

Kings Heath BID ShopWatch scheme

BALANCE OF INTERESTS ASSESSMENT

This Balance of Interests Assessment confirms that the Kings Heath ShopWatch scheme (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:

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 the area of activity of the Scheme as defined in the Scheme's *Rules & Protocols*; 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 as well as premises which are outside the area of activity of the Scheme.

Distress

Offenders may suffer distress because of:

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

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.