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 bases of recognised legitimate interest (crime) and 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, applies to the county of Warwickshire. Some exclusions are restricted to local geographical areas or local schemes.

Recognised Legitimate Interest

The Data (Use and Access) Act 2025 introduced 'recognised legitimate interests' into the UK GDPR (Article 6(1)(ea) and Annex 1), in force from 5 February 2026. Where the Scheme's processing of Offenders' personal data is necessary for the purpose of detecting, investigating or preventing crime, or apprehending or prosecuting offenders (Annex 1, paragraph 5 – the 'crime condition'), the Scheme relies on this recognised legitimate interest. No balancing test is legally required for processing under the crime condition, but the processing must still be necessary and proportionate.

This assessment continues to apply to processing which falls outside the crime condition – for example, the exclusion of individuals for anti-social behaviour or conduct which does not amount to a criminal offence – for which the Scheme relies on legitimate interests under Article 6(1)(f) of the UK GDPR. The Scheme also retains this assessment as evidence of the necessity and proportionality of all its processing, and to inform its response to any objection made by an Offender under Article 21 of the UK GDPR.

Recognised legitimate interests do not replace the separate conditions required for processing special category data and criminal offence data, which the Scheme continues to meet under Schedule 1 of the Data Protection Act 2018.

Types of processing

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

a. **Data collection:** as defined in *Privacy Notice (Offenders)*
b. **Data storage**: Online secure encrypted GDPR compliant DISC platform
c. **Data retention:** as defined in *Privacy Notice (Offenders)*
d. **Data collation**: associating individual Offenders with multiple incidents, and with other Offenders
e. **Data sharing:** as defined in the Scheme's *Privacy Notice (Offenders)*
f. **Data deletion:** as defined in the Scheme's *Privacy Notice (Offenders)*
g. **Data analysis:** of de-personalised data for historical comparisons etc.

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 (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.

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 confirmation of exclusions, rules of the exclusion scheme, or confirmation that exclusions have expired. Such data will not be shared with Members.

c. 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.

d. 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.

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 (i.e. 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.

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