

Legitimate Interests Assessment

Overview

Project	Customer direct communications programme
Date of approval	8 th April 2021

Part 1: Purpose test

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

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

The data to be used consists of, but is not limited to, customer contact and trade account data. For example, Customer names, addresses, telephone numbers and email addresses would be used for marketing purposes. Transactional data linked to accounts will be used for analytical and decision making purposes, for example displaying products related to past purchases.

The reason for processing the data is to send marketing communications to customers and potential customers in order to grow the business, which shares opportunities for customers and potential customers to take advantage of our specialist skills, experience and product supply opportunities.

The benefit we will get will be through increased sales and growth in the customer base, through sending targeted and relevant marketing communications that aim on providing product and industry related content which will benefit the recipient too through discounted products and information that can improve their working life.

The benefits described are important to Buttles as they enable the growth of the business. Direct marketing will enable us to create content and deliver it to a customer or a potential customer that is timely and relevant. This increases our success but also means that the recipient receives content that is significantly more likely to provide than with either a financial benefit, in the case of product promotions, or developmental benefits, through sharing information relevant to the industry or relevant to the Buttles proposition.

If we were unable to carry out the processing it would close a key communication channel with our existing and potential customers. This would lead to a reduction in our ability to deliver a good service to customers, reduce customer engagement and would affect the ability to grow the business.

We comply with the current Data Protection law in the UK (GDPR/PECR/DPA 2018), following ICO guidelines on direct marketing.

Part 2: Necessity test

You need to assess whether the processing is necessary for the purpose you have identified.

- Will this processing actually help you achieve your purpose?
- Is the processing proportionate to that purpose?
- Can you achieve the same purpose without the processing?
- Can you achieve the same purpose by processing less data, or by processing the data in another more obvious or less intrusive way?

This processing will enable us to use customer data to effectively send marketing communications to customers with a high degree of relevancy. We believe that the processing is proportionate to the purpose previously defined.

We cannot achieve the same purpose without the processing. While we can communicate with customers using less data, we would not be able to create the relevancy that adds value to the recipient as well as to Buttles.

Every email communication offers the recipient that ability to opt out. Physical communications also provide an opt out route.

Part 3: Balancing test

You need to consider the impact on individuals' interests and rights and freedoms and assess whether this overrides your legitimate interests.

First, use the [DPIA screening checklist](#). If you hit any of the triggers on that checklist you need to conduct a DPIA instead to assess risks in more detail.

Nature of the personal data

- Is it special category data or criminal offence data?
- Is it data which people are likely to consider particularly 'private'?
- Are you processing children's data or data relating to other vulnerable people?
- Is the data about people in their personal or professional capacity?

The data does not relate to special category, criminal, children or vulnerable people. It does include transactional data, which directly relates to the operation of their businesses or personal projects.

Reasonable expectations

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

We have business relationships with our existing customers, who the data was collected directly from. Potential customer data will come through newsletter sign up, where the subject will have given their permission, and through the licensing of third party data where the vendor will have collected the appropriate consent.

It would be reasonable for potential customers to expect communications as they would be businesses that operate in the same industry or have a high need for the products that we supply.

As customer data has been collected across the history of the business, the information given to the data subject regarding the use of their data has changed along with the data protection rules of the time. Existing customers have always been able to opt out of marketing communications by making that preference clear, resulting in an update to the database.

Our intended purposes and channels of communication, email/mail/telephone/sms, are widely used and understood.

We will occasionally trial new and innovative communication methods, though the data processing related to these will likely be similar and subject to a dedicated LIA/DPIA if necessary.

We have no direct evidence relating to recipient expectations regarding Buttles, though the business management personnel have experience working in this industry, in other organisations where this form of processing and marketing to this type of customer was extremely common.

Likely impact

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

People will receive marketing communications that are relevant to them and their business, based on the collected data and the associated transactional data.

They can update the information itself and their preferences regarding the use of it at any time. Some people may wish to no longer receive marketing communications and will have the ability to opt out of future communications at any time.

If any data subject wishes to discuss the processing then we will be happy to explain the processing and methods involved.

We will periodically cleanse our data of inactive contacts, such as businesses that have stopped trading or contacts that do not engage with communications. The ability to opt out will be present in every marketing communication.

Can you offer individuals an opt-out?

Yes

Making the decision

This is where you use your answers to Parts 1, 2 and 3 to decide whether or not you can apply the legitimate interests basis.

Can you rely on legitimate interests for this processing?

Yes

Last review date

8th April 2021