

# Legitimate Interest Assessment

## Introduction

To be able to process personal data based on legitimate interest, GDPR Article 6(1)(f), a balancing of interests is required. In this assessment, the purpose, necessity and balance between the reasonable expectation and the impact on the private life of the person concerned are considered, compared to the interests of Utrecht University for us.

The performance of this assessment must take place prior to the actual processing. It is important to store the result of this assessment in such a way that it can be traced back to the specific processing to which it applies.

This assessment is subdivided into three parts that are mutually assessed for legal validity and legitimacy. Each part is preceded by a brief explanation. Despite this explanation, it is advisable to involve legal assistance in completing this assessment. This prevents unnecessary delay. Every assessment must be legally tested before the processing is considered fair.

If the processing passes the test of legitimate interest, it is important to arrive at lawful processing. Except for acting in accordance with the manner described in this assessment, this mainly means timely and correct information to the data subjects and the correct handling of the rights of the data subject, including the right to object. Ask the privacy officer to support you in this as long as no template is available.

**Note:** This document is for illustration purposes only. If you plan to rely on legitimate interest, we recommend performing a privacy scan instead, as the privacy scan addresses all the components relevant to data protection.

## Purpose of processing

The purpose of the processing must be a well-defined and explicit business purpose. The data processed as part of this assessment may only be used for the purpose described. If there are several goals, they can be assessed in one assessment, provided that each goal is described separately and is defended in the following elaboration.

Provide a general description of the (intended) processing purpose.

Where applicable, describe what is not desired processing that potentially falls within the context of the general description of the (intended) processing purpose.

Describe the means within the processing purpose<sup>1</sup>

Describe and substantiate the retention period measured from the start of the processing<sup>2</sup>

## Necessity

The necessity criterion is part of the assessment of whether processing is justified on the basis of legitimate interest. This means that the processing must be necessary for the purposes of the controller or a third party.

Describe why this processing is necessary<sup>3</sup> to represent the interests of Utrecht University

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<sup>1</sup> Since these resources have a one-to-one relationship with the processing purpose, this is considered part of the processing purpose. It is not possible to use other, incompatible, means than those described here. Therefore, describe it carefully.

<sup>2</sup> As a rule, the start of the processing is the moment the personal data is obtained, in this example the moment a photo is taken.

<sup>3</sup> When describing necessary interest, think from the perspective of someone outside the organization and that it must be clear what the consequences are of not doing so.

Describe why the intended goal cannot be achieved in a way that is less drastic for the person concerned

## Balance of interests

A legitimate interest requires a balance between the consequences for the fundamental rights and freedoms of the data subject and the interests of Utrecht University. In this balancing of interests, the foregoing two parts come together. Important elements in this are:

1. the Data Subject's relationship with UU and the reasonable expectations therein;
2. the right to a personal and professional private life as referred to in ECHR art 7 and 8.

Describe the Data Subject's relationship with Utrecht University

Describe why the processing is considered to be reasonably expected for the data subject<sup>4</sup>

Additional points worth mentioning in relation to the balancing of interests

## Assessment

The intended processing belongs to the processing Internal communication from the register of processing activities. The result of this assessment is that the intended processing is/is not<sup>5</sup> considered to be lawful under our legitimate interest.

This assessment was **Filled out** **Assessed**  
by:  
on:

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<sup>4</sup> The person concerned must have some relationship with Utrecht University. An equal (non-dependent) relationship offers more space than a person with a dependent relationship.

<sup>5</sup> Strike out what does not apply.