

Gedling Borough Council Operational Protocol for the use of Body Worn Video Cameras by Public Protection Enforcement Staff.

1. Introduction

- 1.1 This document sets out Gedling Borough Councils (GBC) Policy Guidelines for the use of Body worn Video Cameras (BWVC) by Public Protection Enforcement Staff (PPES) and outlines the associated benefits to PPES and the general public.
- 1.2 The use of BWVC can provide a number of benefits which include a deterrent to acts of aggression or verbal and physical abuse toward PPES and providing evidence to support Police and council investigations. It is also anticipated that the use of the BWVC will reduce complaints against PPES and act as a deterrent measure. It will also provide greater transparency and encourage professionalism from NW at all times.
- 1.3 BWVC forms part of a PPES Personal Protective Equipment. It will be used in an overt manner and emphasized by PPES wearing clear identification that it is a CCTV device. Prior to commencement of any recording, where possible, PPES will give a clear verbal instruction that recording is taking place.

2. Legislation

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

Data Protection Act 2018
The General Data Protection Regulations 2018
Freedom of Information Act 2000
Human Rights Act 1998
British Standard 8539:2017

2.1 Data Protection Act 2018

The Information Commissioner's Office is the regulator for the Act and has given guidance with regard to PPES use BWVC equipment. This legislation regulates the processing of 'personal data' or 'special categories of personal data' whether processed on computer, CCTV, BWVC, still camera or any other media.

Any recorded image that is aimed at or may identify a particular person is described as 'personal data' and covered by this Act and will include images and audio captured using BWVC equipment. The use of BWVC in this guidance is 'overt use' meaning that equipment is not to be worn or used in a hidden or covert manner.

Where an individual asks to view footage this is called a 'Subject Access Request'. The requester is only allowed to see footage of themselves and anyone who has

provided consent for their images to be viewed by them. More information is available by contacting the Community Protection Manger at Gedling Borough Council

2.1 Freedom of Information Act 2000

This Act grants a general right of access to information held by public bodies, which is not personal data. Information released under FOI can include statistical and other non-personal information.

2.2 Human Rights Act 1998

Article 6 provides for the right to a fair trial. All images captured through the use of a body worn device have the potential to be used in court proceedings and must be safeguarded by an audit trail in the same way as any other evidence.

Article 8 of the Human Rights Act 1998 concerns the right for private and family life, home and correspondence. Recordings of persons in a public place are only public for those present at the time and can still be regarded as potentially private. Any recorded conversation between members of the public should always be considered private and users of BWVC equipment should not record beyond what is necessary when recording a confrontational situation.

2.3 Widely advertised that BWVC equipment is used by its NWs

Gedling Borough Councils website and Facebook page also promote that BWVC is in operation in areas of the Borough with an opportunity for members of the public to get in touch with the council and share their views.

The Council will further ensure that the use of BWVC is emphasized by PPES wearing it in a prominent position (normally on their chest) and that it is forward facing display is visible to anyone being recorded. Additionally, PPES will wear identification that it is a BWVC device and make a verbal announcement, where practicable, prior to commencement of any recording. The Council will adhere to the principles of British Standard 8539:2017.

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 PPES should use straightforward speech that can be easily understood by those present such as:

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

2.4 Storage of Data

All retained data will be kept until all investigations have been completed or a prosecution has taken place.

Any other data not required for evidential purposes will be deleted within 28 days after which time images will be manually deleted under the supervision of the Community Protection Manager.

2.5 Requests for Footage

All details on requesting personal data be made to the Community Protection Manager, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham NG5 6LU

*Produced by
Kevin Nealon, Community Protection Manager, April 2019*