

UPTON MAGNA PARISH COUNCIL

The six lawful bases for processing personal data under the GDPR are:

(1) **Consent**

- A controller must be able to demonstrate that consent was given. Transparency is key: consents given in written declarations which also cover other matters must be clearly distinguishable, and must be intelligible, easily accessible and in clear and plain language.
- Consent is defined as any freely given, specific, informed and unambiguous indication of the data subject's wishes – either by a statement or by a clear affirmative action.

(2) **Legitimate interests**

- This involves a balancing test between the controller (or a third party's) legitimate interests and the interests or fundamental rights of and freedoms of the data subject – in particular where the data subject is a child. The privacy policy of a controller must inform data subjects about the legitimate interests that are the basis for the balancing of interests.
- Please note, councils and parish meetings are public authorities and under the GDPR public authorities cannot rely on legitimate interests as a legal basis for processing personal data.

(3) **Contractual necessity**

- Personal data may be processed if the processing is necessary in order to enter into or perform a contract with the data subject (or to take steps prior to entering into a contract).

(4) **Compliance with legal obligation**

- Personal data may be processed if the controller is legally required to perform such processing e.g. complying with the requirements of legislation.

(5) **Vital Interests**

- Personal data may be processed to protect the 'vital interests' of the data subject e.g. in a life or death situation it is permissible to use a person's medical or emergency contact information without their consent.

(6) **Public Interest**

- Personal data may be processed if the processing is necessary for the performance of tasks carried out by a public authority or private organisation acting in the public interest.

(Taken from NALC "GDPR, a toolkit for local councils).