



Southampton Business Crime Partnership

Privacy Notice for Offenders

This document contains the information required by Data Protection law relating to your current personal data processing activities. This document may be requested by the ICO. It is not necessary to provide this document in response to a Subject Access Request by either an Offender or a Member. This document describes the way that personal data is processed and secured by Southampton Business Crime Partnership.

Contact details

Southampton Business Crime Partnership.

IncuHive Southampton,
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Southampton
SO14 2BY

Email: sbcp@gosouthampton.co.uk
[02380003637](tel:02380003637)

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 Partnership.

The Scheme processes the personal data of data Subjects.

“Offenders” individuals aged 14 years and over who have been reported to have been actively involved in incidents of crime, anti-social behaviour, damage and a threat to the property or safety of members or members' staff or customers. The scheme processes offenders' personal data for the specific purpose of managing its exclusion scheme on behalf of its members.

1. Lawful basis of processing offender's data

- 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.
- 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. This means that, for the specific purpose of managing an exclusion scheme, the Scheme's lawful basis for processing offenders' personal data is 'legitimate interests' and therefore the scheme can process offenders' personal data without requiring their consent.

2. **Categories and types of personal data processed offenders:**

- Offender's name, facial image, ethnicity, 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 galleries 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, staff and customers etc. This data may be shared amongst 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.
- Sensitive or 'special category' personal data (sexuality, religious beliefs etc) will not be processed by the scheme. Ethnicity is special category data, it is required because it forms an integral part of the identification process to inform our members of individuals who are excluded or in danger of being excluded.
- Offenders who may voluntarily offer information about themselves.
- 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.
- Police or other public agencies may provide offenders' personal data under a formal Information Sharing Agreement.

3. **Recipients or categories of recipients of offender's personal data**

- **Members** who are property owners, agents or their employees working within the operational area of the scheme who share the same legitimate interests.
- **Employees and officers of public agencies involved in the prevention and detection of crime**, such as police, whose lawful basis for processing offenders' data is their public task.
- **Data Controllers of other organisations**, like 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. SBCP will not transfer "offenders" data outside the UK.

4. **Data retention period for offender's data**

- 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 and facial image may be shared among

members for 12 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) after which time it will be irrevocably deleted.

- If during the 12 months when an offender's data is circulated among members he/she is reported for another incident involving a threat, damage, anti-social behaviour, or any other criminal offence 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, if the offender has received a member wide exclusion from all SBCP members property and a further report is submitted the offender will be further excluded in accordance with SBCP guidelines and procedures for issuing member wide exclusions. 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) after which it will be irrevocably deleted.

5. **Documentation Management**

Every six months the data controller will review all documentation relating to the Management of personal data, including the Scheme's *Privacy Notices* (offenders and members), *Personal Data Processing Documentation*, *Legitimate Interests Statement*, *Data Protection Impact Assessment(s)* and *balance of Interests Statement(s)* and, where relevant, Information Sharing Agreement(s) and Data

6. **Processing Agreement(s)**

Where any revision is necessary, a new version of the relevant document will be created to replace the previous version (which will be retained by the data controller)

7. **Privacy Notices distribution for offenders**

- This privacy notice (offender) must be served to the offender at the time and place of data collection if practicable. If this is not practicable the offender should be directed on how he can access this information <https://www.disc-net.org/gosouthampton> and <https://www.gosouthampton.co.uk/sbcp/>
- When data is collected directly from the offender use best endeavours to serve the privacy notice and record the service of the notice. When data is not collected directly from the offender use best endeavours to issue the privacy notice or signpost the offender to where a copy can be obtained. The offender privacy notice will be displayed on SBCP DISC system and GO! Southampton Business Crime webpage to maximise the likelihood of the offender gaining access to this privacy notice.
- The offender has the right to obtain a copy of all the personal data which SBCP process. The contact details are above. Title (Subject access request) we will be in touch within 30 days as per the requirements of the General Data Protection Regulations. If you believe that any of the data, we process about you is incorrect, unnecessary, or disproportionate, you can require us to correct it. You do not have the right to require us to delete correct, necessary, or proportionate information. You also have the right to complain about us to the Information Commissioners Office at <https://ico.org.uk/concerns/handling/>