

# Refresher: The GDPR’s Six Legal Bases for Data Processing

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In light of the Irish Data Protection Commission’s decisions to levy fines of nearly 400 million euros upon Meta Ireland — in connection with the delivery of its Instagram and Facebook services — for [breaching](#) of the EU General Data Protection Regulation, this chart provides a refresher of the lawful bases for the processing of personal data.

There are six available bases within Article 6(1) Lawfulness of processing: consent, contract, legal obligation, vital interest, public task and legitimate interest. Controllers must identify a basis for processing by the time collection of data occurs. Per Article 13(1)(3), controllers must also inform the data subject of the legal basis for processing at the time the data is collected from them.

Legal Basis	Definition/application	Further considerations	Relevant recitals
Consent	The subject has freely given specific, informed and unambiguous consent to process the data for one or more specific purposes.	Consent agreement must be “clearly distinguishable from the other matters” and presented in “clear and plain language.” The data subject can withdraw consent at any time.	<a href="#">32</a> ; <a href="#">42</a> ; <a href="#">43</a>
Contract	Processing is necessary for performance of a contract to which the data subject is a party.	Processing must be necessary to deliver a contractual or requested service to a person.	<a href="#">44</a>
Legal obligation	Processing is necessary for compliance with a legal obligation to which the controller is subject.	Processing must be necessary to comply with common law or statutory obligation. This does not apply to contractual obligations.	<a href="#">45</a>
Vital interests	Processing is necessary to protect the vital interests of the data subject or another natural person.	Processing must be necessary to protect someone’s life. This cannot be relied on for health or other special category data if the person can give consent.	<a href="#">46</a>
Public task	Processing is necessary for performance of a task carried out in the public interest or in the interest of an official authority vested in the controller.	This applies to functions and powers set out in law and is mostly relevant to public authorities and organizations exercising official authority.	<a href="#">45</a> ; <a href="#">50</a> ; <a href="#">54</a> ; <a href="#">55</a> ; <a href="#">56</a> ; <a href="#">154</a>
Legitimate interests	Processing is necessary for a legitimate interest pursued by the controller or a third party.	This requires “balancing test.” It may be overridden by the fundamental rights and freedoms of the data subject, particularly when the data subject is a child.	<a href="#">47</a> ; <a href="#">48</a> ; <a href="#">49</a> ; <a href="#">69</a>

Additional guidance and resources

- IAPP

  - ☐ [Top 10 operational responses to the GDPR – Part 2: Lawful bases for processing](#)
  - ☐ [Consent as legal basis for EU and UK employment](#)

Article 29 Data Protection Working Party/European Data Protection Board

  - ☐ [Guidelines on consent under Regulation 2016/67](#)
  - ☐ [Guidelines 2/2019 on the processing of personal data under Article 6\(1\)\(b\) GDPR in the context of the provision of online services to data subjects](#)
  - ☐ [Opinion 06/2014 on the notion of legitimate interests of the data controller under Article 7 of Directive 95/46/EC](#)
- Irish Data Protection Commission

  - ☐ [Guidance on Legal Bases for Processing Personal Data](#)

U.K. Information Commissioner’s Office

  - ☐ [Lawful basis for processing](#)
  - ☐ [Lawful basis interactive guidance tool](#)
  - ☐ [Legitimate interests](#)

Data Protection Network

  - ☐ [Guidance on the use of Legitimate Interests under the EU General Data Protection Regulation](#)