



Samatha Trust

GDPR LEGITIMATE INTERESTS ASSESSMENT

INTRODUCTION

This legitimate interests assessment (LIA) form outlines how the legitimate interests basis applies to personal data processing by The Samatha Trust. It has been created from the ICO template with reference to the legitimate interests guidance. It consists of three tests:

1. Identify a legitimate interest
2. Show that the processing is necessary to achieve it
3. Balance it against the individual's interests, rights and freedoms.

INDIVIDUALS AFFECTED:

Meditators, Meditation teachers, Meditation teachers' Assistants, Committee Members, Dāna Secretary, Samatha Administrator, Weekend Course Booking Organiser, Online Course Booking Organiser, Chief Librarian. "Friends of Samatha"

LEVEL OF DATA HELD:

Personal, - sensitive data in weekend and online booking forms (physical health, mental health, disability) is held on the legal basis of **Consent**

TYPE OF PROCESSING:

Gathering, storing, updating, contacting, communicating and event management

PURPOSE:

Communicating with meditators, members, teachers and management groups using newsletters, event invitations, information including details of class changes eg, venue, time etc. Impact is receiving emails that can be unsubscribed from and occasional texts or phone calls about matters of direct interest to the receiver - eg change of time, class cancellation etc - all of which can be unsubscribed from.

IMPACT:

Users contacted through email, and occasionally post, rarely text, phone.

INTEREST:

Connecting, and providing personally and directly relevant information for members of Samatha Associations and attendees of local meditation classes.

PART 1: PURPOSE TEST

TO ASSESS WHETHER THERE IS A LEGITIMATE INTEREST BEHIND THE PROCESSING.

- **Why do you want to process the data?** Manage contact lists for local meditation groups, membership lists of regional and national associations. Invite and manage donations. Manage newsletter and events circulation lists. Facilitate the management of the Samatha Trust and associations.
- **What benefit do you expect to get from the processing?**
Informing and providing learning and development opportunities to meditators in local groups and members of regional and national associations. Providing relevant information and content through email. Facilitating the management and administration of the Samatha Trust and Associations
- **Do any third parties benefit from the processing?**
None
- **Are there any wider public benefits to the processing?**
Opportunities to develop breathing mindfulness meditation and learn about the teaching of the Buddha and related traditions.
- **How important are the benefits that you have identified?**
Crucial to organising events, meditation classes and courses.
- **What would the impact be if you couldn't go ahead with the processing?**
Events, meditation classes and courses would not go ahead.
- **Are you complying with any specific data protection rules that apply to your processing (eg profiling requirements, or e-privacy legislation)?**
Yes, PECR

- **Are you complying with other relevant laws?**
Yes, where applicable - eg safeguarding legislation, complaints procedures.
 - **Are you complying with industry guidelines or codes of practice?**
Yes - 5 Precepts as basis for ethical action.
 - **Are there any other ethical issues with the processing?**
None that are not covered by the best possible security systems, advice and guidance and compliance with GDPR good practice.
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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?**
Yes, it helps us connect, inform and provide meditation and related learning opportunities to people who are interested.
 - **Is the processing proportionate to that purpose?**
Impact is receiving emails that can be unsubscribed from and occasional texts or phone calls about matters of direct interest to the receiver - eg change of time, class cancellation etc - that can be unsubscribed from.
 - **Can you achieve the same purpose without the processing?**
No, the purpose is sharing data and managing events.
 - **Can you achieve the same purpose by processing less data, or by processing the data in another more obvious or less intrusive way?**
Data is collected and stored only for the purposes of contact
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PART 3: Balancing Test

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.

No applicable triggers on DPIA Checklist

NATURE OF THE PERSONAL DATA

- **Is it special category data?**

No - all physical and mental health information is processed under the legal basis of CONSENT

- **Is it criminal offence data?**

No

- **Is it data which people are likely to consider particularly 'private'?**

No - all physical and mental health information is processed under the legal basis of Consent

- **Are you processing children's data or data relating to other vulnerable people?**

No

- **Is the data about people in their personal or professional capacity?**

Personal

REASONABLE EXPECTATIONS

- **Do you have an existing relationship with the individual?**

Yes - though new meditators and members will be entered in the database, with their consent, as time goes by.

- **What's the nature of the relationship and how have you used data in the past?**

We have held their personal information securely and used it to contact them about Samatha local meditation groups, regional and national events, provide opportunities to give donations, circulate occasional newsletters and events lists.

- **Did you collect the data directly from the individual? What did you tell them at the time?**

Data was collected face-to-face with meditators and members by their personal meditation teacher in the context of understanding exactly what their personal information would be used for. They would expect, indeed want, to receive the communications sent have given permission for us to send them.

- **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?**

N/A no data is obtained from 3rd parties.

- **How long ago did you collect the data? Are there any changes in technology or context since then that would affect expectations?**

The data has been regularly updated. Some personal information was originally collected 30 or 40 years ago, most within the past 10 years. It has been regularly updated and weeded. Everyone has received regular invitations to unsubscribe and have their data removed. The gradual changes in technology over that time have been communicated and are understood and accepted by members and meditators.

- **Is your intended purpose and method widely understood?**

Yes

- **Are you intending to do anything new or innovative?**

No

- **Do you have any evidence about expectations – eg from market research, focus groups or other forms of consultation?**

Regular meetings in local groups, regional meetings and individual meetings with teachers confirm that meditators and members value and expect to receive the communications sent.

- **Are there any other factors in the particular circumstances that mean they would or would not expect the processing?**

No

LIKELY IMPACT

- **What are the possible impacts of the processing on people?**

They will receive emails, occasional newsletters, invitations to events rarely texts and rarely phone calls about matters of interest and importance to them.

- **Will individuals lose any control over the use of their personal data?**
No
- **What is the likelihood and severity of any potential impact?**
Unlikely, very minor.
- **Are some people likely to object to the processing or find it intrusive?**
Unlikely and they are invited to and can unsubscribe at any time
- **Would you be happy to explain the processing to individuals?**
Yes
- **Can you adopt any safeguards to minimise the impact?**
Unsubscribe removes all personal data and stops further communications.
- **Can you offer individuals an opt-out?**
Yes - granular opt-in and opt-out is active.

MAKING THE DECISION

We used our answers to Parts 1, 2 and 3 to decide whether or not we 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)

Our decision to use legitimate Interests as the legal basis for all our data collection, processing and storage except personal information associated with bookings for the online meditation course and weekend or longer courses booked online is based on the answers to parts 1, 2 and 3 above in summary:

- We have checked that legitimate interests is the most appropriate basis.
- We understand our responsibility to protect the individual's interests.
- We have conducted a legitimate interests assessment (LIA) and kept a record of it, to ensure that we can justify our decision.

- We have identified the relevant legitimate interests.
- We have checked that the processing is necessary and there is no less intrusive way to achieve the same result.
- We have done a balancing test, and are confident that the individual's interests do not override those legitimate interests.
- We only use individuals' data in ways they would reasonably expect, unless we have a very good reason.
- We are not using people's data in ways they would find intrusive or which could cause them harm, unless we have a very good reason.
- We do not process children's data.
- We have considered safeguards to reduce the impact where possible.
- We have considered whether we can offer an opt out.
- Our LIA identifies no significant privacy impact, we have considered whether we also need to conduct a DPIA.
- We keep our LIA under review, and repeat it if circumstances change.
- We include information about our legitimate interests in our privacy information.

LIA completed by: Robert Adkins

Date: 9 May 2018

Review date: 1 June 2019

A record of this LIA is available on the website at https://samatha.org/data_protection.

Details of our purposes and lawful basis for processing is in our privacy information, including an outline of our legitimate interests available at https://samatha.org/data_protection.