



## Orpington Businesses Against Crime

### Legitimate Interest Statement

#### Type of Data Subjects processed

The types of Data Subject processed by OBAC is defined in OBAC's *Personal Data Processing Documentation*, namely 'Offenders' processed on the lawful basis of Legitimate Interests, and 'Members' processed on the lawful basis of contract.

#### Purpose of processing personal data of Offenders

Members of OBAC 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. OBAC processes Offenders' personal data for the specific purpose of managing its Exclusion Scheme on behalf of its Members.

OBAC's area of operation, and its Exclusion Scheme, extends across the [Orpington BID area](#).

#### Types of processing

For the above purpose, OBAC 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 OBAC's *Privacy Notice (Offenders)*;
- **Data deletion;** as defined in OBAC'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 OBAC'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;





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- **Offenders' postal and email addresses, telephone number(s) and other contact details;** the purpose of this processing is to enable OBAC 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 OBAC 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 OBAC's Data Controller and Board of Management as necessary during any legal proceedings.

No sensitive or 'special category' personal data (ethnicity, sexuality, religious beliefs etc) is processed by OBAC.

### **Necessity and proportionality of processing Offenders' personal data**

**It is necessary** for the purposes of OBAC to process appropriate personal data of Offenders as defined in OBAC'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 OBAC's data retention policy requires processing in this way.

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

- only the specific types of Offenders' data defined in OBAC's *Privacy Notice* will be shared among only OBAC's Members, Data Controller, Board of Management etc in the manner defined in OBAC's *Privacy Notice (Offenders)*.
- only the specific types of Offenders' personal data defined in OBAC's *Privacy Notice (Offenders)* may be shared with non-Members of OBAC, in the manner defined in OBAC's *Privacy Notice*;
- OBAC's data retention policy as defined in OBAC'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.



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### DATA PROTECTION IMPACT ASSESSMENT

This document identifies all possible impacts of the processing of Offenders' personal data by the Orpington Businesses Against Crime (OBAC) on the rights and freedoms of those Offenders.

#### **The need for a Data Protection Impact Assessment**

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

#### **Processing operations and purposes**

The nature, scope and context of OBAC's processing operations and processes are defined in OBAC's *Personal Data Processing Documentation*.

#### **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 OBAC's processing is defined in OBAC's *Legitimate Interest Statement*.



## Orpington Businesses Against Crime

### Risk Assessment

| Source of risk |  | Likelihood of harm<br>Remote, Possible, Probable | Severity of harm<br>Minimal, Significant, Severe | Overall risk<br>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 Members  | Possible   | Significant                                      | Low                               |

### Measures identified to reduce/mitigate risk

| Source of risk<br>See Risk Assessment above | Option to reduce or eliminate risk   | Effect on risk<br>Eliminated, Reduced, Accepted | Residual risk<br>Low, Medium, High | Measure approved |
|---|--|---|------------------------------------|------------------|
| 1   | Maximise technical and operational security; ensure Members' compliance with <i>Rules &amp; Protocols</i>  | Accepted  | Low                                | Yes              |
| 2   | Maximise technical and operational security; ensure Members' compliance with <i>Rules &amp; Protocols</i>  | Accepted  | Low                                | Yes              |
| 3   | Reporter submits Offender in compliance with <i>Rules &amp; Protocols</i> ; Data Controller processes personal data only if confident in Member's compliance | Accepted  | Low                                | Yes              |



## Orpington Businesses Against Crime

### BALANCE OF INTERESTS ASSESSMENT

This Balance of Interests Assessment confirms that Orpington Businesses Against Crime (OBAC) 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 OBAC'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 OBAC as defined in OBAC'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 OBAC who are not Members of OBAC as well as premises which are outside the area of activity of OBAC.

#### Distress

Offenders may suffer distress because of:

- being reported for a first time and their data being shared among Members of OBAC; however, this data is strictly controlled and shared only by Members of OBAC 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 OBAC'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 OBAC's Board of Management that the impact of processing the personal data of Offenders is justified and that the Legitimate Interest of OBAC prevails over the rights and freedoms of Offenders.

