

## **Maritime London Ltd Legitimate Interests Assessment and Business to Business Marketing Policy**

### **Introduction**

Maritime London has been incorporated since 2001 and has built and cherishes a reputation for doing the right things in the right way and, in particular, respecting the confidentiality and data protection rights of the individuals it comes into contact with.

Like any trade association, Maritime London needs to publicise its services to existing and prospective members through marketing activities of various kinds.

Maritime London is a small trade association limited by guarantee. It does not have the financial wherewithal to rely solely upon paid advertising to reach its prospective audience.

### **Why this policy exists**

This policy exists to record the rationale behind the decision Maritime London has reached in deciding how it will approach the processing of personal data for business to business marketing purposes.

It also exists to satisfy Maritime London's aim under the company's Data Protection Policy to ensure that individuals are aware of that and how their data is being held and processed.

### **Data Protection Law**

Under data protection legislation there are a number of lawful bases for processing personal data. One of these is 'legitimate interests'. The Information Commissioner's Office advises that this basis for data processing is likely to be most appropriate where people's data is used in ways they would reasonably expect and which have a minimal privacy impact.

Recital 47 of the General Data Protection Regulation (GDPR) says: "...The processing of personal data for direct marketing purposes may be regarded as carried out for a legitimate interest." The Information Commissioner's Office further advises that legitimate interests may be an appropriate basis for sending emails and text messages to business contacts.

Article 21(2) of GDPR gives individuals the right to object to direct marketing. This therefore requires the inclusion of a clear option to opt out of direct marketing in any marketing communication sent to them.

There are three elements to the legitimate interests basis (a three-part test). To rely upon the legitimate interest basis, one needs to:

1. identify a legitimate interest (the purpose test);
2. show that the processing is necessary to achieve it (the necessity test); and
3. balance it against the individual's interests, rights and freedoms (the balancing test).

Legitimate interests can include commercial interests, individual interests or broader societal benefits.

### **What type of communications does Maritime London undertake?**

Maritime London uses direct marketing as a means of making existing and prospective members aware of the associations existence, the services provided by the association, the latest news from the association, or members and the wider maritime industry.

Maritime London publishes a fortnightly e-newsletter 'London Matters' that highlights the latest news from members and the wider market. This newsletter is managed by a dynamic database and is sent exclusively to those working in the maritime industries.

Maritime London also uses direct marketing to promote the charitable and industry association work in which it is involved. In particular this includes Maritime UK, the overarching association in the maritime industry and The Maritime London Officer Cadetship Programme (MLOCS) an independent charity that supports young people from the UK into a seafaring career. Maritime London includes an opt out clause in all of our communications.

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**The Purpose Test:** Maritime London has a legitimate interest in the growth of its membership through networking and direct marketing, in the raising of charitable funds for associated causes and support for, the industry organisations in which it is involved.

**The Necessity Test:** We have concluded that collecting contact details via the exchange of business cards and via research within the public domain (websites, brochures, etc.) is necessary for these purposes.

**The Balancing Test:** Having considered purpose and necessity, Maritime London has concluded that the balance favours data processing for the types of external communications which it undertakes and that it is reasonable for business people within the industry sectors in which it operates to expect that their business contact details will be processed. Maritime London ensures that it will provide recipients of all marketing information from Maritime London with privacy policy and unsubscribe facility.