

## Safer Business Network [the scheme]

# PRIVACY NOTICE (OFFENDERS)

This document describes the Safer Business Network Exclusion Scheme (the Scheme), explains why the Scheme processes the personal data of specific individuals (Offenders) and the lawful basis for that processing. It describes the kind of information about Offenders that the Scheme processes and what it does with that information.

### 1. Contact details

Safer Business Network  
Brighton Police Station  
John Street.  
Brighton. BN2 0LA  
Email address: [admin@saferbusiness.org.uk](mailto:admin@saferbusiness.org.uk)  
Tel: 01273 733393

2. The Scheme's Data Controller is responsible for ensuring its compliance with current Data Protection law and can be contacted at the above address, email address or telephone number. The Scheme is registered with the Information Commissioners Office as a Business Crime Reduction Partnership.

### Purpose of processing personal data

3. 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 or disrupt the peaceful enjoyment that their customers expect from the goods and/or services that our Members offer. The Scheme processes Offenders' personal data for the management of its Exclusion Scheme on behalf of its Members, to inform Members of an offender's modus operandi, to collate intelligence on criminal activity within the area of the Scheme's operation and to contribute to legal proceedings against Offenders where appropriate.
4. The Scheme's area of operation, and its Exclusion Schemes, are within the boundaries of London Boroughs.

### Types of processing

5. The Scheme undertakes the following types of processing of personal data of Offenders:
  - a. **Data collection**; see **Categories of personal data** below;
  - b. **Data storage**; storage of Offenders' data in a facility independently certified as secure to a high standard;
  - c. **Data retention**; see **Data Retention period** below;
  - d. **Data collation**; associating individual Offenders with multiple incidents, and with other Offenders;
  - e. **Data sharing**; as defined in **Recipients, or categories of recipients, of personal data below**;
  - f. **Data deletion**; see **Data Retention period** below;
  - g. **Data analysis**; of de-personalised data for historical comparisons etc.

### Lawful basis of processing

6. The Scheme's Members' 'legitimate interests' provides the lawful basis on which it may process specific items of Offenders' personal data for specific purposes without Offenders' consent.
7. The Scheme has assessed the impact of its processing on Offenders' rights and freedoms, has balanced these with its Members' own rights, and has concluded that its Members' rights prevail over Offenders' rights in this

specific matter. Therefore, for the purposes of the management of its Exclusion Scheme on behalf of its Members, to inform Members of an offender's modus operandi, to collate intelligence on criminal activity within the area of the Scheme's operation and to contribute to legal proceedings against Offenders where appropriate, Members' legitimate interests constitute the Scheme's lawful basis for processing Offenders' personal data without requiring consent.

#### 8. Categories and types of personal data processed

- a. **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 property and personal safety of Members and their staff, customers etc. This data may be shared among Members and other agencies that have a legitimate interest;
  - b. **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 warning letters, confirmation of exclusions, rules of the exclusion scheme, or confirmation that exclusions have expired. Such data will not be shared with Members except for the purposes of civil recovery;
  - c. **Information and evidence about incidents in which an Offender has been involved;** the purpose of this processing is to enable the Scheme to authorise the issuing of Exclusion Notices, to inform Members of an offender's modus operandi, to collate intelligence on criminal activity within the area of the Scheme's operation and to defend its legal rights against any claim or suit by an Offender or other party. Such data may be shared with Members.
9. For the purposes of identification, some sensitive or 'special category' personal data may be processed by the Scheme e.g. ethnicity and medical conditions where the latter impacts upon the safety of our Members.

#### Sources of personal data

10. Offenders' personal data may be provided to the Scheme by:
- a. **Offenders** who may voluntarily offer information about themselves;
  - b. **Members** who may submit reports about incidents in which Offenders have been involved. They may also send relevant 'intelligence' about Offenders, for example they may provide a name when asked to identify an unidentified CCTV image;
  - c. **Police or other public agencies** may provide Offenders' personal data under a formal Information Sharing Agreement.
  - d. **Offender's social media platforms** may provide information that is in the public realm by virtue of being displayed without privacy controls on a publicly accessible platform.

#### Recipients, or categories of recipients, of personal data

11. The following types of individuals may have access to the Scheme's data, including Offenders' personal data:
- a. **Members** who are property owners, agents or their employees working within the operational area of the Scheme who share the same legitimate interests;
  - b. **Employees and officers of public agencies** involved in the prevention and detection of crime, such as police, whose lawful basis for processing your data is their public task;
  - c. **Data Controllers of other organisations, similar to the Scheme**, in neighbouring areas if there is evidence that an Offender has participated, or is likely to participate, in any threat or damage to property, staff and customers in areas outside the Scheme's area of operation.
12. The Scheme will not transfer Offenders' data outside the UK.

### Data retention period

13. When an Offender is reported by a Member for participating in any threat or damage to any Member's property, staff or customers, his/her name, date of birth and facial image together with any relevant information of offences or offending behaviour may be shared among Members for 3 months. If no further report is submitted during that period, the Offender's data will be withdrawn from Members at the expiry of that period. It will be retained for a further 12 months in the Scheme's database (which can only be accessed by the Data Controller and authorised personnel) after which time, if no further incidents are reported, it will be irrevocably deleted.
14. If during the 3 months when an Offender's data is circulated among Members he/she is reported for another incident involving a threat or damage to any Member's property, staff or customers, his/her name and facial image will be circulated among Members for a further 12 months from the date of the second report. **Additionally, the Offender may be excluded from all the properties of all Members for 12 months, and this fact will be shared with Members.** If no further report is submitted by a Member during that period, the Offender's data will be withdrawn from Members at the expiry of that period. It will be retained for a further 12 months in the Scheme's database (which can only be accessed by the Data Controller and authorised personnel) after which, if no further incidents are reported, it will be irrevocably deleted.

### Offenders' rights

15. Every Offenders has the right to obtain a copy of all the personal data which the Scheme holds about him or her; to do so the Offender must contact the Data Controller (see contact details above); the Offender may be required to provide proof of his/her identity. In any case the Scheme will respond to the request within 30 days and provide full documentation to demonstrate compliance with Data Protection law.
16. If, when an Offender accesses his/her personal data, any of it is deemed by the Offender to be incorrect, unnecessary or disproportionate, the Offender can require the Scheme to correct it. Offenders do not have the right to require the Scheme to delete correct, necessary or proportionate information.
17. Offenders have the right to complain about the Scheme to the Information Commissioners Office; Offenders can submit a complaint on the ICO's website at <https://ico.org.uk/concerns/handling/>