

Lawful Basis	Explanation	Examples
<p>Consent</p>	<p>NALC guidance states that this must be a “freely given, specific, informed and unambiguous indication of the data subject’s wishes – either by a statement or by a clear affirmative action...silence, pre-ticked boxes, inactivity, or a history of processing without complaints will not constitute consent”. Opt-out tick boxes are therefore no longer acceptable.</p> <p>Consent can be withdrawn at any time and the process for doing so must be made clear (see your Privacy Notice). Councils will need to record how and when consent was given. A useful template consent form can be found at Appendix 3 (page 31) of the NALC toolkit. As consent can easily be withdrawn councils should consider relying on another lawful basis wherever possible. If Consent has been relied upon previously this should be reviewed by the council and consideration given to whether consents should be renewed.</p> <p>Consent cannot be relied upon as a legal basis for processing the personal data of councillors and staff as it cannot be “freely given” (see step 3). Similarly, if consent were withdrawn it could put the council in a difficult situation where it is required by law to process information for which consent to process has been withdrawn or withheld.</p>	<p>Residents may consent to receive a newsletter or to be updated on council services/ facilities and activities. Individuals may consent to having their photograph included in a council publication.</p>
<p>Legitimate interests</p>	<p>Councils and parish meetings are public authorities and under the GDPR public authorities cannot rely on legitimate interests as a legal basis for processing personal data.</p>	<p>NA</p>
<p>Contractual necessity</p>	<p>Personal data may be processed if the processing is necessary to enter into or perform a contract with the data subject.</p>	<p>A council can process a grounds maintenance contractor’s personal data to comply with its obligations to make payment under a grounds maintenance contract.</p> <p>A council may process an employee’s personal data in connection with an employment contract or appraisal</p>
<p>Compliance with legal obligation</p>	<p>Personal data may be processed if the parish council is legally required to perform such processing.</p>	<p>An employer needs to process personal data to comply with its legal obligation to disclose employee salary details to HMRC.</p> <p>The council can use this legal basis to process a councillor’s Acceptance of Office and Register of Interest forms and to</p>

		process training requests or accident reports.
Vital Interests	Personal data may be processed to protect the 'vital interests' of the data subject.	In a life or death situation such as a medical emergency a council could use a person's medical or emergency contact information without their consent. This cannot be relied on as a legal basis for the processing of information in day-to-day council business.
Public Interest	Personal data may be processed if the council needs to process personal data as part of its official function or a task in the public interest. The official function (power or duty) must have a clear basis in law.	For example, a council can use this legal basis to respond to individuals who have contacted the council by phone/ email/ letter or who have submitted grant applications to the council. It could also be used to process the data of individuals who are contacts listed in the council's emergency plan.