

**LEGITIMATE INTEREST ASSESSMENT SHEET**
**A) IDENTIFYING A LEGITIMATE INTEREST**

1	What is the purpose of the processing operation	Data is processed to enable personalised professional business-to-business advertising and communications online and offline as well as behavioural online analytics on behalf of our clients and ourselves.
2	Is the processing necessary to meet one or more specific organisational objectives?	Yes. The business objective is to deliver added value from our software to our clients and their prospective customers.
3	Is the processing necessary to meet one or more specific objectives of any Third Party?	Yes. Data processing enables value-added from our software platform to our clients (Third Party) through being able to deliver personalised advertising to individuals from their prospective client organisations and to provide analytics about individual's online behaviour.
4	Does the GDPR, ePrivacy Regulation or other national legislation specifically identify the processing activity as being a legitimate activity, subject to the completion of a balancing test and positive outcome?	The GDPR does include direct marketing as a legitimate interest, although doesn't mention online advertising or analytics explicitly in this regard.

**B) THE NECESSITY TEST**

1	Why is the processing activity important to the Controller?	Data Processing is business critical because the primary software product of ours is based on this processing activity: enabling personalisation of business-to-business advertising and behavioural analytics of individuals in the business-to-business context.
2	Why is the processing activity important to other parties the data maybe disclosed to, if applicable?	The data is disclosed to 3rd parties that are essential for the business critical activities of ours, including our software development partners and advertising partners. The data itself is not relevant for these parties. The processing enables personalised professional business-to-business targeting of advertising and communications, delivering added value to our clients by helping them reach the intended relevant audiences.
3	Is there an other way of achieving the objective?	It is impossible to personalise business-to-business advertising accurately or to provide behavioural business-to-business analytics without cookies or ip addresses.

**C) THE BALANCING TEST**

1	Would the individual expect the processing activity to take place?	Yes. Individuals are expected to be aware of targeted advertising and that their online actions are being tracked by 3rd parties in order to analyse their behaviour due to the widespread nature of such activities.
2	Does the processing add value to a product or service that the individual uses?	Yes. Personalisation means that the advertising that the individual receives is more relevant. While personalisation means selecting most appropriate content for advertising for the individual's expected interests from the available content, behavioural analytics may enable our clients and ourselves to produce more relevant content for advertising.
3	Is the processing likely to negatively impact the individual's rights?	No. We only collect information about individual's professional / business behaviour and do not collect any sensitive information, such as data on religious views, political opinions or health. We do not create demographic segments to be able to target individuals by their age or gender. We do not process any information which could be used by us directly to determine the personal identity of individuals.
4	Is the processing likely to result in unwarranted harm or distress to the individual?	No. We only collect information about individual's professional / business behaviour and do not collect any collect sensitive information, such as data on religious views, political opinions or health. We do not create demographic segments to be able to target individuals by their age or gender. We do not process any information which could be used by us directly to determine the personal identity of individuals.
5	Would there be a prejudice to Data Controller if processing does not happen?	Yes, since our product relies on the processing. Without processing we would lose our clients.
6	Would there be a prejudice to the Third Party if processing does not happen?	Yes, although not significant. If our client delivers non-personalised and irrelevant advertising or communications, individuals may perceive that as aggressive advertising, i.e. the client distributing potentially irrelevant content or advertising to high number of individuals in order to find few individuals for whom the message is actually relevant.
7	Is the processing in the interests of the individual whose personal data it relates to?	Yes. Personalisation means that the advertising that the individual receives will be more relevant. While personalisation means selecting most appropriate content for advertising for the individual's expected interests from the available content, behavioural analytics may enable our clients and ourselves to produce more relevant content for advertising.
8	Are the legitimate interests of the individual aligned with the party looking to rely on their legitimate interests for the processing?	Yes. In professional business to business environment, in which cost and impact of a buying decision is significant, information seeking has a crucial role. Business to business advertising largely focuses on fulfilling the information seeking needs of individuals and hence interests of the individual align with those of the advertisers.
9	What is the connection between the individual and the organisation?	Individuals represent either prospective- or existing clients of the organisation, so there may, or may not be an existing connection between the individual and the organisation.
10	What is the nature of the data to be processed? Does data of this nature have any special protections under GDPR?	Pseudonymous IP address (probably not unique to an individual), cookie id (unique to an individual, but with no other identifiers) and other data associated with the cookie id, such as browsing activities.
12	Is there a two-way relationship in place between the organisation and the individual whose personal information is going to be processed? If so how close is that relationship?	In most common case there is no existing relationship in place between the organisation and the individual or individual's organisation even though this is possible. However, as a prospective customer of the organisation (advertiser), over time the individual in most cases will be expecting that there is potential for a relationship between individual's organisation and advertiser.
13	Would the processing limit or undermine the rights of individuals?	No, since the data is pseudonymised, relates to professional behaviour and interests of the individual and does not relate to personal sensitive information of the individual.
14	Has the personal information been obtained directly from the individual, or obtained indirectly?	The personal information is obtained directly from the individual when the individual is browsing the internet. Terms of processing the data (Privacy Notice) and instructions for opting out the processing, may be made available on (i) our client's website's privacy policy, (ii) through IAB Transparency and Consent Framework on third party websites, (iii) as part of the advertising we distribute and (iv) as a text snippet stored as a cookie within the individual's browser.
15	Is there any imbalance in who holds the power between the organisation and the individual?	No, given the user can opt out of even the limited data usage we rely on. Individuals have the power over their own behaviour and can choose not to be influenced by personalised advertising or communications. Our clients may use the behavioural analytics data to personalise their advertising and sales communications towards the individual's organisation, but the individual and the individual's organisation in general have the power of deciding whether to be influenced by such communications.
16	Is it likely that the individual may expect the information to be used for this purpose?	Yes. The individuals expect that their online behaviour is being tracked and that this information may be used by organisations whose prospective clients the individuals' organisations represent.

- 17 Could the processing be considered intrusive or inappropriate? In particular, could it be perceived as such by the individual or in the context of the relationship?
- No. The likelihood of the individual considering personalised advertising or communications intrusive is extremely low or non-existent because of the fact that the personalisation relies on the professional behaviour and interests of the individual as opposed to personal behaviour, does not in any case include sensitive personal information and, does not directly determine the person's identity.
- 18 Is a fair processing notice provided to the individual, if so, how? Are they sufficiently clear and upfront regarding the purposes of the processing?
- Yes, always when it is reasonably possible. Data collection takes place related to individual's online behaviour and a privacy notice as well as an opportunity of opting out from processing are provided in four different ways, depending on the circumstances related to the individual's online behaviour:
- 1) On our client websites through the Privacy Policy of our client. The Privacy Policy will be present as a link from cookie consent functionality our client provides
  - 2) On various other websites, within our own advertising format under a menu labeled with 3 bars.
  - 3) Always when the individual's browser supports cookies, as a text snippet stored on the individual's browser as a cookie.
  - 4) As part of the advertising industry's transparency and consent framework
- 19 Can the individual, whose data is being processed, control the processing activity or object to it easily?
- Yes. The individual can control how the individual's web browser manages cookies from the web browser's settings - i.e. which categories of cookies are allowed: 1st party (associated with the web domain individual is visiting), 3rd party (associated with other web domains than the one individual is visiting), or blocking cookies altogether. Processing of Internet Protocol (IP) addresses can't be objected to because it is necessary for browsing the web as a part of the TCP/IP protocol. However, the individual has a possibility of easily choosing which IP address is being used by using technologies such as Virtual Private Networks (VPN) or Proxy Servers. Additionally, the individual has four ways of rejecting creation of cookies from us:
- 1) Through opting out through the online interface we provide: <https://n.rich/optout> or through advertising industry's transparency and consent framework. In these cases, the pseudonymised personal data (unique user identifier and IP address) are anonymised through resetting the user identifier and through resetting the last 3 digits of the IP address
  - 2) Through using the "Do Not Track" feature of the individual's browser. In this case, a unique user ID is not stored as a cookie on user's browser, or if the cookie pre-existed same actions are taken as described in the section 1 above.
- 20 Can the scope of the processing be modified to reduce/mitigate any underlying privacy risks or harms?
- Yes, although there are no identified privacy risks or harms to the individual. By default, the scope of processing has been reduced by way of processing pseudonymized data only.

## D) SAFEGUARDS AND COMPENSATING CONTROLS

Please include a description of any compensating controls that will be put in place or are already in place to preserve the rights of the individual.

The personal data we process is pseudonymised and we do not process any information that could be used directly to determine personal identity of the individual.

When personal data is delivered to advertising channels (3rd parties), no behavioural data is delivered, so although the advertising channel may have capability of de-pseudonymising the data, 3rd party will only become aware that we want to target that individual and what content / advertising is being targeted. Third parties do not have any access to the behavioural data from our system.

The data is stored safely and access to it is strictly restricted. The data is used for development purposes only when absolutely needed and it is not allowed by our R&D partners to store it on local computers.

We provide user three options of opting out of data processing: 1) Browser's do-not-track functionality, 2) opt-out form at <https://n.rich/optout/> and 3) Advertising Industry's Consent and transparency framework

We provide access to our privacy notice and opt-out as separate cookie values always when we set a cookie to an individual.

## E) REACHING A DECISION AND DOCUMENTING THE OUTCOME

Using the responses above now documented if you believe you are able to rely on Legitimate Interests for the processing operation. Please explain, perhaps using bulletpoints, why you are, or are not, able to rely on this legal basis. You should draw on the answers you have provided in this LIA.

Outcome of Assessment:  
We believe that we are able to use Legitimate Interests for the processing operation as documented above. As a summary, key factors affecting our assessment:

- Processing is critical for our business
- Processing does not cause any harm and actually benefits the individual
- Processing is related to professional behaviour of the individual and is in no way involved with personal or sensitive behaviour of the individual
- Processing of data is similar to what people can expect when browsing internet
- Only pseudonymised data is processed and we do not process any information that could be used directly to determine the identity of the individual



Signed By: Markus Ståhlberg  
Date: 29-Oct-2018

Role: CEO