

Slough BID SLOUGH TOWN AGAINST CRIME



LEGITIMATE INTEREST ASSESSMENT

Type of Data Subjects processed

The types of Data Subject processed by the Scheme is defined in the Scheme's *Record of Processing Activity*, namely 'Offenders' processed on the lawful basis of Legitimate Interest, and 'Members' processed on the lawful basis of Consent.

Legitimate Interest for Processing

Members of the Scheme have the right to protect their property, staff and customers from crime and anti-social behaviour and to exclude from their premises any individuals who are proven threats to their property, staff or customers. The Scheme processes Offenders' personal data for the specific purpose of managing its Exclusion Scheme on behalf of its Members and for the prevention and detection of unlawful acts.

The Scheme's area of operation, and its Exclusion Scheme, extends across Slough Town Centre.

Types of processing

For the above purpose, the Scheme undertakes the following types of processing of personal data of Offenders:

- **Data collection;** as defined in *Privacy Notice (Offenders)*;
- **Data storage;**
- **Data retention;** as defined in *Privacy Notice (Offenders)*;
- **Data collation;** associating individual Offenders with multiple incidents, and with other Offenders;
- **Data sharing;** as defined in the Scheme's *Privacy Notice (Offenders)*;
- **Data deletion;** as defined in the Scheme's *Privacy Notice (Offenders)*
- **Data analysis;** of de-personalised data for historical comparisons etc.

Categories and types of Personal Data processed

- **Offender's name and facial image and any relevant information about the nature of his/her activities;** the purpose of this processing is to enable Members to identify Offenders in order to submit reports about them, to include them in a list or gallery of excluded persons (if appropriate and in line with the Scheme's Rules & Protocols), and to provide information about them which may be necessary to protect the personal safety of Members and their staff, customers etc. This data may be shared among Members;
- **Offenders' postal and email addresses, telephone number(s) and other contact details;** the purpose of this processing is to enable the Scheme to communicate with Offenders from time to time, for example to send confirmation of exclusions, rules of the exclusion scheme, or confirmation that exclusions have expired. Such data will not be shared with Members;
- **Information and evidence about incidents in which an Offender has been involved;** the purpose of this processing is to enable the Scheme to defend its legal rights against any claim or suit by an Offender or other party. Such data will not be shared with Members but only with the Scheme's Data Controller and Board of Management as necessary during any legal proceedings;
- **Offenders' ethnicity;** this is special category data and we will process this only to assist our Members to identify a known Offender in order to submit a report about an incident in which they have been involved, or to identify prolific or travelling offenders.

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Necessity and proportionality of processing Offenders' personal data; data minimisation

It is necessary for the purposes of the Scheme to process appropriate personal data of Offenders as defined in the Scheme's *Privacy Notice (Offenders)* wholly or partly by automated means because:

- the number of Offenders of legitimate interest to Members, and the number of Scheme Members makes it impractical to process Offenders' personal data in any other way;
- processing Offenders' personal data in any other way, for example in paper-form only, presents unacceptable risks in terms of data integrity, security and confidentiality;
- strict systematic adherence to the Scheme's data retention policy requires processing in this way.

It is proportionate for the purposes of the Scheme to process Offenders' personal data as defined in the Scheme's *Privacy Notice (Offenders)* because:

- only the specific types of Offenders' data defined in the Scheme's *Privacy Notice (Offenders)* will be shared among only the Scheme's Members, Data Controller, Board of Management etc in the manner defined in the Scheme's *Privacy Notice (Offenders)*.
- only the specific types of Offenders' personal data defined in the Scheme's *Privacy Notice (Offenders)* may be shared with non-Members of the Scheme, in the manner defined in the Scheme's *Privacy Notice (Offenders)*;
- the Scheme's data retention policy as defined in the Scheme's *Privacy Notice (Offenders)* observes its obligation to process Offenders' personal data only for as long as is justified by the purpose for which the processing was originally undertaken.

Data Minimisation is achieved by ensuring that only personal data which is essential for the management of the Scheme' Exclusion Scheme (ie data which is essential for the purposes of identifying Offenders and, where possible, for the provision of documentation etc including privacy and exclusion notices to the Offenders where this information has not been provided at the point at which the data is first processed) is processed.

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DATA PROTECTION IMPACT ASSESSMENT

This document identifies all possible impacts of the processing of Offenders' personal data by the Scheme on the rights and freedoms of those Offenders.

The need for a Data Protection Impact Assessment

The Scheme processes data under the lawful basis of Legitimate Interest. This obligates the Scheme to conduct a Data Protection Impact Assessment and Balance of Interest Assessment to confirm the Scheme's lawful basis of Legitimate Interest.

Processing operations and purposes

The nature, scope and context of the Scheme's processing operations and processes are defined in the Scheme's *Record of Processing Activity*.

Consultation process

The Board of Management considers it inappropriate and impractical to consult with Offenders on this *Data Protection Impact Assessment*.

Necessity and Proportionality of processing

The necessity and proportionality of the Scheme's processing is defined in the Scheme's *Legitimate Interest Statement*.

Risk Assessment

Source of risk		Likelihood of harm Remote, Possible, Probable	Severity of harm Minimal, Significant, Severe	Overall risk Low, Medium, High
1	Offender may suffer distress if information about his/her involvement in a relevant incident is shared among his/her community, peer group etc	Possible	Minimal	Low
2	Offender may suffer distress if information about his/her exclusion is shared among his/her community, peer group etc	Possible	Minimal	Low
3	Offender may be incorrectly associated with an incident reported by a Member	Possible	Significant	Medium
4	Offender may suffer distress if information about their involvement in a relevant incident is shared with another Data Controller	Possible	Minimal	Low

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Measures identified to reduce/mitigate risk

Source of risk	Option to reduce or eliminate risk	Effect on risk	Residual risk	Measure approved
See Risk Assessment above		Eliminated, Reduced, Accepted	Low, Medium, High	
1	Maximise technical and operational security; ensure Members' compliance with <i>Rules & Protocols</i>	Accepted	Low	Yes
2	Maximise technical and operational security; ensure Members' compliance with <i>Rules & Protocols</i>	Accepted	Low	Yes
3	Reporter submits Offender in compliance with <i>Rules & Protocols</i> ; Data Controller processes personal data only if confident in Member's compliance	Accepted	Low	Yes
4	All participating Data Controllers reference data-sharing in their respective <i>Privacy Information/Notice</i> , <i>Legitimate Interest Assessments</i> (including DPIA), and <i>Record of Processing Activities</i> . Participating Data Controllers have a current, mutual Information Sharing Agreement in place.	Accepted	Low	Yes

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BALANCE OF INTERESTS ASSESSMENT

This Balance of Interests Assessment confirms that the Scheme has balanced the impact of processing Offenders' personal data on their rights and freedoms (see *Data Protection Impact Assessment*) with the rights of its Members (see *Legitimate Interest Statement*) as follows:

Rights

Offenders have no right to enter property from which they have been excluded unless they can show that they have been excluded because of a characteristic defined in the Equality Act 2010. Therefore, excluding Offenders for the reasons defined in the Scheme's *Privacy Notice (Offenders)* does not impact the rights of Offenders.

Freedoms

Offenders who are excluded from Members' premises experience a reduction in their freedom in the area of activity of the Scheme as defined in the Scheme's *Rules & Protocols*; this reduction is mitigated by the fact that the Offender will continue to be able to access premises in the area of activity of the Scheme who are not Members of the Scheme, as well as premises which are outside the area of activity of the Scheme.

Distress

Offenders may suffer distress because of:

- being reported for a first time and their data being shared among Members of the Scheme; however, this data is strictly controlled and shared only by Members of the Scheme and not with a wider public; therefore, any harm to Offenders will be minimal.
- being reported for a second time and excluded from Members premises; however, this fact will only become known beyond the Scheme's Members and among a wider public if the Offender attempts to access a property from which he/she is excluded and is physically restrained, or an audible/verbal confrontation ensues between the Member and the Offender. In such a case this distress is brought about by the Offender's own actions.

Conclusion

It is the conclusion of the Scheme's Board of Management that the impact of processing the personal data of Offenders is justified and that the Legitimate Interest of the Scheme prevails over the rights and freedoms of Offenders.