ORDER
OF THE RECTOR OF VILNIUS UNIVERSITY

ON THE APPROVAL OF THE DESCRIPTION OF THE PROCEDURE FOR DETERMINING THE LEGITIMATE INTEREST OF VILNIUS UNIVERSITY IN THE PROCESSING OF PERSONAL DATA

In accordance with Article 43(1)(42) of the Statute of Vilnius University and taking into account Article 6(1)(f) of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation):

I h e r e b y approve the Description of the Procedure for Determining the Legitimate Interest of Vilnius University in the Processing of Personal Data (attached).

APPROVED
by Order No. of 202
of the Rector of Vilnius University

THE DESCRIPTION OF THE PROCEDURE FOR DETERMINING THE LEGITIMATE INTEREST OF VILNIUS UNIVERSITY IN THE PROCESSING OF PERSONAL DATA

CHAPTER I
GENERAL PROVISIONS

1. The Description of the Procedure for Determining the Legitimate Interest of Vilnius University (hereinafter the 'University') in the Processing of Personal Data (hereinafter the 'Description') regulates the conditions for determining the legitimate interest in the processing of personal data that the University is planning to carry out or is carrying out, in accordance with Article 6(1)(f) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (hereinafter the 'GDPR'), the implementation of the procedure for determining legitimate interest, and the formalisation of the decision.

2. Article 6(1)(f) of the GDPR establishes one of the grounds for the legitimate processing of personal data, where the processing of personal data is necessary for the purposes of the legitimate interests of the University or of a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data (hereinafter the 'legitimate interest').

3. When the University processes personal data on the basis of legitimate interest, the purpose of the processing of personal data must be legitimate and the method or technology of processing used must be necessary to achieve the interests of the University. The processing of personal data must be proportionate to the needs of the University.

4. The procedure set out in this Description must be followed if the processing of the personal data in question is based on the University's legitimate interest.

5. The objective of the procedure is to determine whether the processing of personal data may be carried out on the basis of a legitimate interest and to gather evidence to support this. The procedure sets out the general principles on the basis of which it is to be carried out.

6. The University unit that plans to carry out the personal data processing activities shall be responsible for carrying out the legitimate interest evaluation procedure. University employees must provide the employee carrying out the legitimate interest evaluation procedure with all relevant information and documents necessary for the procedure concerning the personal data processing operations envisaged or carried out on the basis of the legitimate interest.

7. The University employees shall consult the University's data protection officer (hereinafter the 'data protection officer') and shall provide the data protection officer with all relevant information and documents necessary to carry out the procedure.

8. Terms used in this Description:

8.1. **Procedure** – the procedure for determining the legitimate interest in the processing of personal data carried out by the University, as set out Opinion of the Article 29 Working Group No. 06/2014 on the concept of legitimate interests of the data controller in accordance with[1] Article 6(1)(f) of the GDPR;

8.1. Other terms used in this Description shall be understood as defined in the GDPR, the Republic of Lithuania Law on Legal Protection of Personal Data, and other legal acts.

[1] Formerly Article 7 of Directive 95/46/EC.

CHAPTER II
CONDITIONS AND PROCEDURE FOR DETERMINING LEGITIMATE INTEREST

9. The processing of personal data on the basis of legitimate interest shall be permitted when the processing of personal data is necessary for the purposes of the legitimate interests of the University or of a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

10. In order to determine whether the University has a legitimate interest in processing the personal data of a data subject and to confirm that the legitimate interest is an appropriate basis for processing personal data, the following criteria shall be evaluated:

10.1. the nature of the objective for which the processing of personal data is carried out on the basis of the legitimate interest (the objective criterion);

10.2. the necessity to process personal data on the basis of the legitimate interest (the necessity criterion);

10.3. the balance between the University's need to process personal data on the basis of the legitimate interest and the interests, rights, and freedoms of the data subject, and whether these override the University's interests (the balance criterion).

11. The procedure must justify and evaluate all the criteria set out in Item 10 of the Description. The procedure must comply with the requirements of the principle of objectivity and reach an objectively reasonable and justifiable conclusion based on the information in the specific situation.

12. The procedure must in particular justify why the other grounds for legitimate processing of personal data under Article 6(1) of the GDPR do not apply.

13. The objective criterion aims to determine whether the objective pursued by the University and/or the third party concerned in processing personal data is legitimate under the GDPR. The objective of the processing of personal data shall be determined by evaluating the grounds for the processing of personal data, the benefits to be derived from the processing of personal data, the impact of the processing of personal data, and the possible consequences of not processing personal data, as well as other aspects of the processing of personal data.

14. In evaluating the objective criterion, the following shall be summarised:

14.1. the specific objectives pursued by the University in the processing of personal data;

14.2. the personal data the University will process to achieve these objectives;

14.3. whether there is personal data which has been collected in other activities of the University and the re-use of which would be consistent with the original objective of their collection;

14.4. whether the processing of special categories of personal data is envisaged;

14.5. the means by which the University will process personal data in order to achieve objectives;

14.6. whether the envisaged means of the processing of personal data are likely to achieve these objectives;

14.7. how likely it is that the University will achieve its objectives through the management of the personal data of an envisaged scope and through the means provided.

15. In evaluating the benefits of the processing of personal data, the following shall be summarised:

15.1. the foreseeable benefits for the subjects if the processing of personal data is based on legitimate interest;

15.2. which subjects will benefit if the University processes personal data on the basis of legitimate interest (e.g. the University, the data subject, the public, etc.);

15.3. the importance of the expected benefits for the University and/or the third party/parties.

16. When assessing the benefits of the processing of personal data on the basis of legitimate interest, the benefits for all parties involved must be taken into account.

17. In evaluating the impact and the possible consequences of not processing personal data, the following shall be summarised:

17.1. the impact and consequences that may arise if the University and/or the data subject does not process personal data on the basis of legitimate interest;

17.2. the significance and impact of the possible consequences for the University and/or the data subject;

17.3. the likelihood of the relevant consequences.

18. The evaluation of the probability level provided for in Item 17(3) of the Description shall be carried out in accordance with the Guidelines on Security Measures and Risk Evaluation of Processed Personal Data for Data Controllers and Data Processors (version 3 (18 June 2020) or later) issued by the State Data Protection Inspectorate. For each area evaluated, a level of probability of the threat materialising can be set:

18.1. Low: the threat is unlikely to materialise;

18.2. Medium: there is a real possibility that the threat will materialise;

18.3. High: the threat is likely to materialise.

19. Other aspects relating to the processing of personal data include that shall be evaluated:

20. whether the University has previously processed personal data and, if so, what impact such processing has had on the University and/or the data subject and their rights;

20.1. whether the envisaged processing of personal data complies with the principles established in Article 5 of the GDPR;

20.2. whether the processing of personal data on the basis of legitimate interest is likely to result in adverse consequences (if so, what kind and for which party);

20.3. other potential risks or circumstances involved.

21. In evaluating the objective criterion, it must be evaluated whether the data subject can, at the time the personal data is collected or in the context of the collection of the personal data, expect that the personal data will be processed for a particular objective. The interests and fundamental rights of the data subject may override the interests of the University when personal data is processed in circumstances in which the data subjects do not reasonably expect the processing of personal data.

22. In evaluating the necessity criterion, it must be evaluated whether the University would be able to achieve the same objectives without processing personal data and/or with less processing or on another legitimate basis for processing personal data as provided for in the GDPR.

23. When determining the necessity to process personal data in the scope provided for and for the achievement of specific objectives the following must also be taken into account:

23.1. the relationship between the nature, scope, and the expected benefits of the processing of personal data;

23.2. alternative ways and scope of processing personal data for the same objectives;

23.3. the grounds for rejecting other methods of processing personal data as inappropriate.

24. In evaluating the balance criterion, it must be evaluated whether the interests or fundamental rights and freedoms of the data subject do not override the University's legitimate interest in terms of the data subject's relationship with the University. In evaluating the balance criterion, the following shall be summarised:

24.1. who the data subject is (it is important to evaluate the data subject to determine whether they are subject to additional protection (for example, a child));

24.2. the relationship between the University and the data subject and its nature;

24.3. the likely reaction of the data subject to the processing of the personal data (whether the processing of personal data is likely to be undesirable or inappropriate in the opinion of the data subject);

24.4. the possible impact of the processing of the personal data and the consequences for the data subject;

24.5. options and measures to avoid, minimise and/or reverse potential impact and consequences.

CHAPTER III
FORMALISATION OF THE RESULTS OF THE PROCEDURE

25. The employee of the unit who is responsible for evaluating the legitimacy of the new personal data processing activity shall evaluate the criteria for processing personal data set out in Chapter II of the Description and complete the Legitimate Interest Evaluation Act (Annex). If such processing of personal data falls within the competency of several units of the University, the heads of these units shall agree which of them will carry out the procedure.After the evaluation of all the

criteria for the processing of personal data,a decision as to whether the processing of personal data of the envisaged scope constitutes legitimate processing of the data subject's data on the grounds of legitimate interest shall be adopted and approved in the Legitimate Interest Evaluation Act.

26. The decision to adopt the Legitimate Interest Evaluation Act shall be taken by the head of the core unit intending to carry out new personal data processing activity, after receiving and taking into account the opinion of the data protection officer.

CHAPTER IV
FINAL PROVISIONS

27. The unit responsible for carrying out the procedure shall ensure that, where necessary, a review of the procedure is carried out to evaluate whether the processing of personal data is in accordance with the conclusions and decisions set out in the report on the carrying out of the procedure.

28. All documents of the procedure (Legitimate Interest Evaluation Act, information notice to the subjects, plan of measures to mitigate and eliminate risks to the rights and freedoms of natural persons, etc.) shall be registered and stored in the University document management system.

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Annex to the Description of the Procedure for Determining the Legitimate Interest of Vilnius University in the Processing of Personal Data

(Vilnius University Legitimate Interest Evaluation Act Form)

VILNIUS UNIVERSITY LEGITIMATE INTEREST EVALUATION ACT

Description of the processing of personal data	*(for example, video surveillance)*
The employee of Vilnius University (hereinafter the 'University) performing the evaluation of the legitimate interest of the University	*(job position, full name)*
Other participants in the evaluation	*(job position, full name)*

1. Evaluation of the objective	1.1. Evaluation of the grounds for the processing of personal data	The questions to be answered: 1.1.1. the specific objectives pursued by the University in the processing of personal data; 1.1.2. what personal data will be processed by the University for these objectives, whether processing of special categories of personal data, data relating to convictions and other *de facto* sensitive personal data is envisaged; 1.1.3. whether there is personal data which has been collected in other activities of the University and the re-use of which would be consistent with the original objective of their collection; 1.1.4. the means by which the University plans to process personal data in order to achieve its objectives; 1.1.5. whether the envisaged processing of personal data is likely to achieve these objectives; 1.1.6. how likely it is that the University will achieve its objectives by processing the envisaged scope of personal data by the envisaged means.

	1.2. Evaluation of the benefits of the processing of personal data	The questions to be answered: 1.2.1. what the expected benefits are if personal data is processed on the basis of legitimate interest; 1.2.2. which subjects will benefit from the University's processing of personal data on the basis of legitimate interest (e.g. the University, the data subject, etc.); 1.2.3. the importance of the expected benefits for the University and/or the third party/parties.

	1.3. Evaluation of the impact and possible consequences if the personal data is not processed	The questions to be answered: 1.3.1. the impact and consequences to result from the University's failure to process personal data on the basis of legitimate interest; 1.3.2. the significance and impact of those consequences on the University and/or the data subject; 1.3.3. the probability of the relevant consequences.
	1.4. Evaluation of other aspects relating to the processing of personal data	The questions to be answered: 1.4.1. whether the University has previously processed personal data and, if so, what impact and effect such processing has had on the University and/or the data subject and their rights; 1.4.2. whether the envisaged processing of the personal data of the data subject corresponds to the principles established in Article 5 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (hereinafter the 'GDPR'); 1.4.3. whether the processing of personal data on the basis of legitimate interest is likely to result in adverse consequences (if so, what kind and for which party); 1.4.4. whether the data subject can reasonably expect that, at the time the personal data is collected or in the context of the collection of the personal data, the personal data may be processed for a particular objective; 1.4.5. other relevant circumstances.
2. Evaluation of necessity		The questions to be answered: 2.1. what is the relationship between the nature, scope and the expected benefits of the processing of personal data; 2.2. what are the alternative methods and scope of the processing of personal data for achieving the same objectives; 2.3. what are the grounds for rejecting other ways of processing personal data as inappropriate.

3. Evaluation of balance		The questions to be answered: 3.1. who the data subject is (it is important to evaluate the data subject to determine whether they are subject to additional protection (for example, if the data subject is a child)); 3.2. what is the relationship between the University and the data subject (whether there is a legal relationship between the University and the data subject and, if so, the nature of the relationship); 3.3. what is the likely reaction of the data subject to the processing of the personal data (evaluating whether the processing of the personal data is likely to be undesirable or inappropriate in the opinion of the data subject); 3.4. what is the possible impact and the consequences of the processing on the data subject; 3.5. what options and measures can be taken to avoid, reduce and/or eliminate potential impact and consequences.

Decision on the existence of a legitimate interest	*(indicate whether the personal data may/may not be processed as a condition for legitimate processing of personal data pursuant to Article 6(1)(f) of the GDPR)*
The person who adopted the decision:	*(job position, full name) (to be signed electronically)*

The data protection officer's opinion	*(indicate the opinion of the data protection officer)*
Data protection officer	*(full name) (to be signed electronically)*

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