

Donations

This legitimate interests assessment (LIA) template is designed to help you to decide whether or not the legitimate interests basis is likely to apply to your processing. It should be used alongside our [legitimate interests guidance](#).

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 (e.g. 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?
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- To understand and process donations quickly and appropriately.
 - Lifestyle benefit (directly if donated item is given to service user) or monetary benefit (from cash donation or by selling the donated item). Also some donors consent to join our marketing database.
 - Ultimately service users benefit from the processed donations.
 - Yes, monetary donation contribute to the continued work of St Martins, allowing us to contribute positively to a reduction in homelessness nationwide.
 - It is most important that St Martins offers, and is seen to offer, the donation service. Donors (with consent) are also a very important addition to our marketing database.
 - It would be impossible to manage donations properly, and our marketing database would be significantly reduced.
 - No, just GDPR and DPA 2018.
 - NHS Data Security and Protection Toolkit (DSPT).
 - None.

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?
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- Yes, the processing enables us to understand and process donations quickly and appropriately.
 - Yes, we keep personal data to understand and process donations, but only for as long as necessary.
 - No, the processing is essential for us to understand and process donations quickly and appropriately.
 - No, the processing is kept to the minimum necessary to process donations quickly and appropriately.

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?
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- No, no special category data or criminal offence data is recorded.
 - No, it is not data which people are likely to consider particularly 'private'.
 - We do not record whether data includes that from children or vulnerable people.
 - Most data concerns people in their personal capacity, but with a smaller proportion concerning those in a professional capacity (representing a company or organization).

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 – e.g. 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 an existing relationship if the individual has donated previously.
- The relationship is donor/charity in nature. We have used the same data for many years but featuring an older computer system.
- Some data is collected directly from the individual and is within the expectations of a donation process.
- Online donations are processed by other companies, including Just Giving, Stripe, Virgin Money Giving, Go Cardless etc, who use positive tick-box options to clarify expectations, before passing the data to us.
- We currently hold donation data going back to 2017. The Beacon system uses the latest technology to address expectations.
- Yes, our intended purpose and method are widely understood. The Beacon system is in widespread use.
- Nothing new or innovative, but availing ourselves of the latest technology.
- Consultation on expectations involved St Martins staff and sector-specific consultants.
- There are no other factors which mean the processing is unexpected.

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?

- The possible impact includes making individuals vulnerable to identity theft in the event of a data breach.
- Individuals entrust us with their personal data, which is not to lose control of it. Loss of control could be possible in the event of a data breach.
- Possible impacts are low or medium and are reduced to low by measures described in the DPIA.
- It is unlikely that donors object to this processing, but if so they can choose not to donate or to donate anonymously.
- Yes, we are happy to explain the processing to individuals.
- Yes, we have adopted measures to reduce impacts, as described in the DPIA.

Can you offer individuals an opt-out?	Yes
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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
Do you have any comments to justify your answer? (optional)	
We believe that the above demonstrates that 'legitimate interests' is the most appropriate lawful basis for our processing because it fits with what our service users expect, it has a minimal privacy impact, and the case for processing in this way is compelling.	
LIA completed by	Head of Communications & Marketing
Date	7 December 2020

What's next?

Keep a record of this LIA, and keep it under review.
Do a DPIA if necessary.

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

Version control and review	
Version: 2.0	Issued: April 2024
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DPO advice provided by:	System/Data Coordinator
Next review date:	2025
This LIA will kept under review by:	Heads of Communication & Marketing