**Guidance: What is a Legitimate Interests Assessment (LIA)?**

* This document consists of this Guidance on page 1, followed by a LIA Template on page 2 onwards.
* This template is to help you decide whether legitimate interests is appropriate as a lawful basis for processing personal data. 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.

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| **Version** | **Date** | **Summary of changes** | **Author** |
| V1.0 | Jan 2020 | Initial | One West |
| V2.0 | Sep 2021 | Formatting changes | One West |
| V3.0 | Oct 2023 | Restructured to follow the ICO template | One West |
| V4.0 | Aug 2025 | Restructured to include a separate guidance document. Amended to reflect ‘Recognised Legitimate Interests’ under the DUAA 2025. | One West |

**Legitimate Interests Assessment (LIA)Template**

**[SCHOOL NAME]**

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| **Assessment details** | |
| **Title of processing** |  |
| **Description of processing** |  |
| **Name of assessor(s)** |  |
| **Date of assessment** |  |

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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? |  |
| 1. What benefit do you expect to get from the processing? |  |
| 1. Do any third parties benefit from the processing? |  |
| 1. Are there any wider public benefits to the processing? |  |
| 1. How important are the benefits that you have identified? |  |
| 1. What would the impact be if you couldn’t go ahead with the processing? |  |
| 1. Are you complying with any specific data protection rules that apply to your processing (e.g. profiling requirements, or e-privacy legislation)? |  |
| 1. Are you complying with other relevant laws? |  |
| 1. Are you complying with industry guidelines or codes of practice? |  |
| 1. Are there any other ethical issues with the processing? |  |

| **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? |  |
| 1. Is the processing proportionate to that purpose? |  |
| 1. Can you achieve the same purpose without the processing? |  |
| 1. Can you achieve the same purpose by processing less data, or by processing the data in a more obvious or less intrusive way? |  |

| **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? |  |
| 1. Is it data which people are likely to consider particularly ‘private’? |  |
| 1. Are you processing children’s data or data relating to other vulnerable people? |  |
| 1. Is the data about people in their personal or professional capacity? |  |

| **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? |  |
| 1. What is the nature of the relationship and how have you used data in the past? |  |
| 1. Did you collect the data directly from the individual? What did you tell them at the time? |  |
| 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? |  |
| 1. How long ago did you collect the data? Are there any changes in technology or context since then that would affect expectations? |  |
| 1. Is your intended purpose and method widely understood? |  |
| 1. Are you intending to do anything new or innovative? |  |
| 1. Do you have any evidence about expectations – e.g. from market research, focus groups or other forms of consultation? |  |
| 1. Are there any other factors in the circumstances that mean they would or would not expect the processing? |  |

| **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? |  |
| 1. Will individuals lose any control over the use of their personal data? |  |
| 1. What is the likelihood and severity of any potential impact? |  |
| 1. Are some people likely to object to the processing or find it intrusive? |  |
| 1. Would you be happy to explain the processing to individuals? |  |
| 1. Can you adopt any safeguards to minimise the impact? |  |

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| **Can you offer individuals an opt-out?** |  |

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| **Assessment decision** | |
| **Can you rely on legitimate interests for this processing?** |  |
| **Do you have any comments to justify your answer / reasons for decision?** |  |
| **Date of decision:** |  |
| **Approved by:** |  |
| **Date of approval:** |  |

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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 (Use and Access) Act 2025 [↑](#footnote-ref-1)