

Gedling Borough Council Privacy Impact Assessment for the use of Body Video Cameras by Public Protection Enforcement Staff.

DATA PROTECTION IMPACT ASSESSMENT

Privacy Impact Assessment for the use of Gedling Borough Council Body Worn Video Cameras by Public Protection Enforcement Staff (PPES):-

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Deployment of Body Worn Video Cameras (BWVC) on Public Protection Enforcement Staff (PPES):-

Start Date – April 2019

End Date – permanent, part of PPES personal protective equipment

Total Duration: permanent part of PPES personal protective equipment

1.0 Description.

This document sets out Gedling Borough Councils (GBC's) Privacy Impact Assessment for the use of Body Worn Video Cameras (BWVC) by Public Protection Enforcement Staff (PPES):-

1.1 and outlines the associated impacts to the general public.

1.2 The use of body worn 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 also anticipated to reduce complaints against officer and act as a deterrent measure. It will also provide greater transparency and encourage professionalism from PPES.

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 BWVC device. Prior to commencement of any recording, where possible, PPES 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?

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

BWVC also assists in reducing violent or aggressive behaviour towards PPES 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?

NWs are involved in increasing confrontational issues and BWVC will ensure officers feel supported in managing these situations given the recorded evidence of offences and BWVC will now be included within the risk assessment.

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

A full policy and procedure has been produced on the use of BWVC by Gedling Borough Council and is available on request.

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

PPES wear a high visibility uniform and are easily identifiable; however, they could be mistaken for parking Civil Enforcement Officers, Police Officers or Police Community Support Officers who all wear BWVC as a standard part of their kit and equipment. It is therefore, appropriate to utilise BWVC 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 BWVC a proportional step in dealing with the issues?

Yes, considering the type of community based enforcement and situations that PPES are likely get involved in is entirely appropriate that PPES have access to the equipment as they undertake very similar roles to other agencies carrying out enforcement in the community (Civil Enforcement Officers, Police Officers and Police Community Support Officers).

6.0 What privacy issues may arise from the BWVC 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 2018
General Data Protection Act 2018
Freedom of Information Act 2000
Human Rights Act 1998
British Standard 8539:2017

The Council will ensure that the use of BWVC is emphasised 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 British Standard 8539:2017 which relate to BWVCs.

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 BWVC 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 or Envirocrime where the appropriate tools and powers may be utilised.

8.0 Does the BWVC 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 and Envirocrime where the appropriate tools and powers may be utilised. If incidents have taken place and have been captured and retrieved as evidence by the BWVC 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 BWVC 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 BWVC. 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 and it is for the purpose of preventing or detecting a crime.

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 BWVC require you to contact individuals in ways that they may find intrusive?

YES only if incidents have taken place, been captured by BWVC 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 BWVC 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. Gedling Borough Council 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
- for the purpose of identifying Envirocrime offenders

It is also considered a necessary initiative by Gedling Borough Council in respect of its duty under the Crime and Disorder Act 1998 (England).

It is considered as best practice by the Information Conditioners 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

PPES may be involved in increasing confrontational issues and the BWVC equipment has the potential to ensure officers feel supported in managing these situations given the recorded evidence of offences and included within the risk assessment.

BWVC cameras are overt, and will be used for instance, when NW'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 BWVC and is available on request.

The information flow of images obtained by the Gedling Borough Council BWVC is as follows.

- A. Imagery will be recorded on the BWVC during PPES working shift.

- B. At the end of the working shift the BWVC will be placed into a docking station and the images will automatically download onto a standalone computer.
- C. Only the Senior Neighbourhood Warden and the Community Protection Manager will have access to images once they have been downloaded onto the computer.
- D. The computer will be kept in a secure room with electronic key card access and images held for no longer than 28 days.
- E. If images are required for the purposes of preventing and detecting crime an 'image retrieval form' will be completed by the person requesting the images and the data downloaded by either the Senior Neighbourhood Warden or the Community Protection Manager.

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

It is anticipated the Gedling Borough Council and Nottinghamshire Police are the main users of the BWVC system. Gedling Borough Council will be the data controller at the point of images being recorded, however, if these images are requested by the Nottinghamshire or any other 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 GBC and the police will be data processors.

Audit Trail and Retention

The use of GBC Public Protection systems must meet public expectations with regard to confidentiality and comply with the General Data Protection Regulations and the Data Protection Act 2018. Information should, therefore, be handled so as to preserve the integrity of core Neighbourhood Warden 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.

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

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

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

BWVC imagery will be utilised to identify incidents that have taken place and have been captured and retrieved as evidence by GBC. 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 General Data Protection Regulations and the Data Protection Act 2018 which, in summarised form, includes but is not limited to:

- all personal data will be obtained and processed fairly and lawfully and in a transparent way.
- 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 Gedling Borough Council 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 BWVC is in operation with an opportunity for members of the public to get in touch with the Council and share their views.

Gedling Borough Council will ensure that the use of BWVC equipment by its PPES 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 BWVC is emphasised 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 purpose of issuing a verbal warning is to allow a member of the public to modify any unacceptable confrontational or aggressive and threatening behaviour.

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 BWV camera and I am now recording'

Privacy Statement

Gedling Borough 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 Gedling Homes, 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 Gedling Borough Council and any other agency/organisation including your landlord or managing agent where appropriate.

Gedling Borough 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 General Data Regulations and the Data Protection Act 2018

Should you be dissatisfied by how your information is held or disclosed you can complain by writing to the Data Protection Officer based at Gedling Borough Council.