



## **MHMS GDPR POLICY**

### **Mark Hibbert Media Services' lawful basis for processing is LEGITIMATE INTERESTS**

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/legitimate-interests/>

#### **Audit of information held**

Following an audit, Mark Hibbert Media Services has a transparent policy of knowing what personal information we hold, where it originated, and with whom it can be shared.

An information audit is a key part of a data protection compliance regime. This was undertaken in the spring of 2018; and will now be reviewed on a quarterly basis, starting May 25.

The information we process is almost exclusively electronic (email addresses).

The vast majority have been given to us by journalists with an interest in the information we disseminate in our business of a small, but specialist, destination press & PR.

It is shared with no other parties. As a PR organisation, our data-base of contacts is our main currency - and is nurtured, and never shared.

#### **Communicating privacy information**

Mark Hibbert Media Services has recently reviewed its terms and conditions and has developed a plan and created a new Privacy Notice that makes clear how we process any personal information.

#### **MHMS: legitimate interests in practice**

By relying on legitimate interests in order to comply with new regulations, we have used a three-part test to assess that this applies to our own activity.

MHMS recently undertook a legitimate interests assessment (LIA) and, moving forward, will continue to ensure that we undergo further and regular assessments on a quarterly basis.

While recognizing that LIA is "light-touch risk assessment", based on the specific context and circumstances, it has nevertheless helped us to demonstrate that our processing is lawful.

By recording our LIA, we are hoping to demonstrate compliance in line with our accountability obligations under Articles 5(2) and 24.

The legitimate interests:

- We process data for B2B purposes only. The flow of information is two-ways. We are interested in the activity of everyone on our data-base; and strongly believe they are interested in ours.
- The beneficiaries of our processing are the recipients, including our current clients. It is a company policy that news and information passed on to our data- base is relevant only to their needs.
- The wider benefits to the processing is a benefit to our clients - in terms of publicity generated from our data-base of media.
- That, in turn leads to a benefit for the local economies, and the national tourism industry.
- If we were unable to process, the impact would be extremely negative - for our business, for our clients, for the travel media on our data-base, for their readers, and for the value of the national tourism industry.
- At no time is the use of the data unethical or unlawful.

The necessity test:

- This processing is vital to that interest.
- This is a reasonable way to go about our business of providing a specialist tourism PR service to our clients, and to the travel media.
- Other ways to achieve the same result are a part of the overall PR mix (including meeting with individuals on our data-base). But electronic communication via email is the most effective method of achieving our PR results.

The balancing test:

- We strive to ensure that the relationship with the individual on our data-base is “personal”. Getting to know the media individual is key to good PR. Primarily, however, it is B2B with those having an interest in our activity; and us having an interest in theirs.
- No data held by us could be deemed as sensitive or private.
- The people on our data-base understand the PR process and would certainly expect us to use their data in this way.
- We are always happy to explain it to them more fully, if necessary.
- It is extremely unlikely that anyone on our data-base is likely to object or find it intrusive.
- The only impact on the individuals on our data-base should be positive, in that we are a pivotal cog within the overall working of tourism PR: we strive to only send details that will be of interest, and of help, to them.
- We are one of countless PR companies contacting the media on our data-base. Our company policy is to focus purely on news and information that would have a beneficial impact for anyone included on our data-base.
- We never process children’s data.

- We never process any data belonging to individuals who might be deemed vulnerable in any way.
- Our privacy policy, our audit, and our LIA assessment will be safeguards we adopt to minimise any impact.
- We also offer a clear opt-out for everyone on our data-base.
- Our new opt-in is clear, and transparent.

We are confident that the legitimate interests we have identified are not overridden by the risks we have identified.

We have kept a record of our LIA and the outcome, to help show we have proper decision-making processes in place and can justify the outcome.

Our LIA will now be kept under review and will be refreshed if there is a significant change in the purpose, nature or context of the processing.

Legitimate interests has been chosen as the most appropriate basis for our processing, as it involves nothing unexpected or high risk.

### **Checklist:**

We have checked that legitimate interests is the most appropriate basis to comply with regulations.

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, or that of vulnerable individuals.

We have considered safeguards to reduce the impact where possible.

We have ensured we can offer an opt out.

We have created a new opt-in.

We keep our LIA under review, and repeat it if circumstances change.

We include information about our legitimate interests in our privacy notice.

### **What else do we need to consider?**

#### **A Privacy Notice**

In our privacy notice we will tell everyone that we are relying on legitimate interests, and explain what these interests are.