

3. LEGALITY OF DATA PROCESSING

For the processing of personal data to be lawful, it is necessary to have at least one of the legal bases established in [Article 6 of the GDPR](#), which are detailed below.

- | One of the grounds or legal bases that allow the processing of data is the **consent** of the interested party, which to be considered valid must be free, specific, informed and unequivocal (Article 6.1.a GDPR). Consent would be the legal basis that would legitimize the incorporation of a personalized advice model through a digital instant messaging platform (KAYT). If profiling is carried out, this consent must be explicit. Profiling is addressed in the next section.
- | For **the execution of a contract or the application of pre-contractual measures** at the request of the interested party (Article 6.1.b GDPR). This would make it possible to process the contact details of representatives of companies contracted by a local authority or of those submitted in a tender.
- | The processing is also lawful when it is necessary to **comply with a legal obligation** (Article 6.1.c GDPR).
- | When processing is needed to **protect vital interests** (Article 6.1.d GDPR). It is a subsidiary legal basis, which only comes into play if it is not possible to resort to any of the other legal bases and in situations in which the person concerned is not physically or legally qualified to give consent or when data processing is necessary in humanitarian emergencies caused by natural or man-made disasters, or epidemic control.
- | Another legal basis that legitimizes the treatment is when it is necessary for the **fulfilment of a mission of public interest or in the exercise of official authority vested in the controller** (Article 6.1.e GDPR). This is the legal basis that covers most of the data processing carried out by public sector entities, and would include the provision of the waste collection service that allows the individualization of users, the incorporation of a pay-as-you-throw scheme (PAYT) or the tasks of monitoring, control and inspection. In this last point, it is important to highlight the importance of detailing all these tasks in the corresponding municipal regulations of the local body, detailing the rules that attribute these competences to local bodies and, at the same time, specifying which agents will carry them out and in what way. This will determine the user profiles that can process the data and the specific processing they can perform.
- | Processing is also considered lawful where it is necessary to **satisfy the legitimate interests of the controller or a third party** (Article 6.1.f GDPR). For example, a company that records customer service phone calls. However, this legal basis of legitimate interest does not apply to public administrations in the exercise of their functions.