

Legitimate Interests Assessment (LIA) for the purposes of GDPR

Purpose

The purpose of this assessment is to consider whether Article 6(1)(f) of the General Data Protection Regulation (GDPR) is a sufficient basis for the processing of personal data held by the Irish Railway Record Society (the Society). This Article applies where:

“processing is necessary for the purposes of the legitimate interests pursued by the controller or a third party except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which requires protection of personal data, in particular where the data subject is a child”.

Assessment

The assessment takes account of:

- Email correspondence with the Data Protection Commission;
- Opinion 06/2014 on the legitimate interests of data controllers from the Article 29 Data Protection Working Party of the European Union;
- Guidelines from the UK Information Commissioner’s Office on a lawful basis for processing – legitimate interests (www.ico.org.uk).

A three part test is applied to establish if the legitimate interest provision in Article 6(1)(f) of GDPR is a sufficient legal basis for the processing of personal data held by the Society:

- Identify a legitimate interest;
- Show that the processing is necessary to achieve it;
- Balance it against the data subject’s interests, fundamental rights and freedoms.

Processing of Personal Data relating to Members

The Society holds and processes the following personal data in relation to its members: name, membership number, postal address, email address, date of birth (if under 21 to avail of a reduced membership fee), category of membership and method of payment (cash, cheque, Paypal etc.). The Society does not retain any personal financial information (such as account or card numbers) relating to its members. The personal data is used to enrol members, collect membership fees, give notice and provide information to members required by law and/or the Society’s constitution, send the Society’s Journal and other publications to members and inform them about Society events and activities. The personal data of members is **not** shared with or given to any third party but the Society may itself communicate with members about third party events, activities or publications relevant to the objects of the Society. Personal data is retained as long as a person remains a member of the Society and for a period of two years after they cease to be members, to enable them retain the option of re-applying for membership under Article 9(c) of the

Society's constitution. The persons primarily responsible for processing this personal data are the Hon. Membership Secretary and the Hon. Treasurer.

The Society has a **legitimate interest** in processing this personal data to enrol persons as members of the Society, collect membership fees, give notices required by law and/or the Society's constitution, communicate with them on Society and other activities related to the objects of the Society and their interests as members and send them copies of the Society's Journal and any other electronic or paper publications. The processing is **necessary** to enrol members, collect fees and subscriptions, communicate with them and send them Society publications and it is not feasible to do so in a less intrusive way. It achieves a necessary **balance** with the data subject's interests, fundamental rights and freedoms because:

- persons becoming members of the Society have a legitimate expectation that their personal data will be used for the purposes described above and we only process their data in a way that members would expect;
- only the minimum necessary amount of data is processed to enable the Society undertake the functions described above and it has a minimal privacy impact proportional to the benefits derived by members ;
- the functions described above cannot be satisfactorily discharged in another less intrusive way;
- we are not using the personal data in ways which members would find intrusive, violate their privacy or cause them harm;
- we have informed all our existing members, and will inform all our new members, of the personal data we process and of their rights under GDPR including the right to withdraw consent to the processing of their personal data;
- we also publish our Data Protection Policy on the Society's website which contains information on the rights of data subjects under GDPR including the right to withdraw consent;
- we do not share the personal data with third parties or allow it to be used for direct marketing.

In the light of this assessment, the Society has concluded as follows:

- Article 6(1)(f) of GDPR provides a legitimate basis for the processing of the personal data of members of the Society.
- This basis is not overridden by the interests and fundamental rights and freedoms of members.
- The giving of notices to members is additionally covered by Article 6(1)(c) as it is necessary to comply with the Society's legal obligations under the Companies Act 2014 and our own constitution.

Processing of Personal Data relating to Event Participants

Members of the Society and non-members may participate in Society events and activities (such as rail trips). The Society holds and processes the following personal data in relation to participants: name, membership number (if applicable), postal address, email address, telephone number and method of payment (cash, cheque, Paypal etc.). The Society does not retain any financial information (such as account or card numbers) relating to participants. The personal data is used to record payment and to communicate with participants about the event or activity and is deleted/disposed of in a secure manner following the event. However, in the case of non-members, their personal data may be retained solely for the purpose of communicating with them about future events, activities or publications relevant to the Society's objects. The persons primarily responsible for processing this personal data are the Hon. Programme Officer and the Hon. Treasurer.

The Society has a **legitimate interest** in processing this personal data to enable members and other persons participate in events, facilitate the organisation of the events, collect subscriptions and inform them of future similar events. The processing is **necessary** for these purposes and it is not feasible to do it in a less intrusive way. It achieves a necessary **balance** with the data subject's interests, fundamental rights and freedoms because:

- persons participating in Society events have a legitimate expectation that their personal data will be used for the purposes described above and we only process their data in a way that they would expect;
- only the minimum necessary amount of data is collected and processed to enable the Society undertake the functions described above and it has a minimal privacy impact proportional to the benefits derived by participants;
- the functions described above cannot be satisfactorily discharged in another less intrusive way;
- we are not using the personal data in ways which event participants would find intrusive, violate their privacy or cause them harm;
- we publish our Data Protection Policy on the Society's website which contains information on the rights of data subjects under GDPR including the right to withdraw consent;
- we do not share the personal data with third parties or allow it to be used for direct marketing.

In the light of this assessment, the Society has concluded as follows:

- Article 6(1)(f) of GDPR provides a legitimate basis for the processing of the personal data of event participants.
- This basis is not overridden by the interests and fundamental rights and freedoms of event participants.

- As an additional safeguard, we will ensure that the personal data of persons under eighteen years of age will only be collected and processed with the prior written consent of a parent or legal guardian.

Processing Personal Data for the Purposes of Public Health Contact Tracing

The Society collects contact tracing information from persons (members and non-members) attending its events or participating in its trips where this is required by law or recommended by public health authorities. We will usually only collect and process the person's name and a contact telephone number but may collect additional information if (a) this is required by law or recommended by public health authorities or (b) required by a third party (such as a venue provider or transport operator) whose services are being used by the Society. The personal data will only be shared with public health authorities where they request it for contact tracing purposes and will be deleted after not more than one month (or such longer period as may be required by law or recommended by public health authorities).

The Society has a **legitimate interest** in processing this personal data to enable it comply with law or the requirements or recommendations of public health authorities. The processing is **necessary** for these purposes and it is not feasible to do it in a less intrusive way. It achieves a necessary **balance** with the data subject's interests, fundamental rights and freedoms because:

- It is necessary for the protection of the health of persons attending Society events or participating in its trips, their families and the general public;
- only the minimum necessary amount of data is collected and processed to enable the Society comply with law or the requirements or recommendations of public health authorities;
- persons affected have a legitimate expectation that their personal data will be used for the purposes described above and will be informed of the specific purposes at the time of collection.

In the light of this assessment, the Society has concluded as follows:

- Article 6(1)(f) of GDPR provides a legitimate basis for the processing of the personal data of event participants.
- This basis is not overridden by the interests and fundamental rights and freedoms of event participants.

Processing of this data may also be necessary for compliance with a legal obligation to which the Society is subject, as is provided for in Article (6)(1)(d) of GDPR.

Processing of Personal Data of Journal Recipients and Event Invitees

A limited number of non-members receive copies of the Society's Journal on an ex-gratia basis. A limited number of persons are invited to attend Society events, particularly the annual dinner. The Society holds and processes the following personal data solely for these purposes: name, address and email address. The personal data is deleted/disposed of in a secure manner when they are no longer sent copies of the Journal or no longer invited to Society events. The persons primarily responsible for processing this personal data are the Hon. Membership Secretary and the Secretary.

The Society has a **legitimate interest** in processing this personal data to enable it send copies of the Society's Journal and extend invitations to attend events to senior executives in public bodies and the transport industry and to other persons who support or assist its activities. The processing is **necessary** to send the Journal, communicate invitations and record acceptances or regrets. It is not feasible to do it in a less intrusive way. It achieves a necessary **balance** with the data subject's interests, fundamental rights and freedoms because:

- recipients of the Journal and invitees of the Society have a legitimate expectation that their personal data will be used for the purposes described above and we only process that data in a way that they would expect;
- only the minimum necessary amount of data is collected and processed to enable the Society send the Journal, make and process invitations and it has a minimal privacy impact proportional to the benefits derived by invitees;
- the functions described above cannot be satisfactorily discharged in another less intrusive way;
- we are not using the personal data in ways which recipients and invitees would find intrusive, violate their privacy or cause them harm;
- we publish our Data Protection Policy on the Society's website which contains information on the rights of data subjects under GDPR including the right to withdraw consent;
- we do not share the personal data with third parties or allow it to be used for direct marketing.

In the light of this assessment, the Society has concluded as follows:

- Article 6(1)(f) of GDPR provides a legitimate basis for the processing of the personal data of recipients and invitees of the Society.
- This basis is not overridden by the interests and fundamental rights and freedoms of invitees.

Updating and Review of this Assessment

This assessment will be reviewed at the same time as the review of the Society's Data Protection Policy and more frequently if required to reflect best practice in data management, security and control and to ensure compliance with any amendments made to the Data Protection Acts and relevant EU legislation.

Originally Approved by the Board on 15 November 2018

Reviewed and Updated by the Board on 16 July 2020

Next Review Date: July 2022