

## LEGITIMATE INTERESTS BALANCING TEST

<b>Data processing activities:</b>	Marketing activities
<b>Data subject:</b>	<ul style="list-style-type: none"><li>Existing and former customers;</li><li>Data subjects that have accessed our website and requested to receive newsletters.</li></ul>
<b>Purpose(s) for processing:</b>	The purposes of the processing include:  <ol style="list-style-type: none"><li>Sending non-personalised advertisement to via email to existing and former customers;</li><li>Conducting customer satisfaction surveys;</li></ol>
<b>Personal data processed:</b>	<ul style="list-style-type: none"><li>Name</li><li>Surname</li><li>E-mail address</li></ul>
<b>Interest of Harvie &amp; Hudson Ltd or other data recipient</b>	
<b>Legitimate interest:</b>	Harvie & Hudson Ltd. want to process the data to continue sending the newsletter to the existing mailing list.
<b>Is the data processing necessary for meeting the above objective(s)?</b>	<b>Yes.</b> The processing activity has been designed so as to use the personal data required to meet these objectives.  <ul style="list-style-type: none"><li>The processing is entirely proportionate to the purpose. There is no other way to achieve the same purpose without the processing. Harvie &amp; Hudson Ltd. have tried to re-consent the mailing list, but with very limited success.</li><li>Harvie &amp; Hudson Ltd. Processes the minimum data to achieve the purpose based on the principle of data minimization as set up in the General Data Protection Regulation</li></ul>

Impact of processing on data subject	
<p><b>Description of positive and negative impact on data subject:</b></p>	<p>We are simply sending messages, which can be opted out of at any time. We believe any impact our messages have will be largely positive.</p> <p><b>Positive impact:</b></p> <p>Data subjects receives benefits of knowing when new products are released or are reduced to make the most out of their purchases</p> <p><b>Negative impact:</b></p> <p>The possible impacts of processing on people are minimal. They will receive emails that they have asked for and as of this point in time, not objected to. They will not be receiving something they haven't had and not objected to in the past.</p>
<p><b>Reasonable expectations of the data subject:</b></p>	<p>The data subjects would have been made aware that their information would be processed for newsletter communication purposes. The data subjects have either previously opted in to receive the newsletters by an affirmative action but, while the process was compliant under the DPA 1998, it isn't under General Data Protection Regulation 2016/679 as not all the information about the controller was there.</p> <p>Furthermore, the personal data was collected directly from the data subject and they are presented with an extensive "Privacy Policy" in a clear and simple language explaining the means and purposes of the processing as well as all the other elements required by the General Data Protection Regulation 2016/679 (GDPR)</p>
<p><b>Other factors affecting impact on data subject:</b></p>	<p><b>No.</b></p>

<p><b>Are appropriate safeguards in place to protect the data and allow data subjects to exercise their rights?</b></p>	<p><b>Yes.</b></p> <ol style="list-style-type: none"> <li>1. There are obviously risks of personal data breach which is why adequate security along with technical and organizational measures are set in place to protect the data.</li> <li>2. Harvie &amp; Hudson Ltd. take the security of the data they process very seriously which is why we have implemented adequate technical and organizational measures to minimize any risks to the rights and freedoms of the concerned data subjects.</li> <li>3. Only authorised personnel within the Marketing Department have access to the personal data concerned;</li> <li>4. Personnel with access to personal data: (i) are informed of its confidential nature; (ii) are aware of Harvie &amp; Hudson Ltd.'s obligations as a Data Controller; (iii) have undertaken appropriate training in relation to the Data Protection Laws; and (iv) are subject to confidentiality undertakings or professional or statutory obligations of confidentiality.</li> <li>5. Harvie &amp; Hudson Ltd. do not use customers personal information beyond the intended use;</li> <li>6. All marketing communications in the scope of this LIA are sent with an unsubscribe link which promptly unsubscribes data subjects.</li> </ol>
<p><b>Balance assessment</b></p>	
<p><b>Can Harvie &amp; Hudson Ltd rely on legitimate interest as its legal basis for this processing of this personal data?</b></p> <p><b>(I.e. Harvie &amp; Hudson Ltd's legitimate interests are not overridden by the interests or fundamental rights and freedoms</b></p>	<p><b>Yes.</b></p> <ul style="list-style-type: none"> <li>• There is no special category or criminal offence data involved.</li> <li>• Harvie &amp; Hudson Ltd isn't knowingly processing children's data or that of vulnerable people.</li> <li>• The data subjects have already been receiving the newsletters, the only change since then has been the legislation. All emails in the scope of this LIA are sent with an unsubscribe link which promptly unsubscribes</li> </ul>

<p><b>of the data subject which require protection of personal data.)</b></p>	<p>data subjects without requiring any additional actions from the data subject.</p> <ul style="list-style-type: none"><li>• We regularly clean our database to suppress customers who do not interact with our emails as to not spam accounts, this is an automated process done through our ESP.</li><li>• We regularly monitor email sends, and review customer feedback to ensure that we are not 'spamming' accounts with too many emails, or unsolicited emails.</li></ul>
<p><b>Is the identified legitimate interest compelling so as to likely override any (i) objection; or (ii) right of erasure which is based on an objection, for any of the data processed?</b></p>	<p>No, the data subjects are benefiting from all their rights provided by the GDPR as well as the Data Protection Act 2018. Our "Privacy Policy" describes these rights in full and also provide information to the data subject on how they can exercise their rights.</p>