

Lawful Basis

Assessing which 'lawful basis' applies is confusing because more than one may apply. The following table may help but, if you are unsure, please contact the Data Protection and Information Security Officer.

Legal obligation	The law states that we must carry out this activity, e.g. collecting Council Tax.
Public services	The processing is necessary in order to deliver public services, e.g. ASB assistance to housing tenants
Contract	The processing is required for the performance of a contract, e.g. contract of employment or a contract to provide services.
Vital interests	The processing is necessary to protect the vital interests of an individual, which usually means protecting someone's life or protecting them from serious harm. If there is another lawful basis that can be used then that lawful basis should be used and not vital interests.
Consent	When none of the above applies and the individual has a genuine choice about whether the processing of their information happens, e.g. they have asked to be kept up-to-date with a public consultation.

In very limited circumstances, the Council may be able to rely on the 'legitimate interests' of the Council but only when these interests override those of the individual. This basis for processing is not available to processing carried out by the Council in the performance of its official tasks. It is best to consider other lawful bases first.