**CHECKLIST 2 – Questions to ask when deciding if processing is appropriate**

If you are processing for purposes other than legal obligation, contract, vital interests or public task, then the appropriate lawful basis may not be so clear cut. In many cases you are likely to have a choice between using legitimate interests or consent. You need to give some thought to the wider context, including:

* Who does the processing benefit?
* Would individuals expect this processing to take place?
* What is your relationship with the individual?
* Are you in a position of power over them?
* What is the impact of the processing on the individual?
* Are they vulnerable?
* Are some of the individuals concerned likely to object?
* Are you able to stop the processing at any time on request?

You may prefer to consider legitimate interests as your lawful basis if you wish to keep control over the processing and take responsibility for demonstrating that it is in line with people’s reasonable expectations and wouldn’t have an unwarranted impact on them. On the other hand, if you prefer to give individuals full control over and responsibility for their data (including the ability to change their mind as to whether it can continue to be processed), you may want to consider relying on individuals’ consent.