

# Legitimate Interests, Consent and Fair Processing Explained

**Confused by the GDPR? Hardly surprising, it's a complex and monstrous piece of legislation!**

**Common questions we are asked are;**

**Why are you taking photos?**

**Don't you need my consent?**

**What are my rights?**

**Let us explain what it all means to you..**

This is the plain English version of our official Legitimate Interests and Fair Processing policies that are required under the General Data Protection Regulation (GDPR), which came into effect on 25<sup>th</sup> May 2018.

DE Photo understands that your information is important and in the wrong hands it poses a risk to your rights and freedoms. Here we outline DE Photo's legitimate interests, as required by the GDPR and show that the processing is necessary to achieve it and that our interests are balanced against your interests, rights and freedoms.

## **WHAT DOES THE GDPR SAY?**

Under the GDPR (Article 5), the data protection principles set out the main responsibilities for organisations and requires that personal data shall be:

- a) processed lawfully, fairly and in a transparent manner;
- b) collected for specified, explicit and legitimate purposes;
- c) processed in a manner that ensures appropriate security of the personal data, using appropriate technical or organisational measures.
- d) the controller shall be responsible for, and be able to demonstrate, compliance with the principles.

## **LAWFUL BASIS FOR PROCESSING**

Organisations must have a valid lawful basis in order to process personal data. There are six available lawful bases for processing. No single basis is 'better' or more important than the others, they are; Consent, Contract, Legal Obligation, Vital Interests, Public Task, Legitimate Interests

Consent alone is not required and DE Photo are able to demonstrate Legitimate Interests in our Legitimate Interests Assessment (LIA) document which can be viewed here:

**[www.dephoto.biz\GDPR-LIA](http://www.dephoto.biz\GDPR-LIA)**

Whilst only one basis need apply, in most cases, a contract also exists between DE Photo and the event organiser enabling us to satisfy two of the six lawful bases.

In addition, organisations do not need to provide people with privacy information if it would involve a disproportionate effort to provide it to them. Due to the restricted nature of the events we attend, we are not in a realistic position to obtain prior individual consent, nor able to identify individuals beyond the photo itself. The photo is a necessity for customers to identify themselves or their children.

Every effort is made to ensure that the event organiser notifies participants and spectators of the presence of an official photographer both prior and during the event.

### **BUSINESS INTEREST**

DE Photo are event photographers. Photos are only taken during public events (a public place is deemed 'anywhere you would not expect privacy'), where invited to do so by the event organisers. Photos are available for purchase during the event and post-event from our website.

### **PUBLIC INTEREST**

Since its establishment in 2002, the company has sold over 4 million photos and during that period has received 5 requests for removal of images, demonstrating that our services are in the public's interest, without which our customers could not enjoy the cherished moments captured by our photographers.

### **HOW WE PROTECT YOUR DATA**

In order to help protect your information this notice also summarises information we collect, why we collect it, what we do with it and who can see it.

#### **What we need**

We need to collect the following information;

- Photographic images
- Age group
- Name (only where you request to personalise images or giving consent to future communication)
- Email Address (only when giving consent to future communication)

#### **Why we need it**

We collect this information in the public's interest and, where applicable, to fulfil our contractual obligations to the event organisers, enabling us to provide photographic images from the event.

#### **What we do with it**

Photos are made available for purchase during the event and can also be viewed and purchased post-event from our website.

### Who can see it

- a) Small thumbnail images on display at the event are visible to the public at the event.
- b) Small thumbnail watermarked images on our website (max size 30kb) are visible to the public. Some events are considered sensitive and are password protected (these may include schools, gymnastics, swimming etc.).
- c) Original full-size images can be accessed by DE Photo Staff, Franchise Owners and their support staff.

### YOUR RIGHTS

You can;

- Request that we delete the information we hold on you at an event, please speak to any DE Photo staff member. Please note that, where more than one data subject is present, a request cannot infringe on other people's rights.
- Request that we delete the information we hold on you on our website please email [removal@dephoto.co.uk](mailto:removal@dephoto.co.uk) with the full Event Name and Image numbers. Please note that, where more than one data subject is present, a request cannot infringe on other people's rights.
- Object to how we are using data. If you wish to do this a 'Subject Rights Request' can be raised by sending an email to our Data Protection Officer (DPO) at: [DPO@dephoto.co.uk](mailto:DPO@dephoto.co.uk) with the details of your objection.
- Raise a complaint with the Information Commissioner's Office (ICO) about us. If you wish to do this then please visit [www.ico.org](http://www.ico.org)

### DE PHOTO

DE Photo (Franchising) Ltd (DE Photo) includes the following brands and websites:

- DE Photo [www.dephoto.biz](http://www.dephoto.biz)  
DE Events [www.events.dephoto.biz](http://www.events.dephoto.biz)  
DE Schools [www.schools.dephoto.biz](http://www.schools.dephoto.biz) [www.myschool.photos](http://www.myschool.photos)  
DE All Stars [www.allstars.dephoto.biz](http://www.allstars.dephoto.biz)

The full gobbledegook documents referenced here are:

DE-GDPR-0005 - Legitimate Interests Assessment (LIA)

DE-GDPR-0035 - Fair Processing Procedure

Which can be seen in full at [www.DEphoto.biz/GDPR](http://www.DEphoto.biz/GDPR)

### CONTACT INFORMATION

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