

## GDPR

# WHEN IS COLLECTING PERSONAL DATA PERMISSIBLE?

The General Data Protection Regulation (GDPR) puts in place a lot of rules for gathering and using personal data. It also puts strict limits on *who* can collect personal data.

### “LAWFUL BASIS” TO PROCESS PERSONAL DATA

To process personal data under the GDPR you need legal justifications, such as:

#### 01 **Consent!**

This means the consumer or user has agreed to the processing of her data for some purpose.

- Like when you consent to being sent a newsletter

#### 02 **Performance of a Contract**

If the data is necessary for the performance of a contract - in other words, the company needs some personal data to do something they agreed to do.

- Name and address for shipping goods

### 03 Legal Requirement

A company can process personal data if it's necessary for compliance with a legal obligation.

- Like sending employee data to a tax agency

### 04 Vital Interests

Data can be processed if it's necessary to protect the vital interests of the data subject or of another person.

- Like processing health information for someone who needs urgent medical attention

### 05 Public Interest or Official Authority

An entity can process personal data if it's necessary for a "task carried out in the public interest" or to exercise some official authority.

- Like a census bureau gathering data on its citizens.

### 06 Pursuing Legitimate Interests

This is a catch-all, allowing for other reasons to process personal data. However, this requires the company to jump through more hoops.

They need to:

- Identify a legitimate interest;
- Show that the processing is necessary to achieve this interest;
- And balance the purpose against the individual's interests, rights and freedoms.