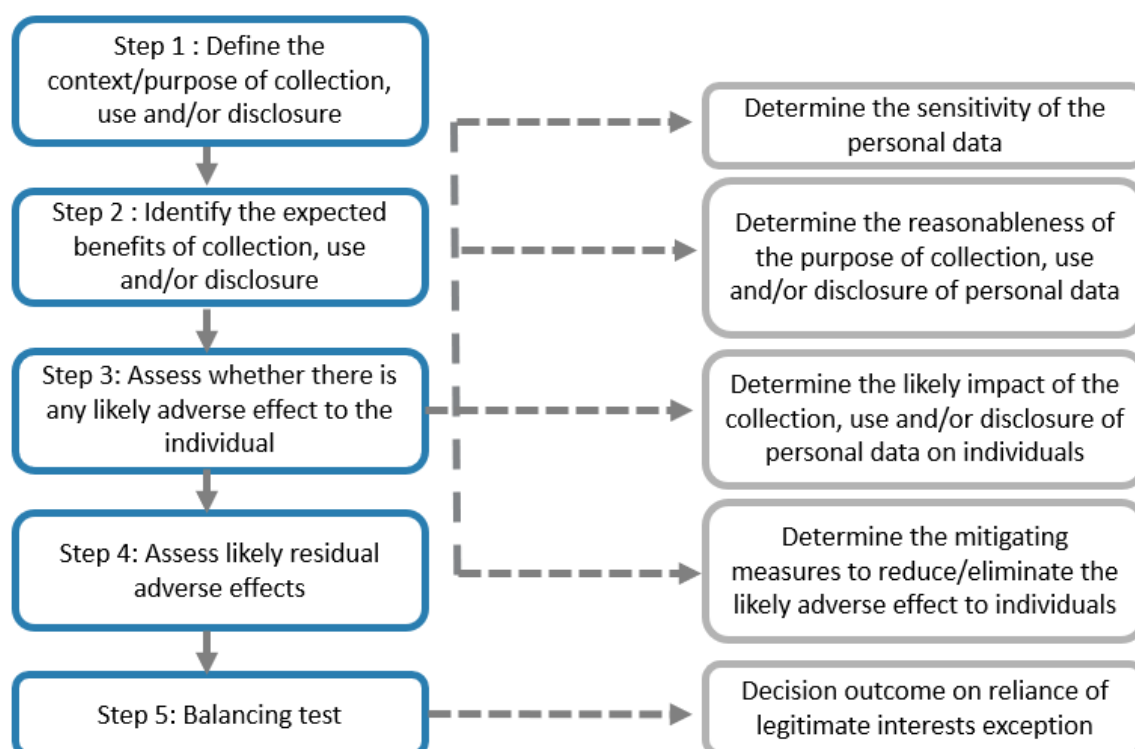# Assessment Checklist for Legitimate Interests Exception

The PDPA provides that organisations may rely on the legitimate interests exception to collect, use and disclose personal data without consent where the identified legitimate interests outweigh any adverse effect on the individual. "Legitimate interests" generally refer to any interests of the organisation or any third party.

Organisations should document their assessments justifying their reliance on the legitimate interests exception. This checklist is intended to guide organisations in assessing whether they may rely on the legitimate interests exception. If an organisation is required by PDPC to provide justification of its reliance on the legitimate interests exception, the outcome of this checklist may be provided to PDPC as a documentation of its assessment.

When using this checklist to determine whether the legitimate interests identified outweigh any adverse effect to the individual (the "balancing test"), organisations should rely on the assessment in steps 1 to 3. However, the balancing test should not be a mere count of whether the number of responses in the affirmative in Step 2 exceed that in Step 3. Justifications should be provided for each response, with an evaluation documented in the balancing test leading to whether the organisation may rely on the legitimate interests exception.

It is not mandatory for organisations to use this checklist, and organisations may wish to conduct their own assessment to justify their reliance on the legitimate interests exception. The assessment should minimally cover the 4 main areas of (1) purpose, (2) reasonableness of purpose, (3) whether the benefits of the legitimate interests clearly outweighs any adverse effect to the individual, and (4) the final decision outcome.

Figure 1: The flow for conducting legitimate interests exception assessment

S/N	Step 1: Define the context/purpose of collection, use and/or disclosure	
1	What is the purpose of relying on the legitimate interests exception to collect, use or disclose personal data?	*[Describe the legitimate interests of the organisation or another person and explain what are the objectives or purpose for collecting, using or disclosing the personal data.]*
2	List the types of personal data that will be collected, used, and/or disclosed for this purpose.	
3	Describe how the personal data will be collected, used, and/or disclosed.	
4	Is the collection, use or disclosure on a one-off or a continuous basis?	*[If continuous, please state occurrence.]*
	Step 2: Identify the benefits of collection, use and/or disclosure	
5	How does the legitimate interests benefit the organisation or another person?	*[This should focus on direct benefits arising from the legitimate interests of the organisation or another person. This may also include negative impact on organisation/individuals/groups of individuals if the legitimate interests cannot be carried out.]*
6	Who does this benefit?	*[Beneficiaries may include the wider public or segment of the public or organisation such as customers, employees, sector or industries of the economy.]*
	Step 3: Assess whether there is any likely adverse effect to the individual	
	Sensitivity of personal data	
7	Is the personal data being collected, used or disclosed (as	

	listed in Step 1) of a sensitive nature?		
**Reasonableness of the purpose of collection, use and/or disclosure of personal data**
8	How extensive is the collection of data?		*[Please describe if there is any large-scale collection of data, factoring in both the volume of data collected and number of types of data fields collected.]*
9	How reasonable is the purpose of collection, use, and/or disclosure of the personal data?		
**Likely adverse effect to the individual**
10	What are the reasonably foreseeable adverse effects to the individual (e.g., financial, social, physical, psychological effect)?		
11	Will you use other information from other datasets to make predictions or decisions?	Y/N	*[If yes, please describe the datasets used for merger and whether the individual is aware that you are in possession of the dataset. Please also describe the types of decisions/predictions that would be made with the data.]*
12	Will the predictions or decisions exclude, discriminate against, defame, or harm the individual?	Y/N	*[Please state the types of predictions or decisions that would be made with the data and justify why these may or may not be accurate.]*
13	What is the likelihood and severity of any potential impact to the individual?		*[You should consider this relative to prevailing social norms. Refer to paragraph 12.69 of the main Advisory Guidelines for a list of considerations.]*
14	How did you provide the details of a contact who can provide the individual with more details of the collection, use or disclosure of the personal data?		*[Please describe how the details are provided.]*
**Mitigating measures**
15	Can you adopt any measures to mitigate, eliminate or reduce the likelihood of the adverse effect?	Y/N	*[If yes, please describe the measures and justify how the measures are able to mitigate or reduce the likelihood of the adverse effect.]* *[If no, please state the reasons for why not.]*
**Step 4: Assess likely residual adverse effect**
16	What are the likely residual adverse effects to the individual after applying measures to mitigate the adverse effect specified above?		

**Balancing test**
17	Do the identified legitimate interests outweigh the residual adverse effects?	Y/N	*[If yes, please explain and justify.]*
18	Can you rely on the legitimate interests exception to collect, use	Y/N	*[If yes, please explain and justify.]*

	and/or disclose personal data for this purpose?		
19	Are there any further actions to be taken?	Y/N	*[If yes, please describe.]*
20	Outcome date		
21	Completed by		
22	Endorsed by		
23	Agreed by		*[In line with the Accountability principle, the assessment should be reviewed by the appropriate members of management with sufficient authority.]*