

Sample Data Processes Audit

Sample data process	Suggested legal basis for processing under GDPR	Requirements for legal processing	PECR considerations
Under GDPR, an organisation is required to assess all data processes which use the personally identifiable data of individuals and identify a legal basis for that processing.	There are seven legal bases for processing. In this guide we will limit our discussion to Contract, Legitimate Interests and Consent. Where possible we suggest using Legitimate Interest basis.	We will outline the requirements for using the suggested legal basis for processing. For more information please see WHITE PAPER NAME.	Email, text messaging and telephone communications are also regulated by PECR. These additional considerations will be outlined here when applicable.
Posting a marketing message to an individual with a relationship to the organisation	Legitimate Interest is expressly allowed for direct marketing under article 47 of the regulation.	Legitimate Interest requires a legitimate interest assessment be undertaken, that the process is included in a clear and accessible privacy policy and that the individual can easily opt out of processing (usually achieved by instructions in the privacy policy). Sample legitimate interest assessments are included with this toolkit.	No.
Emailing a marketing message to a current or former customer	Legitimate Interest is expressly allowed for direct marketing under article 47 of the regulation.	Legitimate Interest requires a legitimate interest assessment be undertaken, that the process is included in a clear and accessible privacy policy and that the individual can easily opt out of processing (usually achieved by instructions in the privacy policy). Sample legitimate interest assessments are included with this toolkit.	Yes. The PECR Soft Opt-in approach is suggested.
Anonymous analytical purposes such as reporting on general audience attributes	No basis is necessary. This process uses anonymised data. If it is not personally identifiable, data is not covered under GDPR.	N/A	No.
Segmenting data for marketing purposes	Legitimate Interest is expressly allowed for direct marketing under article 47 of the regulation.	Legitimate Interest requires a legitimate interest assessment be undertaken, that the process is included in a clear and accessible privacy policy and that the individual can easily opt out of processing (usually achieved by instructions in the privacy policy). Sample legitimate interest assessments are included with this toolkit.	No.
Posting a fundraising message	Legitimate Interest is expressly allowed for marketing under article 47 and the ICO defines fundraising messages as a type of marketing. This means fundraising communications are likely allowed under Legitimate Interest.	Legitimate Interest requires a legitimate interest assessment be undertaken, that the process is included in a clear and accessible privacy policy and that the individual can easily opt out of processing (usually achieved by instructions in the privacy policy). Sample legitimate interest assessments are included with this toolkit.	No.
Emailing a fundraising message	Due to PECR requirements, Consent may be the best basis for this process.	GDPR compliant consent is granular, affirmative and demonstrable.	Yes. PECR Soft Opt-In is unlikely to be available for fundraising messages. Consent may be the best basis for this process.
Wealth screening and other profiling for fundraising	The ICO has indicated that profiling is not prohibited. It may be allowed under Legitimate Interest provided the requirements are met.	Legitimate Interest requires a legitimate interest assessment be undertaken, that the process is included in a clear and accessible privacy policy and that the individual can easily opt out of processing (usually achieved by instructions in the privacy policy). Sample legitimate interest assessments are included with this toolkit.	No.
Partner Company emailing a customer	Due to PECR requirements, Consent may be the best basis for this process	GDPR compliant consent is granular, affirmative and demonstrable.	Yes. PECR Soft Opt-In is unlikely to be available for 3rd party email messages. Consent may be the best basis for this process.
Verifying payment and other activities in the interest of servicing the contract for either ticket sales or donations	Contract basis is likely best for this process	It is good to document that Contract basis has been chosen for this process.	No.

This is just a sample set of data processes. We recommend a full data processes audit of your organisation's particular activities.

This document is part of the Spektrix GDPR Toolkit for the Performing Arts which provides guidance to help your arts organisation comply with General Data Protection Regulation (GDPR). Explore the Spektrix GDPR Toolkit for the Performing Arts in the [Spektrix Insights Library](#).

DISCLAIMER

We're here to help you prepare for GDPR as much as possible, but we can't offer legal advice and none of the information in the following document should be taken as such. We strongly recommend taking your own legal advice before committing to any decision regarding GDPR. As the data controller, it is your responsibility to design an appropriate approach to data privacy. Neither Spektrix nor any other data processor can make you GDPR compliant without your own processes in place.

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