

Data Technology – Legitimate Interests Assessment				
DataTechnology	LIA Name:	Direct Marketing (Business Development)		
	Completed By:	Isobelle Whitman	Issue Date:	16/03/20
	Owner:	Gus Machado	Issue No:	1.1

Document Purpose: To consider if the processing of personal data for business development to support the revenue growth of Data Technology is a legitimate interest as described in Article 6.1(f) of the EU General Data Protection Regulation. Whilst Recital 47 of the EU GDPR makes it clear direct marketing may be considered as a Legitimate Interest, Data Technology still needs to demonstrate that its Legitimate Interest does not override the interests or fundamental rights and freedoms of the data subject. Data Technology will also be relying on Legitimate Interests to communicate on a business to business basis via phone, post and to corporate email addresses that haven't unsubscribed from previous email campaigns as required by PECR.

## Part 1: Purpose Test

We need to assess whether there is a legitimate interest behind the processing.

- **Why do you want to process the data?**

Data Technology is a well-established business that provides Business Intelligence and Machine Learning solutions to customers and prospects.

Data Technology wants to process personal data to identify decision makers, who are in job roles that are likely to benefit from the products and services that we offer and:

- To communicate relevant messages and **promote our services by phone, email, LinkedIn and post to customers and prospective customers**. This could include communications about relevant products, services that they may find interesting or invitations to conferences and events that are relevant to them.

The personal data to be processed includes:

- Basic personal data at the decision maker's company, including name, job title, business address, telephone number(s) (Landline and Mobile), email address and social media profiles including LinkedIn.
- Information about the data subject's company, their role within it and who their colleagues are.
- Contact history information, about our business dealings with data subjects, such as what information we have sent them, details of their transactions with us, who at Data Technology knows them, and what meetings and events they have attended. It also includes their behaviour in response to our interactions with them, such as whether they have opened our emails, clicked on a link and attended an event.

To process the data we use the following platforms:

- Lusha - GDPR compliant tool for enriching B2B data with mobile phone numbers and emails.
- Adenzo - GDPR compliant tool for automating the process of sourcing and managing B2B data.

- **What benefit do you expect to get from the processing?**

It is in the interests of various Data Technology stakeholders that revenue growth objectives can be achieved. This includes Data Technology employees, so we can pay salaries and provide benefits. Other stakeholders include our customers and prospective customers who will only receive relevant messages as we are able to profile them based on job role, expertise, sector, location and company name. They will not, therefore, be impacted by messages that are not suitable for their job role.

- **Do any third parties benefit from the processing?**

No.

- **Are there any wider public benefits to the processing?**

Generating profits enables Data Technology to contribute to the economy by paying taxes in the UK, pay its staff and reward them for the great work they do and reward the company's stakeholders.

- **How important are the benefits that you have identified?**

The benefits of growing and making profits are essential to the achievement of Data Technology's objectives as a business.

- **What would the impact be if you couldn't go ahead with the processing?**

Our growth would be slower than is expected in our business plan and we would not be able to communicate the effectiveness of becoming a customer and using our products and services. We would need to adopt a more 'broadcast' approach to promoting our services as we wouldn't be able to target individuals directly which would not only be less effective but also potentially more intrusive.

- **Are you complying with any specific data protection rules that apply to your processing (e.g. profiling requirements, or ePrivacy legislation)?**

Data Technology will comply with current ePrivacy legislation (The Privacy & Electronic Communications Regulations 2003), including Corporate/Telephone Preference Service (C/TPS) screening and suppression of our in-house 'Do Not Call' list when making business development telephone calls. We will only send business development emails to potential customers (Public Limited Companies, Limited Companies and LLPs **not** individuals, Sole Traders or Partnerships) and we will include an unsubscribe/opt-out option for all business development emails. We also include a link to our privacy policy in every email where this Legitimate Interest Assessment can be found. We use certain profiling techniques in order to help us to understand our customers and prospective customers. This, in turn, helps us to understand which people might be interested in which of our services. Data Technology does not use automated decision-making or profiling to make any decisions that will significantly affect individuals.

- **Are you complying with other relevant laws?**

Data Technology complies with all UK legislation.

- **Are you complying with industry guidelines or codes of practice?**

Data Technology adheres to direct marketing industry guidelines issued by the Information Commissioner's Office (ICO).

- **Are there any other ethical issues with the processing?**

No. Data Technology would always ensure that we have a lawful basis for processing data. We will rely on our Legitimate Interest as a data controller to process personal data, as well any other contractual or legal obligations we have to process and share personal data.

## Part 2: Necessity Test

We need to assess whether the processing is necessary for the purpose we have identified.

- **Will this processing actually help you achieve your purpose?**

Yes. It is the most efficient and effective approach to ensure that we spend our budgets and assign our resources wisely.

- **Is the processing proportionate to that purpose?**

Yes. We are applying modern business development principles and best practice to ensure that we provide relevant and timely communications to decision makers at companies that are likely to require our products and services.

- **Can you achieve the same purpose without the processing, processing less data or by processing the data in another more obvious or less intrusive way?**

No. Data Technology would ideally like to spend large budgets on building our business development strategy and process so people are aware of our services and contact us directly. We have therefore elected to use email and direct marketing to promote our products and services to existing and prospective customers as we can control our budgets and ensure we are spending our budget as effectively and efficiently as possible. Data Technology minimises the data processed to only include basic business contact data. Data subjects are informed of the legal basis for processing via a privacy notice that is concise, transparent, intelligible, easily accessible using clear and plain language.

## Part 3: Balancing Test

We need to consider the impact on individuals' interests and rights and freedoms and assess whether this overrides our legitimate interests. We have used the [DPIA screening checklist](#). We have not hit any of the triggers so do not need to conduct a DPIA to assess risks in more detail.

Nature of the personal data
<ul style="list-style-type: none"><li>● <b>Is it special category data or criminal offence data?</b> No.</li><li>● <b>Is it data which people are likely to consider particularly 'private'?</b> No, the personal data is business contact data.</li><li>● <b>Are you processing children's data or data relating to other vulnerable people?</b> No.</li><li>● <b>Is the data about people in their personal or professional capacity?</b> Yes, the data is about people in their professional capacity.</li></ul>
Reasonable expectations
<ul style="list-style-type: none"><li>● <b>Do you have an existing relationship with the individual?</b> In many cases, Data Technology may not have a relationship with the individual data subject. For example, when we identify a decision-maker in a job role that is likely to require products and services that we offer. As expected, Data Technology has an existing relationship with our customers.</li><li>● <b>What's the nature of the relationship and how have you used data in the past?</b> Data Technology has a customer relationship with client companies and their representatives. Data Technology may not have a relationship in a number of cases with prospective customers. Data Technology are only running a business development process for products and services in a business-to-business context, and will only approach people who are in a job role, working for a company or own a company and may have a need for such products and services. Personal data in the past has been used in the same way as summarised in this assessment.</li><li>● <b>Did you collect the data directly from the individual? What did you tell them at the time?</b> For existing customers the data is provided directly by the relevant decision makers; it could, for example, be given over the telephone, in an email, through our website, or in-person at an event. In addition, we use publicly-available and website sources, such as LinkedIn and company websites, or lists from carefully selected data suppliers. When targeting potential customers we make them aware of our privacy notice and the opportunity to exercise their rights as data subjects. When capturing data from the data subject directly, we would notify them of this information at the point of collection.</li><li>● <b>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?</b> Data Technology collects the personal data to which this assessment relates in nearly all instances. If data is obtained from a third party this will be for business contacts only. Data Technology will ensure that the data supplier collects the data lawfully and appropriate information about sharing data with third parties is clearly provided to data subjects, along with marketing preferences and the opportunity to opt-out. We will also ensure that opt-outs and changes to marketing preferences communicated to the data supplier by data subjects are applied to our data. We will also ensure that opt-outs notified to us by data subjects are applied to our data and communicated to the data supplier.</li><li>● <b>How long ago did you collect the data? Are there any changes in technology or context since then that would affect expectations?</b> All personal data is collected and verified on a continuous basis. Personal data is no more than twelve months old. There have been no changes in technology or context that would affect expectations.</li></ul>

<ul style="list-style-type: none"> <li>● <b>Is your intended purpose and method widely understood?</b> Yes. We are applying modern business development principles and best practices to ensure we provide relevant communications to promote our products and services to decision makers at companies who may be interested in them.</li> <li>● <b>Are you intending to do anything new or innovative?</b> Not at the present time. But this will be regularly reviewed (Quarterly) and a DPIA conducted to assess risks if appropriate.</li> <li>● <b>Do you have any evidence about expectations – eg from market research, focus groups or other forms of consultation?</b> No.</li> <li>● <b>Are there any other factors in the particular circumstances that mean they would or would not expect the processing?</b> No.</li> </ul>
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<b>Likely impact</b>
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<ul style="list-style-type: none"> <li>● <b>What are the possible impacts of the processing on people?</b> Given that we are processing data for business contacts they will we believe reasonably expect to receive business development communications from Data Technology. Therefore processing will have a limited impact on the privacy of the individual. Potential annoyance could be caused by using intrusive channels, such as telephone and email to communicate. The decision makers will, however, always be provided with the opportunity to object to the processing of their data and the right to opt-out of receiving business development communications.</li> <li>● <b>Will individuals lose any control over the use of their personal data?</b> When capturing personal data which hasn't been provided to us by the data subject, we would communicate with them first within 30 days of processing and identify Data Technology as the data controller, explain the legal basis for processing and why we are contacting them, and make them aware of our privacy notice and the opportunity to exercise their rights as data subjects, including opting out of receiving direct marketing.</li> <li>● <b>What is the likelihood and severity of any potential impact?</b> We believe that the likelihood and severity of any potential impact are extremely low, due to the decision makers at companies being contacted in a business context in their professional capacity.</li> <li>● <b>Are some people likely to object to the processing or find it intrusive?</b> It is possible that some people may object, but it is not likely based on our previous experience.</li> <li>● <b>Would you be happy to explain the processing to individuals?</b> Yes.</li> <li>● <b>Can you adopt any safeguards to minimise the impact?</b> To limit the impact, Data Technology will ensure that we check contact telephone numbers against the TPS and CTPS registers prior to making business development calls. We will also carefully control the frequency that individuals are contacted by Data Technology to minimise intrusiveness. We will also ensure that we only promote the relevant products and services, based on the individual's job role at their company.</li> </ul>
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<p><b>Can you offer individuals an opt-out?</b> Article 21 specifically gives the data subject the right to object to the processing of their personal data for the purposes of direct marketing, and we will inform them of that right. If the data subject objects then this overrides our legitimate interests and we will stop processing their data for direct marketing purposes.</p>	Yes
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## Making The Decision

Can you rely on legitimate interests for this processing?	Yes
<b>Do you have any comments to justify your answer?</b>  The personal data being processed is business contact data. Business contacts reasonably expect the processing of their personal data in a business context, and the processing is less likely to have a significant impact on them personally.  To ensure transparency, the following plain English description of Data Technology's legitimate interests will be displayed on our website within our privacy notice. We will also provide an opt-out in our email communications:  <i>"Data Technology is a Business Intelligence, Machine Learning and Artificial Intelligence software and services provider. To grow and generate profits, Data Technology needs to market its products and services to existing customers and potential customers. Generating profits enables Data Technology to improve our offering, contribute to the economy by paying taxes in the UK, pay its staff and reward them for the great work they do and reward its stakeholders.</i>  <i>To achieve these aims Data Technology has a legitimate interest to process personal data to identify customers and potential customers, who are in job roles that are likely to use our services and communicate this to them, either by phone, email or post. To establish Legitimate Interest as a lawful basis for processing personal data for these purposes a Legitimate Interest Assessment was conducted. To read the full Legitimate Interest Assessment please click here."</i>	
LIA completed by	Isobelle Whitman
Date	16th March 2020

## What next

### Keep a record of this LIA, and keep it under review

- Review every quarter.

### Do a DPIA if necessary

- Not required.

### Include details of your purposes and lawful basis for processing in your privacy information, including an outline of your legitimate interests.

- Completed 16th March 2020