



## **Luton Business Against Crime & Luton Safe**

### (the Scheme)

### PRIVACY NOTICE (OFFENDERS)

This document describes the Scheme, explains why it will process your personal data and the lawful basis for that processing.

It describes the types of processing we will carry out, and the kind of information about you we will process. It also explains how we obtain your personal data, who we will share it with and for how long we will keep it.

At the end of the document, you will be able to read about your rights.

#### **About:- Luton Business Against Crime & Luton Safe**

We are a membership organisation made up of members of the scheme, that have a mutual legitimate interest with and are invited them to join the scheme, on payment or otherwise. This may include their owners, or their representatives, Police and Local Authority partnerships and accredited partner Business Crime Reduction Schemes. The purpose of the Scheme is to prevent, detect, or reduce the impact of, low-level crime and anti-social behaviour on local businesses in Luton.

Luton Business Against Crime (LBAC) primarily deals with the Retail Day-Time Economy, with Luton Safe, the Night-Time Economy. However, there may be cross-over, where justified, under the provisions of the scheme.

#### **Contact details**

- Address: Luton Neighbourhood Delivery, Luton Town Hall, George Street, Luton, LU1 2BQ
- Email address: [disc@luton.gov.uk](mailto:disc@luton.gov.uk)

Because the Scheme will process personal data, including your own, it is registered with the Information Commissioners Office (Registration Number: **Z9994668**)

One of the Scheme's obligations under the law is to provide you with all the information you may wish to know about why and how it will process your personal data – and tell you about your rights. This is the purpose of this document.

## **Purpose of processing personal data**

The Scheme is a membership organisation which represents its Members who have the right to protect their premises, property, staff and customers from crime and anti-social behaviour, and to exclude from their premises any individuals who are threats to their premises, property, staff, or customers.

Where an individual has been reported by a Member of the Scheme for direct involvement in an incident that represents such a threat, the Scheme will process that individual's personal data for the specific purpose of enabling Members to exercise their rights.

The Scheme's Members will share the personal data of that individual among themselves so that they can identify the individual and may exclude the individual from all the properties of all scheme Members, across the Scheme's Area of Activity, which is the Luton Business Improvement District Area but may include additional membership areas as identified by the Board of Management of the scheme.

You have been reported as involved directly in one or more incidents that represented a threat to one or more Members' premises, property, staff, or customers, and therefore your personal data will be processed by the Scheme on behalf of its Members.

## **Lawful basis of processing**

The Scheme's Members' 'legitimate interest' provides the lawful basis on which it may process specific items of Offenders' personal data for specific purposes without your consent.

The Scheme process Special Category Data under Schedule 1, Part 2 of Data Protection Act 2018 as the Scheme has a substantial public interest in preventing and detecting unlawful acts.

The Scheme also processes alleged or suspected criminal activity under Schedule 1 Part 3 of the Data Protection Act 2018, Paragraph 36 for Substantial Public Interest.

## **Types of processing**

The Scheme undertakes the following types of processing of personal data of Offenders:

- **Data collection;** see **Sources of personal data** below;
- **Data storage:** storage of Offenders' data in a facility independently certified as secure to a high standard;
- **Data retention;** see **Data Retention period** below;

- **Data collation;** associating individual Offenders with multiple incidents, and with other Offenders;
- **Data sharing;** as defined in **Recipients, or categories of recipients, of personal data** below;
- **Data deletion;** see **Data Retention period** below;
- **Data analysis;** of de-personalised data for historical comparisons etc.

## Personal, Special Category and Criminal Activity data

The Scheme may collect the following types of personal data relating to identified and unidentified Offenders:

Names, Images (Police Custody Images & Members' CCTV Images), date of birth, descriptions, ethnicity, aliases, associates who commit retail crime (including partners), vehicles, arrests, suspected/attempted criminal or anti-social activity, convictions, warning markers.

## Sources of personal data

Offenders' personal data may be provided to the Scheme by:

- **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.
- **Data Controllers of other organisations, similar to the Scheme**, in other areas where there is evidence that an Offender has participated, or is likely to participate, in any threat or damage to premises, property, staff and customers in those areas.

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

The following types of individuals may have access to the Scheme's data, including Offenders' 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 your data is their public task;
- **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.

The Scheme will not transfer Offenders' data outside the UK.

## **Data retention period of: -**

### **Unidentified Offenders**

Unidentified Offenders (CCTV Images) will be displayed to members for 6 months from the date of the incident unless they are identified sooner. In that case, they may be treated as Targeted or Excluded. If they do not fit either criteria, they will cease to be displayed to members. Once the data has ceased to be displayed to members, it will be retained for 12 months on the Disc Database, only viewable by Administrators and Sub-Administrators before it is irrevocably deleted.

**Criteria for Unidentified Offender:** - Any report by a Member of an Offender whose identity is unknown.

### **Targeted Offenders**

Targeted Offenders data will be displayed to members for 12 months from the date of the incident unless they are identified as being involved in further incident(s). In that case, they may have that 'view' date extended by up to a further 12 months or may be treated as Excluded. If they do not fit that criteria, they will cease to be displayed to members. Once the data has ceased to be displayed to members, it will be retained for 12 months on the Disc Database, only viewable by Administrators and Sub-Administrators before it is irrevocably deleted. A Targeted Person is not Excluded from Member Premises by the Scheme.

The term 'Targeted' will cover all displayed galleries other than Criminal Behaviour Order, ID-Sought and Excluded.

**Criteria for a Targeted Offender:** - An Offender who has been reported by a Member, employee and officers of public agencies or other organisations similar to the Scheme for direct involvement in an incident that represents such a threat to members of the Scheme.

### **Criminal Behaviour Orders, Community Protection Notices, Community Protection Warnings: -**

Offenders who have been sentenced by a Court or Notice or warning served on them by Merseyside Police and it is deemed appropriate, under a legitimate interest, to share those details with scheme members. Offenders will be displayed for the duration of their Order, Notice, Warning or other similar legal prohibition.

### **Criteria for CBO, CPN, CPW: -**

Offenders who have been sentenced by a Court or Notice or warning served on them by Police and it is deemed appropriate, under a legitimate interest, to share those details

with scheme members. Offenders will be displayed for the duration of their Order, Notice, Warning or other similar legal prohibition.

### **Excluded Offenders: -**

Excluded Offenders data will be displayed to members for 12 months from the date of the incident unless they are identified as being involved in further incident(s). In that case, they may have that 'view' date extended by up to a further 12 months. Once their Exclusion period has ended, they will revert to being 'Targeted' for 12 months and their data treated as above. Once they do not fit that criteria, they will cease to be displayed to members. Once the data has ceased to be displayed to members, it will be retained for 12 months on the Disc Database, only viewable by Administrators and Sub-Administrators before it is irrevocably deleted.

**Criteria to Exclude:** - Violent or abusive to store owners/employees/representatives, Security, customers or Police on arrest or detention (Zero Tolerance). Already Displayed as 'Targeted'. Already displayed as 'Excluded'

### **Your rights**

You have the right to obtain a copy of all the personal data which the Scheme holds about you; to do so the Offender must contact the Data Controller (see contact details above); you may be required to provide proof of your identity. In any case the Scheme will respond to your request within 30 days.

If, when you access your personal data, any of it is found to be incorrect, unnecessary, or disproportionate, you can require the Scheme to correct it. You do not have the right to require the Scheme to delete any data which is correct, necessary or proportionate for the Scheme's purposes of processing.

You have the right to complain about the Scheme to the Information Commissioners Office; you can submit a complaint on the ICO's website at <https://ico.org.uk/concerns/handling/>