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:

Recognised legitimate interest

Since 5 February 2026, the Data (Use and Access) Act 2025 has allowed the Scheme to rely on the recognised legitimate interest 'crime' condition (Article 6(1)(ea) and Annex 1, paragraph 5 of the UK GDPR) where processing is necessary for the purpose of detecting, investigating or preventing crime, or apprehending or prosecuting offenders. No balancing test is legally required for processing under that condition, although it must still be necessary and proportionate. This assessment is retained for processing which relies on legitimate interest under Article 6(1)(f) of the UK GDPR (for example, exclusions for anti-social behaviour which does not amount to a criminal offence), as evidence that all of the Scheme's processing is fair and proportionate, and to inform the Scheme's response to any objection made by an Offender.

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 Warwickshire. 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.

Distress

Offenders may suffer distress because of:

a. 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.

b. 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 ensures between the Member and the Offender. In such a case this distress is brought about by the Offender's own actions.

Safeguards

The impact on Offenders is further mitigated because they may obtain a copy of their personal data, require incorrect data to be corrected, object to the processing, and complain directly to the Scheme

(a right introduced by the Data (Use and Access) Act 2025, in force from 19 June 2026) as well as to the Information Commission (formerly the Information Commissioner's Office).

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 in respect of processing which relies on Article 6(1)(f) of the UK GDPR.

Reviewed: 11 October 2026 – updated to reflect the Data (Use and Access) Act 2025.