LEGITIMATE INTERESTS ASSESSMENT (LIA)

AC Unit:	
Title/Name of Program/ Project/ Initiative:	
Brief Description of the Program/ Project/ Initiative:	
Process Owner:	

EXPLANATORY NOTE TO THE PROCESS OWNER/PROPONENT:

You are being requested to conduct a Legitimate Interest Assessment (LIA) where you have identified legitimate interest as the **lawful basis for collecting/processing personal data** based on your responses to the Privacy Impact Assessment (PIA). The objective is to ensure that the legitimate interest invoked is established and documented in accordance with National Privacy Commission (NPC) Circular No. 2023-07.

Kindly note that legitimate interest only applies as a lawful basis where the collection/processing of **personal data does NOT involve sensitive personal information or privileged information**. For your guidance, sensitive personal information involves information about an individual's:

- ➢ Race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
- ➢ Health, education, genetic or sexual life, or to any proceeding for any offense committed or alleged to have been committed by such person, the disposal of such proceedings, or the sentence of any court in such proceedings;
- ➢ Government-issued identification including social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns

In the event that sensitive personal information is involved, kindly inform AC's Data Privacy Office so that your previously accomplished PIA may be reviewed and/or clarified.

INSTRUCTIONS: Do not leave any questions blank or unanswered. Write "YES" or "NO" for questions answerable by a yes or no, and please elaborate on your answer if necessary. Write "N/A" or "Not Applicable" for questions that do not apply to the processing activity under consideration.

I.   PURPOSE TEST

The existence of legitimate interest behind the processing must be established. Legitimate Interest refers to any actual and real interest, benefit, or gain that Ayala Corporation (AC) or any third party may have in or may derive from the processing. A business purpose that is lawful and not contrary to law, morals, public order, and public policy may establish legitimate interest to process personal information.

What is/are the specific purpose/s for processing the personal data? (The purpose/s must not be vague or overly broad. Kindly also identify whether data subjects benefit from such purpose/s.)

Do any third parties benefit from the processing? Please identify the third party/ies.

What would the impact be if the organization couldn't go ahead with the processing?
Are you complying with applicable industry guidelines or codes of practice?
Are there any other ethical issues with the processing?

Assessment:

II.   NECESSITY TEST

The means to fulfill the legitimate interest must be adequate, relevant, suitable, necessary, and not excessive in relation to the declared and specified purpose, and such means should itself be lawful.

Is the processing proportionate (i.e., adequate, relevant, suitable, necessary and not excessive) to the declared and specified purpose?
Is the means to be employed to process the personal information lawful?
Can you achieve the same purpose without the processing or through other means? Please elaborate.
Can you achieve the same purpose by processing less data, or by processing the data in another less intrusive way? Please elaborate.

Assessment:

III.   BALANCING TEST

The processing must not override the data subjects' fundamental rights and freedoms. The impact of the processing activity on individuals should therefore be considered.

Nature of the Personal Data
Is the personal data to be collected and processed of a nature which people are likely to consider particularly 'private'?

![Ayala logo]

Does the processing data of minors or data relate to other vulnerable people (i.e. senior citizens, people with special needs, members of indigenous communities, etc.)?

Is the data about people in their personal or professional capacity?

Assessment:

Reasonable Expectations

Questions to consider:

Does AC have an existing relationship with the individual? What is the nature of the relationship and how have you used data in the past?

Did you collect the data directly from the individuals? What did you tell them at the time?

Does the data subject reasonably expect the organization to process the data for the purposes identified?

If you obtained the data from a third party, what did they tell the individuals about reuse by third parties for other purposes and does this cover you?

How long ago did you collect the data?

Are there any changes in technology or context since then or anything new or innovative you hope to do with the data that could affect expectations?

Do you have any evidence about expectations – e.g. from market research, focus groups or other forms of consultation?

Are there any other factors in the particular circumstances that mean they would or would not expect the processing?

Additional Note:

Organizations should avoid using legitimate interests as basis if it will use personal data in ways individuals do not understand and would not reasonably expect, or in cases where some individuals would possibly object when explained to them.

Assessment:

Potential Adverse Impact on Data Subjects:

What are the possible impacts of the processing on individuals?

Will individuals lose any control over the use of their personal data? Please elaborate as needed.

What is the likelihood and severity of any potential impact?

Are some people likely to object to the processing or find it intrusive?

Can you adopt or have you adopted any safeguards to minimize the impact?

Additional Note:

Examples of adverse impact, with various levels of **severity**, may include: (a) mere annoyance, discomfort, inconvenience (low levels); (b) personal, family, workplace, social fear, embarrassment, apprehension or anxiety (moderate to high levels); (c) discrimination or stigmatization, identity theft/fraud, bodily harm, deprivation of liberties, rights and freedoms, damage to earning power and financial loss (very high levels).

Likelihood pertains to the scope and mode of processing personal data and the potential for the data to be unlawfully disclosed or exploited. Likelihood is affected by the use of privacy enhancing technologies (PETs) such as access controls, encryption, and data-masking techniques.

Assessment:

IV.   DECISION

This is your overall assessment, as process owner, taking into account the answers to Parts 1, 2 and 3 above, whether or not you can apply legitimate interests as basis.

	Y/N
Can you rely on legitimate interests for this processing?	
Do you have any comments to justify your answer?	
Name and Signature	
Date	

COMMENTS FROM THE AC DATA PRIVACY OFFICE (IF ANY)

DPO Signature	
Date	