**Guidance**

* This document consists of this Guidance on page 1, followed by a LIA Template from page 2. **The template has been partially completed but requires you to add/amend details where highlighted.**
* This template is to help you decide whether legitimate interests is appropriate as a lawful basis for processing personal data about Year 11 Leavers. It should be used alongside the ICO’s [legitimate interests guidance](https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/lawful-basis/a-guide-to-lawful-basis/lawful-basis-for-processing/legitimate-interests/).
* The LIA template comprises 3 parts:

1. **Purpose test**: are you pursuing a legitimate interest?
2. **Necessity test**: is the processing necessary for that purpose?
3. **Balancing test**: do the individual’s interests override the legitimate interest?

* In many cases a legitimate interest is clear such as using personal data to improve working arrangements; however, it is not enough to rely on vague business interests. You must demonstrate what you are trying to achieve by using personal data and show why it is necessary and fair.

*Please note:*

1. Public authorities may only rely on legitimate interests if they are processing for a legitimate reason other than performing their statutory tasks as a public authority.
2. Organisations are no longer required to complete a Legitimate Interests Assessment if the processing is necessary for the purposes of a ‘*recognised* legitimate interest’ and it meets a condition in Annex 1 of the UK GDPR[[1]](#footnote-1). There are five *recognised* legitimate interests where an LIA is not required:
   1. Sharing personal information with another organisation that has requested it from you because they need it for their public task or official functions
   2. To safeguard national security, protect public security or for defence reasons
   3. To respond to, or deal with, an emergency situation
   4. To prevent, detect or investigate crimes, including the apprehension and prosecution of offenders.
   5. To protect the physical, mental or emotional well-being of people who need extra support or protect them from harm or neglect.
3. Please see the ICO’s guidance [here](https://ico.org.uk/for-organisations/recognised-legitimate-interest-guidance) or speak to your DPO if you are unsure whether you need to complete a LIA.

**LIA Template for processing data about Y11 Leavers**

**[SCHOOL/TRUST NAME]**

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| **Assessment details** | |
| **Title of processing** | Year 11 Leaver’s Hoodies / Photos |
| **Description of processing** | We celebrate Year 11 leavers by   1. issuing hoodies with all the student names in Y11. 2. holding Leaver’s events where images are taken to celebrate the events. |
| **Name of assessor(s)** | INSERT NAME |
| **Date of assessment** | INSERT DATE |

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| **Part 1: Purpose Test – is there a legitimate interest behind the processing?** | |
| 1. Why do you want to process the data? | We want to celebrate the Year 11 student’s time at the school. The students are also keen to do so. |
| 1. What benefit do you expect to get from the processing? | To publicise the school and our Year 11 cohort. |
| 1. Do any third parties benefit from the processing? | Students will be able to look at their classmates’ names and images in future years. |
| 1. Are there any wider public benefits to the processing? | No other than for parents/families’ benefits |
| 1. How important are the benefits that you have identified? | For student’s continued wellbeing for all their hard work whilst at the school |
| 1. What would the impact be if you couldn’t go ahead with the processing? | We would have to proceed on the basis of consent, and some may not get the forms back in time and miss the opportunity. |
| 1. Are you complying with any specific data protection rules that apply to your processing (e.g. profiling requirements, or e-privacy legislation)? | Lawful basis for processing, transparency and fairness (via Privacy Notices, and data subject’s rights (they can object) |
| 1. Are you complying with other relevant laws? | No |
| 1. Are you complying with industry guidelines or codes of practice? | No |
| 1. Are there any other ethical issues with the processing? | We will be considering whether we have any vulnerable students where the use of their full name on a hoodie or use of their image would pose a significant risk – we will also consider whether we have any Y11 students who have not consented for the use of their photos for promotional purposes. |

| **Part 2: Necessity Test - is the processing necessary for the purpose identified?** | |
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| 1. Will this processing help you achieve your purpose? | Yes this is the only way we can do it, unless we ask parents for their consent |
| 1. Is the processing proportionate to that purpose? | We consider the processing proportionate and the students are expecting it (as previous year groups have had similar processing) and will be informed |
| 1. Can you achieve the same purpose without the processing? | No |
| 1. Can you achieve the same purpose by processing less data, or by processing the data in a more obvious or less intrusive way? | We could simply issue hoodies but without any names, but we (and students) would like it to be more personal. Likewise, we could not take any photos of any leaver’s events. |

| **Part 3: Balancing Test - Does the impact on individuals override your legitimate interests?** | |
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| **3.1 Nature of the personal data** | |
| 1. Is it special category data or criminal offence data? | No |
| 1. Is it data which people are likely to consider particularly ‘private’? | Students and parents expect a level of privacy with all personal data we process. However, in this instance they have voiced their approval for this to proceed. |
| 1. Are you processing children’s data or data relating to other vulnerable people? | Yes this is children’s/young people’s data and will be their full name on a hoodie, and we will be considering whether we have any vulnerable students where the use of their full name on a hoodie or use of their image would pose a significant risk – we will also consider whether we have any Y11 students who have not consented for the use of their photos for promotional purposes. |
| 1. Is the data about people in their personal or professional capacity? | The data is full names of students on hoodies, and images of students at leavers events. |

| **Part 3: Balancing Test - Does the impact on individuals override your legitimate interests?** | |
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| **3.2 Reasonable expectations:** | |
| 1. Do you have an existing relationship with the individual? | Yes they are a student of the school |
| 1. What is the nature of the relationship and how have you used data in the past? | We have done this before with previous leavers. |
| 1. Did you collect the data directly from the individual? What did you tell them at the time? | Their data would have come across from their respective primary/other schools when they joined. We issue a Privacy Notice to Parents/Students to inform them of the types of processing we conduct at the school. |
| 1. 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? | Nothing received from third parties re hoodies. We may use a third-party photographer for leaver’s events. Should we do so, they will be bound by confidentiality and will have a Data Processing Agreement in place with them (as a data processor on behalf of the school). |
| 1. How long ago did you collect the data? Are there any changes in technology or context since then that would affect expectations? | When they joined the school (re full names). No changes in technology or context since then. |
| 1. Is your intended purpose and method widely understood? | Yes, this has been discussed with students and a formal PN will be issued to them and their parents to highlight they can still object. |
| 1. Are you intending to do anything new or innovative? | No |
| 1. Do you have any evidence about expectations – e.g. from market research, focus groups or other forms of consultation? | This is common practice in other schools. |
| 1. Are there any other factors in the circumstances that mean they would or would not expect the processing? | Only if there are students with a high level of vulnerability whereby the issuing of their name on a hoodie which could be viewed in public, or image publicised on the school website/social media/local press was a significant risk (consideration will be taken of any students who have not consented for photos). |

| **Part 3: Balancing Test - Does the impact on individuals override your legitimate interests?** | |
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| **3.3 Likely impact:** | |
| 1. What are the possible impacts of the processing on people? | Minimal |
| 1. Will individuals lose any control over the use of their personal data? | Their name will be on a hoodie which other students in their year group will also have; and they may be in shot in images published on the school website / social media / local press. |
| 1. What is the likelihood and severity of any potential impact? | Minimal |
| 1. Are some people likely to object to the processing or find it intrusive? | We will only know when we’ve issued the PN – no objections received to date so far. |
| 1. Would you be happy to explain the processing to individuals? | Yes, and we will do via a specific PN |
| 1. Can you adopt any safeguards to minimise the impact? | We would not name any students in full on any photos (website, social media, press) |

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| **Can you offer individuals an opt-out?** | Yes - We will issue a Privacy Notice to students and parents allowing highlighting to them they have the right to object. |

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| **Assessment decision** | |
| **Can you rely on legitimate interests for this processing?** | Yes/No (amend as necessary) |
| **Do you have any comments to justify your answer / reasons for decision?** |  |
| **Date of decision:** | INSERT DATE (DPO) |
| **Approved by:** | One West (Data Protection Officer) |
| **Date of approval:** | INSERT DATE (DPO) |

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| **Next steps** |
| Keep a record of this LIA and keep it under review.  Complete a DPIA (Data Protection Impact Assessment) if necessary.  Include details of your purposes and lawful basis for processing in your privacy information, including an outline of your legitimate interests. |

1. UK GDPR Article 6(1)(ea) As amended by Clause 70 of the Data (Usage and Access) Act 2025 [↑](#footnote-ref-1)