



Legitimate Interests Assessment (LIA)

This legitimate interests assessment (LIA) template is designed to help you to decide whether or not the legitimate interests basis is likely to apply to your processing. It should be used alongside the ICO [legitimate interests guidance](#).

Part 1: Purpose test

You need to assess whether there is a legitimate interest behind the processing.

- Why do you want to process the data?
- What benefit do you expect to get from the processing?
- Do any third parties benefit from the processing?
- Are there any wider public benefits to the processing?
- How important are the benefits that you have identified?
- What would the impact be if you couldn't go ahead with the processing?
- Are you complying with any specific data protection rules that apply to your processing (eg profiling requirements, or e-privacy legislation)?
- Are you complying with other relevant laws?
- Are you complying with industry guidelines or codes of practice?
- Are there any other ethical issues with the processing?

West Yorkshire Fire and Rescue Service (WYFRS) intends to work with a film crew to create a fly-on-the-wall documentary for broadcast on primetime TV in 2021 on a major non-commercial TV channel.

This may inadvertently involve the collection of some personal data due to the film crew attending emergency incidents, which could be in private or commercial premises.

However for this data to be further processed and included in the broadcast consent to release will be sought by the film production company.

The benefits from filming is to educate and inform the public of the work of West Yorkshire Fire and Rescue Service.

The film production company and the broadcaster will benefit.



The wider public will benefit from messages publicising the work and skillset of the modern fire and rescue service as well as health and safety messages.

Impact - if it could not go ahead we would not be able to publicise these messages as widely. The TV channel will reach an audience of potentially millions of viewers. The series will be four programmes of 60 minutes.

The film company is adhering to General Data Protection Regulations and OfCom Broadcasting Code industry guidelines and the major TV company's guidance around filming in medical emergencies.

Part 2: Necessity test

You need to assess whether the processing is necessary for the purpose you have identified.

- Will this processing actually help you achieve your purpose?
- Is the processing proportionate to that purpose?
- Can you achieve the same purpose without the processing?
- Can you achieve the same purpose by processing less data, or by processing the data in another more obvious or less intrusive way?

The process will achieve the purpose of sending messages to potentially millions of viewers watching primetime TV. The programme is commissioned for airing in 2021.

It is proportionate, the majority of times the filming would not contain personal data.

The use of cameras on firefighters' helmets is necessary to capture the initial stages of an incident where it might not be safe for a film crew to be present.



The helmet cameras would capture footage in areas where it is not safe for the film crew to be present.

We cannot achieve the same in any other way to give this level of insight.

Consent will be sought by the film crew for the release of data/footage to be used in the broadcast.



Part 3: Balancing test

You need to consider the impact on individuals' interests and rights and freedoms and assess whether this overrides your legitimate interests.

Nature of the personal data

- Is it special category data or criminal offence data?
- Is it data which people are likely to consider particularly 'private'?
- Are you processing children's data or data relating to other vulnerable people?
- Is the data about people in their personal or professional capacity?

Potentially criminal offence data could be captured, however, checks would be made by the film production company (prior to broadcast) with police to ascertain the legal status of an investigation and to ensure no contempt of court was committed by the broadcast of footage.

Initially it is possible to capture special category data however consent would be required prior to broadcast. The film crew are bound by General Data Protection Regulations.

Initially, there could be data relating to children or other vulnerable people, however this is unlikely and consent would be sought from the appropriate person for the release prior to broadcast.

The data could be about people in their personal or professional capacity depending on the location of the emergency incident.

In the event that consent was not given the film production company would initiate a public interest test to verify whether the public interest outweighed the individual right to privacy.



Reasonable expectations

- Do you have an existing relationship with the individual?
- What's the nature of the relationship and how have you used data in the past?
- Did you collect the data directly from the individual? What did you tell them at the time?
- 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 that would affect expectations?
- Is your intended purpose and method widely understood?
- Are you intending to do anything new or innovative?
- Do you have any evidence about expectations – eg 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?

The individuals would be service users of West Yorkshire Fire and Rescue Service (WYFRS).

The nature of the relationship is that the Fire Service is assisting the individual (s) at the scene of an emergency.

WYFRS has a mutually beneficial relationship with the film crew whereby they are able to produce a TV programme around the work of WYFRS.

WYFRS is able to (through the programme) to heighten people's awareness of the Service and supply the general public with educational information about what to do in the event of a fire/emergency.

There is a commercial relationship between the film production company and the broadcaster.

There's no relationship between the film production company and the casualty.

The data collection would be recent.

The filming would occur between mid October 2020 and February 2021 however may be extended – to be confirmed.



The retention period is one year.

Where an individual or company refuse to give consent for broadcast, the film production company shall not include such footage in the Programme for broadcast, save in exceptional circumstances where there is a public interest justification for doing so.

In accordance with the broadcaster's guidelines, the film production company are required to "*balance the public interest in the full and accurate reporting of stories involving human suffering and distress with an individual's privacy and respect for their human dignity*".

For the purposes of this series, examples of public interest would include revealing or detecting crime or protecting public health or safety.

Rushes (recorded material) are required to be kept for a period of one year but may be deleted earlier if agreed on a case by case basis, subject to compliance with applicable law.

In order to be transparent, WYFRS would post a notice on its external website and social media platforms about the filming taking place.

WYFRS will contact local press for a notice to be published in relevant geographical areas.

Where possible, there will be signage to notify the public that filming is taking place at the scene of an incident.

The film crews will be clearly identifiable as a film crew, by wearing hi-vis jackets with recording notices attached to the back and on any walls (if possible), with words like 'film crew' clearly visible, so all are aware that recording is in progress.

The Fire Service will notify its own staff of the filming and will notify partner emergency services, West Yorkshire Police and Yorkshire Ambulance Service NHS Trust and Highways, through their internal communications channels.



There have been many similar fly-on-the-wall documentaries of this type that follow emergency blue light services.

Similar programmes have met the public expectation and have not resulted in high profile breaches. They have been accepted by the individuals involved in the filming.

There may be occasions where people do not expect the processing of their personal data however there's a very small chance that personal data will be broadcast without consent.

This would only happen in the event that there was a public interest justification for doing so.

There has been programmes similar involving the Fire Service however there has not been one in the geographical area of West Yorkshire.

Likely impact

- What are the possible impacts of the processing on people?
- Will individuals lose any control over the use of their personal data?
- What is the likelihood and severity of any potential impact?
- Are some people likely to object to the processing or find it intrusive?
- Would you be happy to explain the processing to individuals?
- Can you adopt any safeguards to minimise the impact?



There could potentially be sensitive locations that are set up to protect vulnerable people. Prior to broadcast checks would be carried out for security issues with the content and anything of this nature would be redacted.

Consent for release of data would be sought and only where there is an overwhelming public interest would it be used in the broadcast without consent.

The footage would be kept securely in line with the TV company's retention schedule.

Filming notices would publicise the fact that filming was taking place – these may be in the local press or potentially at the scene of an incident.

Due to the safeguards and the security the TV company and WYFRS have put in place the likelihood of incident is very low.

Due to the nature of the programme it would be unlikely to be deemed to be intrusive as the main focus is the work of West Yorkshire Fire and Rescue Service.

Can you offer individuals an opt-out?

Following the public notice, and in the event that we were approached by an individual prior to filming to request no filming in their property, we could notify the film crew.

Making the decision

This is where you use your answers to Parts 1, 2 and 3 to decide whether or not you can apply the legitimate interests basis.

Can you rely on legitimate interests for this processing?	Yes / No
<p>Do you have any comments to justify your answer? (optional)</p> <p>Processing personal data would be rare within the filming. Consent would be required for broadcast unless it was in the public interest.</p> <p>The Fire Service is being transparent and where individuals make us aware of their concerns, these will be considered prior to filming.</p>	
LIA completed by	Emma Greenhalgh and Chris Gray
Date	06.10.2020

What's next?

Keep a record of this LIA, and keep it under review.

Do a DPIA if necessary.

Include details of your purposes and lawful basis for processing in your privacy information, including an outline of your legitimate interests.