

Lawful conditions for processing client and witness data

Purpose	Personal data (UK GDPR Article 6 requirement)	Special category and criminal offence data (UK GDPR Article 9 or 10 requirement)	Opt in/out required?
Advice, information and guidance provision	Article 6(1)(f) - Legitimate interests Where processing is not based on any public function. We have carried out a Legitimate Interests Assessment for this processing. Article 6(1)(e) - Public task Where processing is based on official authority laid down by law or a statutory function. For example in relation to our consumer service functions.	Article 9(2)(f) - establishment, exercise or defence of legal claims Where the processing relates to the establishment or defence of legal claims including legal rights including but not limited to those such as those in relation to benefits, debt, energy and housing. For criminal offence data the same provision is outlined in Data Protection Act 2018, Schedule 1, Part 3 (33). Article 9(2)(g) - substantial public interest (statutory) Where our advice, information or guidance relates to a statutory function, such as in our consumer service we rely on Data Protection Act 2018, Schedule 1, (6) 'Statutory etc and government purposes'. This condition also applies to criminal offence data Article 9(2)(g) - substantial public interest	No, though clients may have the option of being unnamed

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		(confidential counselling, advice or support) Where our advice, information or guidance relates to confidential wellbeing support. For example if supporting a client with issues relating to loneliness. The specific substantial public interest condition we rely on is in Data Protection Act 2018, Schedule 1, (17) 'Counselling etc'. This condition also applies to special category data and criminal offence data. NB: there may be locally managed services which could rely on alternative lawful conditions for processing. The IG Team can assist with considerations on a case by case basis.	
EDI monitoring	Article 6(1)(f) - Legitimate interests We have a legitimate interest in processing EDI data to ensure we are promoting equity and diversity in our service. We have a full legitimate interest assessment for this processing.	Article 9(2)(g) - substantial public interest Processing of information relating to race or ethnicity, religious or philosophical beliefs, health (including disability), and sexual orientation for the purpose of enabling , promoting or maintaining equality of treatment. Specifically we rely on is in the Data Protection Act 2018, Schedule 1, (8) 'equality of opportunity or treatment'. This	Yes, clients are given the option of providing this data including 'prefer not to say' options

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		substantial public interest category only applies to specific SCD criteria listed above and does not extend to criminal offence data. However criminal offence data is not processed for EDI monitoring.	
Accessibility and reasonable adjustments	Article 6(1)(c) - Legal obligation We have legal obligations in accordance with the Equality Act 2010.	Article 9(2)(g) - substantial public interest Specifically we rely on Data Protection Act 2018, Schedule 1, (6) 'statutory and governmental purposes' in accordance with the Equality Act 2010. This will only apply to special category data and will not extend to criminal offence data but such data is not processed for this purpose.	Yes, clients can choose whether they provide this data or not
Statistical purposes and research (including feedback)	Article 6(1)(f) - Legitimate interests We have a legitimate interest to carry out statistical analysis and research using our client data. We have carried out a legitimate interest assessment for statistical processing, research and policy formation. We may also keep pseudonymised data for archival purposes.	Article 9(2)(j) Archiving, research and statistics As per the A6 condition.	Generally not required unless it involves client contact in which case an opt in should be offered

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Direct marketing of Citizens Advice Services	Article 6(1)(f) - Legitimate interests We have a legitimate interest to carry out marketing of our services to clients provided the service is in their best interest and we have been transparent and have provided opt outs unless this involves direct electronic marketing. Article 6(1)(a) - Consent If direct electronic marketing is involved we must get the client's consent with a genuinely free and fair choice.	SCD should generally not be processed for this purpose.	Yes, or consent
Publication of client stories	Article 6(1)(a) - Consent Where we seek to publish client stories in an identifiable format, we will always get client consent. Clients will always be given a genuinely free and fair choice. NB: If fully deidentified a lawful	Article 8(a)(a) - Explicit Consent As per the A6 condition.	Consent should be used if clients are identifiable

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	basis is not required for publication itself - care must be taken to ensure they cannot be re-identified.		
Maintaining quality and standards	Article 6(1)(f) - Legitimate interests We have a legitimate interest as an organisation to ensure that we are meeting appropriate quality and standards in our advice to clients.	Article 9(2)(f) - establishment, exercise or defence of legal claims Citizens Advice needs to be able to provide evidence that certain standards and quality measures are being met so as to defend against claims of malpractice or negligence. Article 9(2)(g) - substantial public interest Specifically we rely on is in Data Protection Act 2018, Schedule 1, (11) Protecting the public against dishonesty etc where we are carrying out functions to protect against: • dishonesty, malpractice or other seriously improper conduct • unfitness or incompetence, • mismanagement in administration	No
Complaints	Article 6(1)(f) - Legitimate interests We have a legitimate interest to	Article 9(2)(f) - establishment, exercise or defence of legal claims Citizens Advice needs to be able to investigate	No

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	investigate complaints and to implement lessons learned from them.	complaints to defend against claims of malpractice or negligence. Article 9(2)(g) - substantial public interest Specifically we rely on is in Data Protection Act 2018, Schedule 1, (11) Protecting the public against dishonesty etc where we are investigating complaints in order to protect against: • dishonesty, malpractice or other seriously improper conduct • unfitness or incompetence, • mismanagement in administration	
Legal claims	Article 6(1)(f) - Legitimate interests We have a legitimate interest in defending our organisation against legal claims.	Article 9(2)(f) - establishment, exercise or defence of legal claims We need to be able to adequately defend our organisation against legal claims.	No
Individual rights requests	Article 6(1)(c) - Legal obligation We have a legal obligation to carry our individual rights requests in accordance with data protection law.	Article 9(2)(g) - substantial public interest Specifically we rely on is Data Protection Act 2018, Schedule 1 (6) 'statutory and governmental purposes' to comply with the UK GDPR and Data Protection Act 2018.	No

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Safeguarding	Article 6(1)(e) - Public task The legislation covering safeguarding is the Care Act 2014 (England) and the Social Services and Wellbeing (Wales) Act 2014. These acts put duties on local authorities in relation to adult safeguarding and while they don't apply to us directly as a charity, we acknowledge Citizens Advice may receive their funding or are contracted to deliver services on their behalf and therefore it's essential that we understand our role in protecting adults at risk.	Article 9(2)(g) - substantial public interest This condition is met when the processing is necessary for the safeguarding of children and of individuals at risk in accordance with Data Protection Act 2018, Schedule 1, (18) 'Safeguarding of children and of individuals at risk'	No
Fraud prevention	Article 6(1)(f) - Legitimate interests We have a legitimate interest in defending against fraudulent activity. Article 6(1)(c) - Legal obligation In some circumstances there are	Article 9(2)(g) - substantial public interest We rely on three separate substantial public interest conditions as follows: Data Protection Act 2018, Schedule 1, (10): 'preventing and detecting unlawful acts' - where we process data to prevent or detect such activity	No

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	legal obligations to disclose actual or suspected cases of fraud.	Data Protection Act 2018, Schedule 1, (14) : 'Preventing Fraud' where we disclose fraudulent activity to anti-fraud organisations Data Protection Act 2018, Schedule 1, (15) : 'Suspicion of terrorist financing or money laundering' to comply with certain requirements under Terrorism Act 2000 and Proceeds of Crime Act 2002	
Responding to an life threatening emergency	Article 6(1)(d) - Vital interests Where a person's life may be in danger	Article 9(2)(g) - Vital interests Where a person's life may be in danger and use of special category data is necessary. Data Protection Act 2018, Schedule 1, (30): 'Protecting individual's vital interests' also enables criminal offence data for this purpose.	No - should only be used where a person cannot consent to this processing

Version history

Date	Version	Change	By whom
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17 Dec 2024	1.0	Document created	CM
03 Jan 2025	1.1	Added section on responding to a life threatening emergency	CM
07 Feb 2025	1.2	Expanded Article 9(2)(g) from 'counselling' to 'confidential counselling, advice or support' as is written in the DPA 2018	CM
17 Feb 2025	1.3	Correction of formatting on article 6 requirements (no change to lawful basis, only presentation)	CM