



## Purpose Limitation

In this video, I'm going to talk about the Purpose Limitation Principle under the GDPR and what this means to your business.

The second principle of the GDPR is that personal data shall be collected for specified, explicit and legitimate purposes and shall not be further processed in a manner that is incompatible with those purposes.

In practice this means a few things:

- a) You must be clear from the start about your purposes for processing;
- b) You need to record your purposes as part of your documentation obligations and specify them in your privacy notice for individuals; and
- c) You should think about future purposes from the outset.

So how do you specify the purpose?

This should take place in both your records of processing and your privacy notice. If you are compliant with your documentation and transparency obligations, then you are likely to be compliant with the requirements to specify the purpose of processing.

And what about if you want to use it for another purpose?

While there isn't a ban on this, there are restrictions. If you want to use data for a new purpose you can only do so if:

- a. the new purpose is compatible with the original purpose;
- b. the individual has specifically consented to the new purpose; or
- c. processing is permitted in the public interest.

This means it's very important to consider all likely purposes from the outset and ensure they're included in your privacy notices.

When considering what compatible means, try to consider whether the new purpose is very different, would be quite unexpected; or would have an unjustified impact on the individual.

Each assessment will be on a case-by-case basis and the Article 29 Working Party published an array of practical examples to illustrate the compatibility assessment, should you need some help.

For example: where a transport company requires its drivers to take a breathalyser test each morning before starting a shift, and the results are recorded and timestamped, if the results are then used to check whether drivers are arriving punctually then this might be considered function creep, particularly given that the driver wouldn't necessarily expect the data to be used in this way.

This principle has clear links with the lawfulness, fairness and transparency principle. In practice, if you intended processing to be fair, you're unlikely to breach the purpose limitation principle on the basis of incompatibility.