

## Dartford Borough Council - Legitimate Interests Policy

For the purposes of this policy:

**'Data Protection Legislation'** means the UK GDPR and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time and any successor legislation to the GDPR or the Data Protection Act 2018 and all applicable laws and regulations relating to processing of personal data and privacy, including where applicable the guidance and codes of practice issued by the Information Commissioner

**'UK GDPR'** (derived from the General Data Protection Regulation (EU) 2016/679))

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Under the Data Protection Legislation, we have a [number of lawful bases](#) that we rely on when we use (or 'process') personal information.

As a public authority, we cannot use 'legitimate interests' (article 6(1)(f) UK GDPR) as our lawful basis if the processing is in the performance of our tasks as a public authority. However, we can use 'legitimate interests' if we can demonstrate that the processing is for purposes other than for performing our tasks as a public authority.

Broadly speaking, 'legitimate interests' means that we can process personal information if we have a genuine and legitimate reason *and* we are not harming an individual's rights and interests.

We process personal information for our legitimate business purposes, which include some or all of the following:

- to enhance the security of our network, information systems and our premises;
- to defend our legal rights;
- to comply with our duty of care to protect our employees from harm;
- to manage complaints in such a way, so as to ensure that other service users and our staff do not suffer any detriment from complainants making repeated, persistent and unreasonable complaints.

The Legitimate interests Guidelines to this Policy must be referred to and the Legitimate Interests Assessment Form on the intranet, must be completed, in consultation with the Data Protection Officer.

**Example** - When we collect and use personal information about an individual during and after their working relationship with us, we are generally using their personal data to further an employment contract between them and us and this is the lawful basis for such processing. If we use their information for a reason other than to further an employment contract, then we generally do this based on our legitimate business interests. Before doing this, though, we will always carefully consider and balance any potential effects on the individual and their rights, to ensure that we do not infringe their reasonable expectation of privacy.

**Example** - given the importance of staff and property security, CCTV cameras are an effective way to protect Council staff against assault and harassment and prevent property related crimes.

The Data Protection Legislation clarifies that CCTV footage is personal information, and includes a number of specific requirements regarding how personal information is stored and processed.

CCTV is deployed by the Council wherever there is a legitimate business or security requirement, as long as the deployment is proportionate, necessary, and addresses a pressing need that cannot be addressed by other means.

Whenever we process personal information necessary for our legitimate purposes, we will ensure that we always keep an individual's personal data rights in high regard and take account of these rights. We will use processes, systems and good practice to ensure that individuals' rights are not prejudiced in any given case.

Individuals have the right **to object** to this processing. The burden is on us to prove that we have compelling grounds to continue processing the data.