



Insurance Ireland's feedback

Draft EDPB Guidelines 1/2024 on processing of personal data based on Article 6(1)(f) GDPR

20 November 2024

General comments

Insurance Ireland welcomes the opportunity to provide an industry feedback on the draft Guidelines 1/2024 on processing of personal data based on Article 6(1)(f) GDPR ('draft Guidelines') published by the European Data Protection Board (EDPB) on 9 October 2024.

We note the acknowledgement by the EDPB that an Article 6(1)(f) GDPR assessment is not an easy and straightforward exercise and that it requires a comprehensive and holistic consideration of different factors, including the nature and source of the relevant legitimate interest(s), the impact of the processing on the data subject and their reasonable expectations about the processing. Most importantly, an Article 6(1)(f) GDPR assessment requires a 'balancing exercise' between the controller's legitimate interest(s) or those of a third party and the "interests or fundamental rights and freedoms of data subjects".

We further note that there are no fundamental new requirements introduced by the draft Guidelines as they build upon and update Opinion 06/2014 on the notion of legitimate interests of the data controller under Article 7 of Directive 95/46/EC of the Article 29 Data Protection Working Party (hereinafter "WP29"). However, the proposed Guidelines also reflect the evolution of the European Union's data protection framework and data subjects' safeguards since the adoption and implementation of the GDPR and take into consideration a number of rulings of the Court of Justice of the European Union ('CJEU') which provided interpretation of Article 6(1)(f) GDPR after the adoption of the above-mentioned WP29 Opinion.

We welcome the practical examples provided in the document which would be of assistance to Insurance Ireland's members in undertaking their Legitimate interest assessment and balancing test process.

The fact that the draft guidelines also explain the link between Article 6(1)(f) GDPR and a number of data subject rights under the GDPR is very much appreciated.

Finally, II members are planning to use the Guidelines and the three-step approach set out in the document to enhance and improve their existing processes in relation to processing of personal data based on Article 6(1)(f) GDPR.

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