



## PRIVACY IMPACT ASSESSMENT

Community Protection Officers Body Worn Video

To: Ashfield District Council  
Nottinghamshire Police  
Community Safety Officer

Name of Assessor:	Chris Parkes
Organisation Represented:	Ashfield District Council
Applicants work Address:	Urban Road, Kirkby in Ashfield, Notts. NG17 8DA
Telephone Number:	01623 457428
Mobile Telephone Number:	07717 432212
e-mail address:	c.parkes@ashfield-dc.gov.uk

Deployment of Community Protection Officers Body Worn Video (BWV):-

Start Date – April 2019

End Date – review annually or when required

Total Duration: permanent part of CPO's personal protective equipment

### 1.0 Description.

1.1 This document sets out Ashfield District Councils (ADC's) Privacy Impact Assessment for the use of Body Worn CCTV cameras/Body Worn Video (BWV) by Community Protection Officers (CPO's) and outlines the associated impacts to the general public.

1.2 The use of body worn CCTV can provide a number of benefits which include a deterrent to acts of aggression or verbal and physical abuse toward CPO's and providing evidence to support Police and council investigations. It also anticipated to reduce complaints against officer and act as a deterrent measure. It will also provide greater transparency and encourage professionalism from CPO's.

1.3 BWV forms part of a CPO's Personal Protective Equipment. It will be used in an overt manner and emphasized by CPO's wearing clear identification that it is a CCTV device. Prior to commencement of any recording, where possible, CPO's will give a clear verbal instruction that recording is taking place.

**2.0 The Nature of the Problem.** Please describe as fully as possible the nature of the problem to be monitored, i.e. the likely number of persons to be involved, the nature of the complaint, when the conduct complained of tends to occur etc?

BWV supports the Council priority to create safer communities with regard to detecting crime, disorder and anti-social behaviour and by utilising the appropriate tools and powers on offenders through the provision of evidence that will be captured by the use of BWV.

BWV also assists in reducing violent or aggressive behaviour towards CPO's and members of the public.

**3.0 What does BWV aim to achieve,** how will the data be used and what benefits will it bring?

Community Protection Officers are involved in confrontational issues and BWV will ensure officers feel supported in managing these situations given the recorded evidence of offences and BWV will now be included within the risk assessment.

BWV cameras are overt, and will be used suitably following appropriate training, for instance, when CPO's find themselves in confrontational situations, undertaking enforcement action or managing large groups where issues may escalate.

The benefits of BWV was asked on the Keep Britain Tidy Network by a Local Authority who were considering purchasing BWV's and a number of authorities responded to confirm they had invested in BWV and the benefits. Brighton and Hove detailed "When members of the public realise a camera is on their behaviour changes, it is extremely powerful tool to reduce aggression in difficult situations".

A full policy and procedure has been written for the use of body worn CCTV and is available on request.

**4.0 Have other less intrusive measures been taken** (improved lighting etc). What were the results of these?

CPO wear a high visibility uniform and are easily identifiable, however, they could be mistaken for police officers or Police Community Support Officers who

wear BWV as a standard part of their kit and equipment. It is therefore, appropriate to utilise BWV as they may inadvertently be involved in criminal matters e.g. when an unplanned/unpredictable incident happens and quality evidence can be captured and if requested made available to the police to take forward proceedings.

## **5.0 Is BWV a proportional step in dealing with the issues?**

Yes, as previously stated colleagues in the police operate BWV and it is appropriate that CPO's have access to the equipment as they undertake duties responding to ASB and of a criminal nature

## **6.0 What privacy issues may arise from the BWV and how would these be addressed?**

The integrity of any video data recorded will be considered in accordance with the following legislation:

**Data Protection Act 1998**  
**General Data Protection Act 2018**  
**Freedom of Information Act 2000**  
**Human Rights Act 1998**  
**CCTV Code of practice 2014**

The Council will ensure that the use of BWV is emphasised by CPO's wearing it in a prominent position (normally on their chest) and that it is forward facing display is visible to anyone being recorded. Additionally, CPO's will wear identification that it is a CCTV device and make a verbal announcement, where practicable, prior to commencement of any recording. The Council will adhere to the CCTV code of practice 2014 in all aspects referring to BWV.

<https://www.gov.uk/government/publications/surveillance-camera-code-of-practice-self-assessment-tool>

The purpose of issuing a verbal warning is to allow a member of the public to modify any unacceptable confrontational or aggressive and threatening behaviour.

All details on requesting personal data can be found by using the following link.

<https://www.ashfield.gov.uk/your-council/legal-stuff/privacy-statement/#L5>

Collateral intrusion as far as is practicable should be reduced as users should restrict recording to areas and persons necessary in order to obtain evidence and intelligence relevant to the incident and should attempt to minimise collateral intrusion to those not involved.

Selective Capture in general the BWV user should record entire encounters from beginning to end without the recording being interrupted. However the nature of some incidents may make it necessary for the user to consider the

rationale for continuing to record throughout entire incidents. For example, the recording may be stopped in cases of a sensitive nature or if the incident has concluded prior to the arrival of the user. In all cases the user should exercise their professional judgement in deciding whether or not to record all or part of an incident.

In cases where the user does interrupt or cease recording at an ongoing incident they should record their decision in a pocket note book or similar log including the grounds for making such a decision.

**7.0 Will the project result in you making decisions or taking action against individuals in ways that can have a significant impact on them?**

YES, but only if incidents have taken place and have been captured and retrieved as evidence by the equipment. This may identify victims and offenders of ASB, criminal activity/acts where the appropriate tools and powers may be utilised.

**8.0 Does the BWV relate to the activities of any named individual or individuals?**

YES, but only if incidents have taken place and have been captured and retrieved as evidence by the equipment. This may identify victims and offenders of ASB, criminal activity/acts where the appropriate tools and powers may be utilised. If incidents have taken place and have been captured and retrieved as evidence by the BWV equipment then YES it will relate to the activities of named individuals.

Repeat offenders will be identified and offenders who may be subject to orders such as injunctions which may restrict their access to the area. This may identify victims and offenders of ASB, criminal activity/acts.

**9.0 Will the BWV camera compel individuals to provide information about themselves?**

YES only when a civil or criminal act has taken place and has been captured and retrieved as evidence by BWV. Only when an individual has been identified and cautioned if applicable.

**10.0 Will information about individuals be disclosed to organisations or people who have not previously had routine access to the information?**

YES but only if the police or another agency with appropriate grounds officially request access to the imagery and meet requirements.

**11.0 Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used?**

NO, visual identification of offenders and offences/incidents has historically been a way of gathering information.

**12.0 Will the BWV require you to contact individuals in ways that they may find intrusive?**

YES only if incidents have taken place, been captured by BWV and retrieved as evidence. This may identify victims and offenders of ASB, criminal activity/acts.

**Part Two**

**Step one: Identifying the need for a PIA**

Using BWV can be privacy intrusive, because it is capable of putting law-abiding people under surveillance and recording their movements as they go about their day to day lawful activities. ADC have therefore produced this Privacy Impact Assessment (PIA) document to support this decision.

The use of surveillance equipment is recognised as a valuable, necessary and appropriate tool, making an important contribution to:

- reducing crime and the fear of crime, providing reassurance
- tackling anti-social behaviour
- assisting in identifying, apprehending and prosecuting offenders (including use of images as evidence in civil and criminal proceedings)
- increasing personal safety
- protecting members of the public
- helping to identify vulnerable members of the community
- reduce malicious accusations and time wasting

It is also considered a necessary initiative by Community Safety Partnerships in respect of their duty under the Crime and Disorder Act 1998 (England).

It is considered as best practice by the Information Commissioners Office that if there is an answer of YES to any of the statements made in Part One (above) that it would be a useful exercise to conduct a PIA.

**Step two: Describe the information flows**

Community Protection Officers are involved in confrontational issues and the body worn cameras will ensure officers feel supported in managing these situations given the recorded evidence of offences and included within the risk assessment.

BWV cameras are overt, and will be used for instance, when CPO's find themselves in confrontational situations, undertaking enforcement action or managing large groups where issues may escalate.

A full procedure has been written for the use of body worn CCTV and is available on request.

Imagery will be recorded on the BWV device and stored for 28 days on the device and backed up on to the council's network.

### **What organisations will be using the BWV images and who will take responsibility under the Data Protection Act?**

ADC and Nottinghamshire Police are the main users of the BWV system. ADC will be the data controller at the point of images being recorded, however, if these images are requested by the police for investigatory purposes with regard to investigating an incident of ASB or criminal activity the legal responsibility will then be transferred to that body as the data controller for the images that have been seized. Both ADC and the police will be data processors.

### **Audit Trail and Retention**

The use of ADC Community Safety team systems must meet public expectations with regard to confidentiality and comply with the General Data Protection Regulation 1998. Information should, therefore, be handled so as to preserve the integrity of core CPO business whilst maintaining availability for operational purposes and in line with the full requirements of the Data Protection Act; and this must happen throughout the delivery chain.

BWV recordings will be retained in accordance with the General Data Protection Regulation 1998. Please see following link for a general guide to ADC's data retention policy: <http://adci/media/3665/adc-retention-schedule-030418.pdf>

Recordings will be deleted after 28 days unless retained for evidential purposes.

However, with regard to the retention of footage that will not be used as evidence, it is the data controller's responsibility to devise a flexible policy that takes into account the ongoing relevance of different types of footage. It will be a matter of judgement in each case.

Recorded footage that is initially considered to be 'non-evidential' should not be retained beyond the time where it is reasonably expected that it may be identified as being part of any investigation. Footage will be retained for a period of 28 days for any investigation to become apparent, after which it should be deleted.

### **Purpose and Principles of Surveillance**

Surveillance equipment will be operated in accordance with all the requirements and principles of The Information Commission's Code of Practice under the Data Protection Act.

[http://www.ico.gov.uk/~media/documents/library/data\\_protection/detailed\\_specialist\\_guides/personal\\_information\\_online\\_cop.pdf](http://www.ico.gov.uk/~media/documents/library/data_protection/detailed_specialist_guides/personal_information_online_cop.pdf)

In all cases:

- all recorded material, whether recorded digitally, or as a hard copy video print, will be processed and handled strictly in accordance with legal guidelines
- surveillance equipment will be operated fairly, within the law, and only for the purposes for which it was established
- surveillance equipment will be operated with due regard for the principle that everyone has the right to respect in his or her private and family life and home
- the public interest in the operation of surveillance equipment is recognised by ensuring the security and integrity of operational procedures
- throughout this PIA it is intended, as far as is reasonably possible, to demonstrate that a balance between the objectives of the use of surveillance equipment and the need to safeguard the individuals' right to privacy is maintained
- participation in the use of surveillance equipment by any local partner organisation or authority assumes an agreement by all such participants to comply fully with any guidelines found in this PIA and to be accountable for their own actions. This includes the engagement of partnering organisations in the capacity of professional witnesses
- the use of surveillance equipment is only considered to be overt
- it is recognised that the use of surveillance equipment may infringe on the privacy of individuals. Surveillance equipment use should always comply with all relevant legislation, to ensure its legality and legitimacy
- surveillance equipment should be used as a proportional response to identified problems and only be used in far as is necessary and in the interests of national security, public safety or for the prevention of disorder or crime and for the protection of the rights and freedoms of others

BWV imagery will be utilised to identify incidents that have taken place and have been captured and retrieved as evidence by ADC. This may identify victims and offenders of ASB, criminal activity/acts and enable support to be provided to victims and appropriate tools and powers to be used against perpetrators.

Witness statements may be used in conjunction with captured imagery.

### **Data Protection**

All retrieved imagery will be stored, utilised and subsequently disposed of in accordance with Council policy. All data will be processed in accordance with the principles of the Data Protection Act 1998 which, in summarised form, includes but is not limited to:

- all personal data will be obtained and processed fairly and lawfully
- personal data will be held only for the purposes specified
- personal data will be used only for the purposes intended, and only disclosed to anyone with authority to see it
- only personal data will be held which are adequate, relevant and not excessive in relation to the purposes for which the data is held
- steps will be taken to ensure that personal data is accurate and where necessary, kept up to date
- personal data will be held securely and for no longer than necessary
- individuals will be allowed access to information held about them and, where appropriate, permitted to correct or erase it
- security measures will be in place to prevent unauthorised or accidental access to, alteration, disclosure or loss and destruction of information.

Copyright and ownership of all material recorded by virtue of surveillance equipment will remain with ADC who is the Data Controller.



## **Consultation requirements**

### **Privacy Risks**

Promotion to raise public awareness will take place on the Council's website and Facebook page to promote that BWV is in operation with an opportunity for members of the public to get in touch with the Council and share their views.

ADC will ensure that the use of BWV equipment by its CPO's is widely advertised prior to commencement. The Council will issue a formal press release in addition to publishing information on the website.

The Council will further ensure that the use of BWV is emphasised by CPO's wearing it in a prominent position (normally on their chest) and that it is forward facing display is visible to anyone being recorded. Additionally, CPO's will wear identification that it is a BWV device and make a verbal announcement, where practicable, prior to commencement of any recording. The Council will adhere to the CCTV code of practice 2014 in all aspects referring to Body Worn Cameras.

The purpose of issuing a verbal warning is to allow a member of the public to modify any unacceptable confrontational or aggressive and threatening behavior.

A specific form of words to be used in any warning to a member of the public has not been prescribed, but CPO's should use straightforward speech that can be easily understood by those present such as:

'I am wearing a body worn CCTV camera and I am now recording'

## Privacy Statement

Ashfield District Council may use your personal information to assist in the delivery of its services.

Your personal information may be disclosed to and/or requested from other organisations such as Ashfield District Council Housing, Department of Social Security, Social Services, GP's, the Police force, Probation Services, Solicitors, Utility Companies, other Local Authorities, Registered Social Landlords, Mortgage/Loan Companies, Past/Present Employers, other departments within Ashfield District Council and any other agency/organisation including your landlord or managing agent where appropriate.

Ashfield District Council will share your personal information for reasons in connection with Protecting Public Funds, preventing or detecting Crime & Disorder, Data Matching Initiatives with the Audit Commission and for other Government led initiatives.

All personal information will be held securely and processed in accordance with the Data Protection Act 1998.

You can obtain a copy of what information the Council holds about you by writing to the Information Officer or by completing the appropriate form and paying the fee of £10.00.

Should you be dissatisfied by how your information is held or disclosed you can complain by writing to the Senior Solicitor based at Ashfield District Council.