
Corporate Governance & Compliance
Policy, Procedures and Standards

Legitimate Interests Assessment

Document Ref: D&D-S&M-001

Last revision: Sunday, June 10, 2018

Next review date: June 2019 (At least Annually)

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Document Control

Version:	1.0
Date:	8 th June 2018
Owned by:	Corporate Governance
Originated:	Bytes Security Partnerships
Scope:	D&D London and restaurant marketing and social media
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Document ID	DD_Legitimate_Interests_Assessment_0004

Review and Update Policy

The document owner will review and update this Legitimate Interest Assessment on at least an annual basis.

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1. Scope

All marketing and social media activities that have been identified below and form the scope for this assessment. This covers those activities by D&D London for its corporate purposes as well as those of its brands. This LIA covers the following processes:

Your information	Purpose	Legal basis
<p>The identity data, contact details and marketing & communications preferences you give us if:</p> <ul style="list-style-type: none"> You sign up for a newsletter; Enter one of our competitions; Sign up at an event to receive information from us; Sign up for information via social media. 	<p>To be able to supply you with information about our services, allow you to enter competitions, provide you with promotional codes, give you access to our clubs or provide you with access to information about events</p>	<p>Necessary for our legitimate interests (to run our business, inform our marketing strategy, manage our relationship with you and keep our records updated).</p> <p>If you have already given us your data prior to 25th May 2018 then we will process this information for our legitimate interests as the controller of this data.</p> <p>However, to give you more choice going forwards and to be more granular we may ask you to consent to us using your data for these purposes.</p>
<p>Social media sites allow interaction with your personal data in many ways – generally based on the level of information that you decided to share (e.g. data about your identity, contact details and profile). Therefore, the amount of data you share with us, upon interaction, will be controlled by you and the privacy settings you select in each social media platform that you interact with us through.</p>	<p>To be able to interact with you on social media. This may include to supply you with information about our products, allow you to enter competitions, provide you with promotional codes, give you free product and generally interact with you about our e-liquids.</p> <p>You may also private message us to answer queries you may have.</p>	<p>You have consented to us using your data through the interaction that you have with us on these social media sites.</p> <p>We also have a legitimate interest (growing our business and informing our marketing strategy) as you have made your data public and expressed an interest in our products.</p>
<p>The data you provide if you purchase something from us for an event e.g. identity, contact details, financial and/or transaction data and marketing & communications preferences.</p>	<p>To be able to fulfil your purchases that you have made from us and to manage our relationship with you, including notifying you about changes to our terms and privacy policy.</p>	<p>We need this information to be able to fulfil the contract that you have engaged us to perform.</p> <p>It is also necessary for our legitimate interests (e.g. to recover debts due to us, manage our relationship with you and keep our records updated).</p>

2. Legitimate Interests Assessment

Area	Test	Response
The legitimate interest(s)	Who benefits from the processing? In what way?	<p>We both benefit in the following ways:</p> <p>Information you have already given us – If you have already given us your data for the specific reasons of us providing you with marketing information then we will continue to do so. As you have already agreed, we will continue to process your data until you tell us to stop.</p> <p>Social media – If you interact with us on social media and share your data with us, then we have a legitimate interest in contacting you about our products, as well as provide you with offers, competitions or events that may be relevant to you.</p> <p>Purchases and events – If you give us your data as part of a purchase or an event then we have a legitimate interest to ask you if you would like to receive further communications from us. We will also use this information to update you in relation to anything that may impact your rights or freedoms, or anything relevant to the products you have purchased.</p>
	Are there any wider public benefits to the processing?	Where there is an exceptional requirement, and the use of your personal information is required or permitted by law e.g. for updated allergy advice or for another legal reason that may require us to contact you.
	How important are those benefits?	<p>Information you have already given us – As we already have your permission we believe that it could be unlawful of us to not communicate with you, as you have asked us to do this.</p> <p>Social media – You have shared data with us to allow us to interact with you over our brands. Therefore, we believe that this is important to you.</p> <p>Purchases and events – We believe that it is important to be able to ask you if you would like to receive communications from us. Or to be able to communicate with you should there be a need to do so as it relates to a purchase from us.</p> <p>Other - We have an obligation to report crime and help the community at large prevent further crime or damage.</p>
	What impact be if you couldn't go ahead?	<p>It may mean that we would have to change the ways that we interact with you. This would be because:</p> <ol style="list-style-type: none"> 1. We would have to either stop communicating with you, or communicate with you a change in our legal basis of processing that would require consent processes, which would increase email traffic to you, and may get lost in all other email you receive;

		<p>2. We would have to cease using social media sites, and this would limit the ways that we can interact with you;</p> <p>3. We would not be able to ask you if you wanted to receive further information from us, or be able to stay in touch with you about any relevant details relating to your purchases from us where these are not related to contractual processing of the order.</p> <p>This could have significant impact on the information you receive from us, and the offers that we can provide you. As you have already agreed to these processes this could be unlawful and against your rights as a data subject.</p>
	Would your use of the data be unethical or unlawful in any way?	<p>No, as we will follow the requirements of the GDPR as well as the PECR for all communications that we undertake with you. Our assessment of how the GDPR and PECR affects categories of individuals is shown in section three (3) of this document. We will use the data in the following ways:</p> <ol style="list-style-type: none"> 1. To continue to communicate with you as you have requested; 2. To interact with you over social media when you have contacted us, or have interacted with us; 3. To ask you if you would like further information from us, or to provide specific service information should we need to; 4. To provide you with updates to our terms and conditions, privacy information or anything else that may impact your rights and freedoms as a data subject; 5. Where we need to update our records to ensure accuracy and fair processing of your data.
Necessity test	Does this processing help to further that interest?	<p>Yes, in the following ways:</p> <p>Information you have already given us – To continue to communicate with you as you have requested.</p> <p>Social media – To interact with you over social media when you have contacted us, or have interacted with us.</p> <p>Purchases and events – To ask you if you would like further information from us, or to provide specific service information should we need to. Or to be able to tell you about changes to terms and conditions, privacy information or anything else that may impact your rights and freedoms as a data subject.</p> <p>Other - To be able to comply with PCI DSS and to report crime.</p>
	Is it a reasonable way to go about it?	<p>Yes. The methods used by us are the same as for most companies. They are in line with the requirements of the GDPR as well as the PECR which is provided by the ICO. It allows us to use a legitimate interest as our legal basis of processing, and to communicate with you in the manners indicated.</p>
	Is there another less intrusive way	<p>For the data that we have already collected there are limited other choices for us to be able to comply with a data subject’s requests. It</p>

	to achieve the same result?	<p>may be unlawful for us to delete this data or not communicate with you in the way that you have requested.</p> <p>For future data we have updated our legal basis for processing and will seek to use 6.1.a consent and 6.1.b contract for the processing of most of the data that we hold. However, there are occasions where a legitimate interest will be used and this includes but is not limited to:</p> <ol style="list-style-type: none"> 1. Where you contact us on social media, and we have had no direct interaction with you previously, and have no other means to record meaningful consent or we have no contract with you; 2. Where we need to update our records, or notify you of changes to terms and conditions, privacy information or anything else that may impact your rights and freedoms as a data subject; 3. Where we ask you if you would like further information from us, or to provide specific service information (for allergy's or other legal reason) should we need to.
Balancing test	What is the nature of your relationship with the individual?	There may or may not be a relationship with the individual. This may be unknown at the time of interaction and initial data collection. As without collecting the data we will not be able to determine if another legal basis of processing will be more appropriate until we have identified you.
	Is any of the data particularly sensitive or private?	No. The data that is collected is not overly sensitive as this information is in standard categories of data, and may have been made public by the data subject (either by the means of release to us – over the internet, or via other sites like social media). Minimal data to service requirements is collected, and nothing that could be used for discriminatory purposes. The data from a security point of view could be quite sensitive and therefore, will be protected in line with Article 32 – technical and organisational security measures.
	Would people expect you to use their data in this way?	<p>Yes, for the following reasons:</p> <ol style="list-style-type: none"> 1. To continue to communicate with you as you have requested; 2. To interact with you over social media when you have contacted us, or have interacted with us; 3. To ask you if you would like further information from us, or to provide specific services information should we need to; 4. To provide you with updates to our terms and conditions, privacy information or anything else that may impact your rights and freedoms as a data subject; 5. Where we need to update our records to ensure accuracy and fair processing of your data.
	Are you happy to explain it to them	Yes. This Legitimate Interest Assessment, documents our interests and can be provided to the data subject, representative or

	information commissioner on request. It may also be published on our website so it can be reviewed as required by interested parties.
Are some people likely to object or find it intrusive?	People may object to this, and have the right to do so. D&D London has minimised the data collected and restricts the automatic collection of data to the smallest possible footprint. We seek to interact with our customers and comply with their requirements. We believe that to service our customers' needs we need to be able to communicate with them, as they have indicated. As such we believe that it may be unlawful to delete their data or not communicate with them based on their preferences. Individuals always have the right not to interact with us, and can seek alternate locations to stay or eat.
What is the possible impact on the individual?	The impact to the individual will be as follows: Information you have already given us – That we will continue to communicate with you as you have indicated; Social media – To interact with you over social media when you have contacted us, or have interacted with us. Purchases and events – To ask you if you would like further information from us, or to provide specific service information should we need to. Or to be able to tell you about changes to terms and conditions, privacy information or anything else that may impact your rights and freedoms as a data subject. Other - To be able to comply with PCI DSS and to report crime.
How big an impact might it have on them?	The impact will be low to the individual, unless they have committed a crime, at which point their data would be reported to law enforcement and other authorities like the ICO as appropriate.
Are you processing children's data?	Not knowingly. Our websites, marketing and social media sites are for corporate and brand information / sales that are only designed for use by people that wish to stay or dine with us, which is aimed at over 18's. No service we offer is aimed at children.
Are any of the individuals vulnerable in any other way?	This is possible but this may be unknown at the time of interaction. D&D London will take all responsible measures to comply with law, distance selling regulations and age identification as required. We will provide all assistance possible to ensure that you understand the implications of our processing and the impact to you on what we do.
Can you adopt any safeguards to minimise the impact?	All safeguards in line with the requirements of the GDPR and PECR are already in place, and all data will be protected in line with Article 32 – technical and organisational security measures. We are unlikely to purchase any lists of names and contact information and interact only with people that interact with us. It is possible that somebody could sign up another user to our information. In this case we will endeavour to communicate within thirty (30) days, where people will be able to opt out.

Can you offer an opt-out?	<p>In the following scenarios an opt out is possible:</p> <p>Information you have already given us – customers can opt out of receiving information from us at any time;</p> <p>Social media – users can opt not to interact with us, or change their settings to appear anonymously to us;</p> <p>Purchases and events – People can opt out of receiving further information from us;</p> <p>In the following scenarios it is <u>not</u> possible to opt out:</p> <p>Purchases and events – Where we need to update our records, or notify you of changes to terms and conditions, privacy information or anything else that may impact your rights and freedoms as a data subject. Or, to communicate a recall of any of our services, updated allergy advice or for another legal reason that may require us to contact you.</p>
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3. Notes

1. For business to business marketing (with a company) and we are e-mailing an enquiries@, info@ address, then this is not personal data and can be communicated with, and is not subject to GDPR. PECR suggests this is legitimate interest because there is no personal data in the email address (providing there is also no personal data in the body of the email) this is not covered by the GDPR;
2. For business to business marketing and we are sending to a named contact, such as firstname.lastname@company.com – PECR says this is a legitimate interest. GDPR mirrors what PECR outlines – and this Legitimate Interests Assessment covers this requirement. D&D London will ensure that when it collected the persons e-mail address they were given the choice to easily opt-out of marketing and ensure that they have the chance to opt out of every subsequent e-mail sent to them. If they do opt-out, then D&D London will not e-mail them again.
3. For existing customers (individuals as opposed to businesses) who have; bought a product or service from us in the past, have put goods in their shopping basket on our websites, or negotiated with us for our services etc. (and we gave you an option to opt-out of marketing when you gave us your details) – then this will be classed as a soft opt-in and was lawful at that time. In line with both GDPR and PECR we will exercise our rights to email you under our legitimate interest, and you have the right to opt out or object at any time;
4. For individuals that aren't existing customers or are cold prospects, PECR advises that we need consent to send marketing e-mails to you. This is not in our legitimate interests and we will not send you marketing communications.