

afiniti

MAKING CHANGE STICK

Title  
Legitimate Interest Assessment  
Sales and Marketing

Date  
July 2019

Review date  
June 2020

**INSPIRE > INVOLVE > INTERACT**

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## 1.1 Identifying a Legitimate Interest

Question	Answer
<b>What is the purpose of the processing operation</b>	<ul style="list-style-type: none"> <li>We have a legitimate interest in marketing our services and products to clients or potential clients to create and nurture potential mutually beneficial business relationships</li> <li>We have a legitimate interest in retaining a suppression list to ensure we comply with our data subjects' right to object to the processing of their data</li> </ul>
<b>Is the processing necessary to meet one or more specific organisational objectives?</b>	<p>The processing is necessary to:</p> <ul style="list-style-type: none"> <li>To share with our clients relevant insights and learning associated with their industry or role to position Afiniti as thought leaders in our given profession</li> <li>Generate sales leads</li> <li>Engage with sales leads</li> <li>Nurture sales leads</li> </ul>
<b>Is the processing necessary to meet one or more specific objectives of any Third Party?</b>	Processed within Afiniti LLP only.
<b>Does the GDPR, ePrivacy Regulation or other national legislation specifically identify the processing activity as being a legitimate activity, subject to the completion of a balancing test and positive outcome?</b>	Yes, GDPR Article 6, and PECR
<b>Why is the processing activity important to the Controller?</b>	It is important to Afiniti to process this data in order to generate and nurture targeted sales leads – a business critical activity. Afiniti position themselves as thought leaders in our industry and therefore provide relevant insights and learning to support our data subjects.
<b>If applicable, why is the processing activity important to Third Parties the data may be disclosed to?</b>	We don't disclose data to external third parties.

## 1.2 The Necessity Test

Question	Answer
<b>Is there an alternative way to achieve the objective without conducting this processing activity?</b>	<p>Due to our B2B marketing model – the type of data we need (role-specific contact information) has to be sourced manually.</p> <p>As a small-medium sized company selling niche services to other businesses there is no other way to source this contact information.</p> <p>Processing activity enables us to personalise our marketing content and generate engagement with it that is relevant to individuals.</p>

### 1.3 The Balancing Test

Question	Answer
<b>Would the individual expect the processing activity to take place?</b>	<p>In the case of direct marketing and email marketing to business contacts, the legitimate interest is not overridden by the interests of the individual, who as a business person with decision making and budgetary responsibilities can reasonably expect to be contacted with marketing information relating to his or her professional role.</p> <p>The information is highly relevant to the business or individual job role. The individual is presented with their right to object at the point of collection and subsequently thereafter, if they no longer wish to receive this information.</p> <p>During the sales process or client discussions we make it clear that we will share marketing information with them that is relevant to their role and/or industry</p>
<b>Does the processing add value to a product or service that the individual uses?</b>	A direct result of the processing is that the individual gains knowledge of relevant business change-related practices to use in their role; and understanding how products or services which Afiniti offers can add value to their organisation and help fulfil their business objectives
<b>Is the processing likely to negatively impact the individual's interests and/or rights?</b>	<p>Processing is <b>not likely</b> to negatively impact the individual's interests and/or rights.</p> <p>Subjects' have complete control over their data and can exercise this at any time</p> <p>In the unlikely event of a breach, the impact to the individual would be low based on the type of data that we process.</p>
<b>Would the processing limit or undermine the rights of individuals?</b>	<p>The processing does not limit or undermine the rights of the individual. Subjects' have complete control over their data and can exercise this at any time</p> <p>The data is not shared with any external third parties.</p> <p>The data is regularly audited to ensure that the processing is still relevant to them</p>
<b>Is the processing likely to result in unwarranted harm or distress to the individual?</b>	<p>The processing will not result in unwarranted harm or distress to the individual.</p> <p>Subjects' have complete control over their data and can exercise this at any time.</p> <p>The data is regularly reviewed to ensure it is processed in line with the data protection principles.</p> <p>The data is secured by the methods detailed in our Information Security policy. <b>You can find a link to our Information Security Policy from the Privacy Policy on our website.</b></p>
<b>Would unwarranted harm or distress to the individual occur if the processing did not take place?</b>	If the processing did not take place no unwarranted harm or distress to the individual would occur
<b>Would there be a prejudice to Data Controller if processing does not happen?</b>	<p>Afiniti would be restricted in:</p> <ul style="list-style-type: none"> <li>generating new sales opportunities;</li> <li>engaging with sales leads and clients on a regular basis to maintain relationships;</li> </ul>

Question	Answer
	<ul style="list-style-type: none"> <li>nurturing sales leads and clients to keep Afiniti in mind for potential sales opportunities relevant to the individual's needs.</li> </ul>
<b>If applicable, would there be a prejudice to the Third Party if processing does not happen?</b>	N/A as no external third party sharing takes place.
<b>Is the processing in the interests of the individual whose personal data it relates to?</b>	<p>Yes, the individual may benefit from this processing by:</p> <ul style="list-style-type: none"> <li>increasing their knowledge of relevant business change-related practices/processes/services which could help them fulfil their role and achieve their business objectives;</li> <li>understanding how Afiniti can help them and their organisation achieve business change-related business objectives now or in the future;</li> <li>engaging with Afiniti as a client to plan/implement/embed their change projects.</li> </ul>
<b>Are the interests of the individual aligned with the party looking to rely on their legitimate interests for the processing?</b>	<p>Afiniti stringently qualify leads before processing their data to ensure the benefits to Afiniti are aligned to those of the subject. Qualification criteria applied:</p> <ul style="list-style-type: none"> <li>the subject's organisation buys / has previously bought business change services from consultancy businesses;</li> <li>the organisation has attributes that drive change that will benefit from Afiniti services;</li> <li>the organisation has a current/future need to deliver change that will require Afiniti services;</li> <li>the individual is the right person/role to make decisions and build relationships with Afiniti.</li> </ul>
<b>What is the connection between the individual and the organisation?</b>	<p>Data is processed as a result of the following connections:</p> <ul style="list-style-type: none"> <li>Existing client</li> <li>Previous client (still relevant re qualification above)</li> <li>Current employee/associate/partner</li> <li>A prospect lead that is in discussions with Afiniti about future service provision</li> <li>A new lead sourced by telesales activity or via a direct enquiry</li> </ul>
<b>What is the nature of the data to be processed? Does data of this nature have any special protections under GDPR?</b>	<p>Only relevant data is processed including:</p> <ul style="list-style-type: none"> <li>Contact data</li> <li>Role-specific information such as job title, industry/sector, business change area of interest/s</li> <li>Organisational business change-related needs</li> </ul> <p><b>No Special Categories of Personal Data are processed.</b></p>
<b>Is there a two-way relationship in place between the organisation and the individual whose personal information is going to be processed? If so how close is that relationship?</b>	<p>Two-way relationships between Afiniti and the individual include:</p> <ul style="list-style-type: none"> <li>ongoing relationships with existing clients;</li> <li>periodic relationships with previous clients (still relevant re qualification above);</li> <li>ongoing relationships with current employees/associates/partners;</li> <li>leads that have made an enquiry or have been contacted by Afiniti telesales.</li> </ul>

Question	Answer
<p><b>Has the personal information been obtained directly from the individual, or obtained indirectly?</b></p>	<p>Data is obtained DIRECTLY in the case of:</p> <ul style="list-style-type: none"> <li>○ employee/associate/partner/client/previous client status;</li> <li>○ leads who approach Afiniti with an enquiry/download content from our website or complete our Change Readiness Assessment on our website.</li> </ul> <p>Data is obtained INDIRECTLY in the case of:</p> <ul style="list-style-type: none"> <li>○ leads found through publicly available sources such as LinkedIn, industry related forums or Google, referrals from another individual in the subject's organisation.</li> </ul> <p>A MIX OF BOTH:</p> <p>For example, a sales opportunity is referred to us from a current client/associate/business acquaintance and we use publicly sourced information to qualify.</p>
<p><b>Is there any imbalance in who holds the power between the organisation and the individual?</b></p>	<p><b>No imbalance</b> and individuals are able to object to processing/review the information Afiniti holds on them/amend the information Afiniti holds on them at any time via clearly signposted links in emails and in our privacy policy on our website</p>
<p><b>Is it likely that the individual may expect their information to be used for this purpose?</b></p>	<p>The individual as a business person with decision making and budgetary responsibilities <b>can reasonably expect to be contacted</b> with marketing information relating to his or her professional role</p>
<p><b>Could the processing be considered intrusive or inappropriate? In particular, could it be perceived as such by the individual or in the context of the relationship?</b></p>	<p>The processing is not intrusive or inappropriate.</p> <p>Afiniti take a highly targeted approach to data processing for sales and marketing purposes. Data subjects are stringently qualified before being contacted for direct or email marketing purposes.</p> <p>Afiniti processing is small-scale. Afiniti does not data mine, profile or disclose data to any external third parties or publications.</p>
<p><b>Is a Fair Processing Notice provided to the individual, if so, how? Are they sufficiently clear and up front regarding the purposes of the processing?</b></p>	<p>For sales and marketing where we only process contact and role-/organisation-specific information there is always a privacy policy statement and link to the full privacy policy in our emails</p>
<p><b>Can the individual, whose data is being processed, control the processing activity or object to it easily?</b></p>	<p>YES, individuals are able to object to processing/review the information Afiniti holds on them/amend the information Afiniti holds on them at any time via clearly signposted links in emails and in our privacy policy on our website</p>
<p><b>Can the scope of the processing be modified to reduce/mitigate any underlying privacy risks or harms?</b></p>	<p>The scope of the processing activity has already been assessed to ensure the lowest possible impact to the individual in terms of privacy risks. The processing is minimal and directed at a business email address or contact number so the privacy risks related to this type of processing are relatively low in likelihood and impact. To ensure Afiniti have assessed all underlying risks fully, we have completed a Privacy Impact Assessment. <b>You can view our Privacy Impact Assessment from our Privacy Policy page on our website.</b></p>

## 1.4 Safeguarding

Question	Answer
<p><b>What existing safeguards are in place?</b></p>	<ul style="list-style-type: none"> <li>• DATA MINIMISATION                             <ul style="list-style-type: none"> <li>○ All records cleansed annually</li> <li>○ Data only kept as long as there is legitimate business reason and subject remains fully qualified</li> <li>○ Minimum data held to fulfil sales and marketing activity and only relevant data</li> <li>○ No Special Categories of Personal Data stored</li> </ul> </li> <li>• OPT OUT OPTIONS / SUBJECTS' RIGHTS                             <ul style="list-style-type: none"> <li>○ Clearly signposted in all sales and marketing emails, in web privacy policy, and verbally during telesales activity</li> </ul> </li> <li>• ANNUAL TRAINING OF SALES AND MARKETING TEAM                             <ul style="list-style-type: none"> <li>○ One single compliant process is followed for the processing of data</li> <li>○ Frequency of contact from Afiniti to individuals is kept to an absolute minimum and only to communicate relevant information for individual</li> <li>○ Smooth, manual process for handling opt outs and Salesforce suppression list</li> <li>○ Smooth process and transparency for data subject enquiries</li> </ul> </li> <li>• PRIVACY BY DESIGN (PIA)                             <ul style="list-style-type: none"> <li>○ We carry out regular Privacy Impact Assessments</li> <li>○ Risks are minimised as we only have two third party processing systems for sales and marketing purposes (Salesforce and Mailchimp)</li> <li>○ Highly targeted approach and low volume of stringently qualified data being processed by dedicated close-knit team</li> <li>○ We have strict cyber security processes to ensure data is secure and privacy is not compromised</li> </ul> </li> <li>• WE DON'T SPAM OR BOMBARD INDIVIDUALS                             <ul style="list-style-type: none"> <li>○ the number of calls and emails made to individuals is limited in terms of frequency and volume so as not to cause inconvenience</li> </ul> </li> </ul>
<p><b>Will any further safeguards be put in place?</b></p>	<p>Further safeguards are not required for this processing activity.</p>

### 1.5 LI Decision and outcome

Using the responses above now document if you believe you are able to rely on Legitimate Interests for the processing operation. Please explain, perhaps using bullet points, why you are, or are not, able to rely on this legal basis. You should draw on the answers you have provided in this questionnaire.

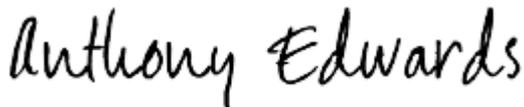
#### Outcome of Assessment

We believe that this Legitimate Interest Assessment proves Afiniti’s ability to use Legitimate Interest as the lawful basis for processing sales and marketing data based on the following:

- In the case of direct marketing and email marketing to business contacts, the legitimate interest is not overridden by the interests of the individual, who as a business person with decision making and budgetary responsibilities can reasonably expect to be contacted with marketing information relating to his or her professional role.
- Subjects are highly qualified and targeted to ensure there is a true legitimate interest to the business before contact is made
- We adhere to strict data minimisation rules, only collect role-specific information and never process special categories of personal data
- Data is regularly cleansed and audited to ensure relevancy and ongoing legitimate interest
- Tight policies and procedures are in place to ensure subjects are able to exercise their rights, including their right to object, be erased, correction etc.
- We have strict cyber security processes around data storage and processes to follow in the event of data breach. Privacy risk is minimised in this instance as we do not process special categories of personal data and only hold role-specific information for sales and marketing purposes.
- We only use two external third party processors for sales and marketing data and due to highly targeted approach, the volume of new data being added is low, reducing risk associated with having many vast and disparate data bases
- We have built a reputation as thought leaders in our industry; it’s in our interest, as an organisation, to ensure marketing and sales content is up-to-date, highly relevant and useful to our audiences and their roles/organisations. We only send marketing emails, on average, once a month
- We do not supply data for marketing purposes to any third parties

Signed by: Anthony Edwards

Role: DPO



Dated: 10 July 2019

Review date: June 2020