
Corporate Governance & Compliance
Policy, Procedures and Standards

Legitimate Interests Assessment

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Review and Update Policy

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

Contents

1. Scope	4
2. Legitimate Interests Assessment.....	4

1. Scope

D&D London use both photos and videos within their marketing and sales activities. This could be published within printed material or used online on their own or their brands websites. These may be paid for photos or videos and if so then where possible, a consent record will be used as part of the model release for the use of this imagery. Additionally, D&D London also take photos and videos at events and at certain times during the normal course of business within their hotels, restaurants or corporate sites. In these cases, D&D London will use legitimate interests to process these pictures and your expectation should be that this may be the case in your use of their facilities.

2. Legitimate Interests Assessment

Area	Test	Response
The legitimate interest(s)	Who benefits from the processing? In what way?	Both parties may benefit from the taking of pictures or videos within their sites. D&D London will use this imagery or videography to display people enjoying the use of its facilities and may publish these on its websites. With the use of our website and specific plugins that we enable, people can share content to their own social media sites. This allows users to share information and photos from events with friends and colleagues. Therefore, we can share photos and videos with individuals as well as organisers of events to share on their own social media platforms. In this way we both benefit.
	Are there any wider public benefits to the processing?	Yes. If any of the images captured show any unlawful activity or health and safety issues. These could then be used in the detection of crime, we can provide law enforcement and insurers with enhanced information to be able to legitimise and provide clear evidence on any incidents that occur. This may allow feedback and changes that would allow greater protection to individuals in both health and safety.
	How important are those benefits?	It is important for us as a commercial organisation to be able to take photos and videos within our premises. We already have CCTV in place that records these images (although for other purposes – please see our CCTV Data Privacy Notice and Legitimate Interests Assessment). In this case we would use the imagery on our website to promote our brands and show our capabilities as an organisation. Without the ability to do this it could hurt our commercial interests and limit people’s choice to be able to select us to either visit or hold an event with us.
	What would the impact be if you couldn’t go ahead?	This would hurt our commercial interests and it would be difficult for us to promote our brand and show people what we can offer as an organisation.

	Would your use of the data be unethical or unlawful in any way?	No. We will make people aware of what we are doing and they can object to being in any of the images. We will respect their wishes and not process their data for this requirement.
Necessity test	Does this processing help to further that interest?	Yes. Being able to show people enjoying the use of our hotels and restaurants is paramount to giving people choice about selecting us. The use of clean sterile photos does not demonstrate the use of these locations as people would normally use them. It would also limit the ability for people to share these images with friends and family after attending an event.
	Is it a reasonable way to go about it?	Yes. Where reasonably practical we will use commercial imagery in marketing materials. The people in these will consent by an addition to the standard model release agreement. Where we are covering events, or updating the imagery as it relates to our sites we may use photography or videography in our locations. Where possible we will inform people of this so that they can make an informed choice. As these sites belong to D&D London then it is reasonable that we may wish to do this.
	Is there another less intrusive way to achieve the same result?	It may be possible in some instances to stage these pictures or ask everyone involved to sign consent forms. However, the cost and poor customer experience is likely to outweigh informing people that we may do this and safeguarding their rights and freedoms by not taking or using their images if they object.
Balancing test	What is the nature of your relationship with the individual?	There may or may not be a relationship with the individuals that are captured. Generally, people using our sites have a contract with us or will enter into a contract with us for the supply of food, beverages or access to our facilities. However, it is possible that they could be captured in a background image and we have no direct relationship with them.
	Is any of the data particularly sensitive or private?	If people are there for legitimate reasons then the likelihood is that the data is not overly sensitive. No special categories of data are processed and it is likely that their picture may already be available on a corporate website or social media platform already, whether they or someone else has shared this. We respect people's privacy and will minimise the impact to them. If they do not want to appear then they have the rights to tell us this and can opt out and we will endeavour to ensure that this occurs.
	Would people expect you to use their data in this way?	Anyone in a public place should expect their image may be captured and published online, even if this is in the background to someone else's photograph. We will not use people's imagery for direct marketing purposes, and will always use stock or consented images

		for this purpose. We will only use these for the brands websites and within social media as appropriate.
	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?	<p>People may object to this, and have the right to do so. D&D London will minimise the data collected, and no special categories of data will be processed. While it may be possible to infer somebody's racial or ethnic origin from the image; as per the ICO's information, this is not the collection reason and is only captured incidentally, but not processed. No automated decision making or targeting occurs from this information, and we do not automatically profile an individual with the data.</p> <p>The main area of intrusiveness may be the capture of the images and their use on our website. These could then be shared by people to social media platforms.</p> <p>D&D London is happy to explain the choices that it has made and why to anyone that objects. Where possible choice will be given and people can opt out by following the procedures at the end of this LIA. Individuals also always have the right not to use our restaurants and hotels while we have photography or videography occurring – and where possible we will make suitable alternate arrangements for them.</p>
	What is the possible impact on the individual?	The impact is that pictures or videos with data subjects in (foreground or background) could be placed on our websites if we use these images to show the use of our sites. This information could be shared to social media platforms. This may show their face and other identifiable features about them.
	How big an impact might it have on them?	<p>The impact will be generally low to the individual. Use of our sites may lead to people using camera phones or other cameras around them. If they are there for legitimate purposes then this impact is low, unless:</p> <ol style="list-style-type: none"> 1. They have committed a crime, at which point their data would be reported to law enforcement and other authorities like the ICO as appropriate; 2. Any immoral or questionable behaviour would be suppressed from usage and may be reported if unlawful.

Are you processing children's data?	It is possible that if Children are within our restaurants then they could be captured on photo or video. However, to use our sites Children always need to be accompanied by an adult and so their parents will be able to review the data privacy notices and this legitimate interest's assessment to ensure that they agree with the processing in this manner.
Are any of the individuals vulnerable in any other way?	It is possible that vulnerable people could use our restaurants. We will provide all assistance possible to ensure that they understand the implications of our processing and the impact to them on what we do.
Can you adopt any safeguards to minimise the impact?	Yes. We will make it as clear as possible to people that photographers are operating within our restaurant or hotel sites. We will do this by talking to guests as they come into our premises or where appropriate displaying signage. This will provide people with the information that they need to be able to make real choices about participating or objecting so that we can respect their rights and freedoms. We can also use different angles as well as other photography editing techniques to soften, blur or hide peoples identifying features to protect their privacy. This can be evaluated on a case by case basis based on need and requirement.
Can you offer an opt-out?	Yes. We will make it as clear as possible to people that photographers are operating within our restaurant or hotel sites. This may not always be possible, but we will endeavour to let people know. We will only do this for set periods of time and not just randomly take photos or videos. In this manner people will have the ability to ask not to be photographed and we will respect their wishes in this regard.