural person - criminal offences or convictions 		
Identifying a legitimate interest			
3	Please describe the purpose of this activity? What is it trying to achieve?	The recording of phone calls made to and from decoded: Legal, to create a record of verbal conversations as (a) evidence of what was said (e.g. in the case of conversations with insurance providers) and (b) to replay conversations when preparing legal advice.	
4	Is it for your benefit, or someone else? If not you, who?	Both for our benefit (evidence of what was said), and for our clients' benefit (avoid having to repeat things).	
5	How does it benefit you / someone else?	As above.	
6	Is the proposed activity any of the following? <ul style="list-style-type: none"> - Illegal or in breach of any laws - unethical, or likely to be seen as such if the project was disclosed in detail by the media 	Yes	Stop. You will not be able to carry out this activity on the basis of "legitimate interests".
		No	Okay, carry on.

7	Is it one of the following activities: <ul style="list-style-type: none"> - direct marketing (but note you may still require consent) - ensuring the security or resilience of IT systems - fraud prevention 	Yes	Jump to question 11.
		No	Okay, carry on.
8	How important is the activity?	Quite important: it would be nice to do this, but does not matter too much	0
		Important: there is a strong business justification for doing this	5
		Really important: you will suffer significant damage or harm if you do not do this	10
Is the activity “necessary”?			
9	Will the processing activity achieve the purpose?	Yes, it is guaranteed	Okay, carry on.
		Probably: it is not guaranteed, but there’s a strong chance it will	Okay, carry on.

		Possibly: it is not guaranteed, but it might	Stop. You'll need to find another basis for the activity, as you cannot be sure enough that it will achieve the purpose for it to be "necessary for our legitimate interests".
		No	Stop. You'll need to find another basis for the activity, as it is not "necessary for our legitimate interests".
10	Could you achieve the purpose above in a way which uses less or no personal data, or by processing it in a less intrusive way?	Yes	Stop. You'll need to go down that route instead, if you want to do it on a "legitimate interests" basis. Revise your plan, and put the new plan through this exercise.
		No	Okay, carry on.
Do our interests outweigh those of the data subject(s)?			
Transparency			
11	Is the type of activity listed in the relevant privacy notice?	Yes	Jump to question 13.
		No	Okay, carry on.
		I don't know	Go and check, then answer this question again.
12	Is this an emergency, where the processing will be limited solely to dealing with the emergency?	Yes	Okay, carry on.
		No	Stop. You cannot use "legitimate interests" here.
Impact			
13	Which of the following are data subjects	Employee, contractors or site visitors	-2
		Consumer customers	-2
		Website visitors or app users	-1
		Business customers	+0

14	Is the processing likely to harm or distress the data subject?	Yes	-4
		No	+0
15	Will the processing adversely impact or compromise the rights of the data subject(s)?	Yes	-4
		No	+0
16	Does the processing involve new technology, or is it otherwise intrusive?	Yes	-1
		No	+0
17	Does the processing enhance a product or service that the data subject uses?	Yes	+2
		No	+0
18	Is the processing in the best interests of the data subjects?	Yes	+2
		No	-2
19	Can the data subject easily stop the processing?	Yes	+2
		No	-2
20	If you asked a random sample of the data subjects "does what we want to achieve justify the processing we will be doing?", what would they say?	Definitely yes	+2
		Probably yes	+1
		Probably no	-2
		Definitely no	-2

Outcome

Add all the figures together (starting with the figure from question 8).

Write your total here: **12**

If the outcome is 0 or less, you are unlikely to be able to rely on the legitimate interests basis. If you can make changes to the scope of the activity to increase the score, please do so, and complete this assessment again.

If the outcome is 1 or higher, you are likely to be able to carry out the activity in reliance on the “legitimate interests” basis. However, the lower the number, the riskier this is.