



**South
Derbyshire**
District Council

Environmental & Development Services Committee 19th November 2015 APPENDIX A

Privacy Impact Assessment for Body- Worn Video Cameras



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This Privacy Impact Assessment (PIA) for Body Worn Video Cameras has been produced to support the use of Body Worn Video Cameras by Safer Neighbourhood Wardens. It has been produced as a supplementary document to a report to the 19th November 2015 report to the Environment and Development Services Committee of South Derbyshire District Council. Thereafter, it will be used as a supporting document to assist with the future review of Body Worn Video Cameras.

Section 1 Need for a PIA

Guidance¹ issued by the Information Commissioners Office (section 7.2) recommends that a PIA is completed prior to approving the use of Body Worn Video Cameras (BMVs).

Section 2 Description of the Information Flow

1. Data Collection.

BMVs will be worn by the Safer Neighbourhood Wardens during their day to day activities. Wardens will manually initiate audio and video recordings whenever the need arises. In relation to their general duties, the proposed uses will be as follows;

Flytipping investigations	Camera recordings will be initiated when officers are inspecting accumulations of fly-tipped material. The purpose of the recording will be to obtain video evidence of the material in situ and to allow the officer to provide a narrative of his inspection of the flytip.
Dog Control / Litter / Public Space Protection Order enforcement patrols	Recordings will be initiated where officers are reasonably satisfied that a relevant offence is either about to be or is likely to have been committed. The purpose of the recording will be to collect audio and video evidence of the potential offence and to provide a recording of the incident in the event of the issuing of verbal warnings, PACE interview or fixed penalty notices.
Waste regulation investigations	Recordings will be initiated where officers are satisfied that a relevant offence is likely to have been committed. The purpose of the recording will be to collect audio and video evidence of the potential offence and to provide a recording of the incident in the event of the issuing of verbal warnings, PACE interview or fixed penalty notices.
Illegal encampments	Recordings will be initiated where officers are satisfied that there has been an illegal incursion onto Council owned land. The purpose of the recording will be to collect audio and video evidence of damage to Council owned land and evidence of offences.
Abandoned vehicles	Recordings will be initiated where officers are satisfied that a relevant offence is likely to have been committed. The purpose of the recording will be to collect audio and video evidence of the potential offence and to provide a recording of the incident in the event of the issuing of verbal warnings, PACE interview or fixed penalty notices.

¹ "In the Picture: A Data Protection Code of Practice for Surveillance Cameras and Personal Information". Information Commissioners Office, Version 1.1, 21/5/2015

Anti-Social behaviour patrols	Recordings will be initiated where officers are reasonably satisfied that a relevant offence is about to be committed or is likely to have been committed. The purpose of the recording will be to collect audio and video evidence of the potential offence and to provide a recording of the incident in the event of the issuing of verbal warnings, PACE interviews or fixed penalty notices.
Client conflicts	Recordings will be initiated where officers are concerned that clients are becoming threatening or aggressive. The purpose of the recording will be to obtain evidence of the threatening or aggressive behaviour and to use the camera to help de-escalate the situation.

This list is not intended to be exhaustive, however in general terms officers are only authorised to instigate a recording where they are reasonably satisfied that an offence under relevant legislation has been or is about to be committed.

Recorded data will be retained on the device until the officer returns to their office base. This is usually later in the working day or the following working day.

2. Data Storage

Immediately on return to the office base the officer will download the data files into a single dedicated PC. The file will immediately be designated as 'evidential' or 'non-evidential'.

3. Data Handling and Deletion

The Master copy will be retained on the dedicated PC. Copies for internal use will not be taken although still shots from the Master copy may be used to support prosecution case files. 'Non-evidential' data will be deleted 30 days after collection. 'Evidential' data will be retained in accordance with the Data Retention Policy.

Section 4 Privacy Issues and Proposed Mitigation

Issue	Notes and Mitigation
BWV introduces new and additional information technologies that have a substantial potential for privacy intrusion	<p>BWV is an expanding technology being utilised by many public and private agencies. SDDC recognises the concerns from the public regarding privacy issues.</p> <p>Accordingly, this technology will only be deployed in an overt manner, using trained uniformed staff and in the defined operational circumstances stated in Section 2. All captured data will be processed, retained and disposed of to ensure total compliance with the Data Protection Act and Human Rights Act 1998.</p>
Data sharing with other agencies	When information is captured and subsequently downloaded from the device, it will firstly be assessed as to whether it constitutes 'evidential' or 'non-evidential' material. Any material, which is deemed as evidential, could need to be shared with the Police,

	<p>Crown Prosecution Service, Defence professionals and the Courts to support a prosecution. There are occasions when BWV material could be shared with other agencies to assist in training and to support a multi-agency approach to any legitimate, justified working arrangement. On rare occasions, BWV material could be released to the media if there is a genuine need to do so. For example the identification of an unknown suspect for a serious offence. Any captured information deemed to be evidential, will in the first instance be 'protected' by means of a Master copy being created. If data needs to be shared a Working copy(s) is created and it is this which will be passed to other Criminal Justice partners and Defence and ultimately the Court. In instances of any dispute, the Court can require the production of the Master copy.</p>
BMV could significantly increase the data captured and processed in respect of any one individual or group	<p>BWV is a relatively new technology and is seen to have major benefits of capturing evidence in an indisputable fashion. Accordingly, there will be more data potentially being captured. However, the appropriate safeguards, by adherence to legislation and guidance, will ensure that only information that passes a strict test, of being required for a safer communities purpose, can be retained.</p>
Data may be held for extended periods of time	<p>Any information captured on a device, which is deemed to be 'non-evidential' will be automatically deleted after a set period of time (30 days). The rationale for any retention beyond an immediate disposal might include circumstances where there is a desire to review any allegations as part of a complaint procedure, the reporting of these more often occurring the aftermath of any incident and often this material may not have been marked as 'evidential'.</p> <p>Other data within the 'evidential' category will be retained in order to satisfy the requirements of legislation, the court process if applicable and depending on the type of offence retained, reviewed and disposed of, in accordance with the Councils Data Retention Policy. Currently SDDC retains all evidential material for a minimum of six years.</p>
Risks associated with the loss of a BMV device	<p>It is unlikely that devices will be pulled off an officers uniform during an incident, however this or any other sort of accidental loss is possible. Each of the three Safer Neighbourhood Officers will be allocated a device for which they will take personal responsibility in order to maximise accountability. The memory of devices will be wiped daily to minimise the amount of sensitive data stored. If a device is lost, all possible attempts will be made to identify and notify persons who are subject of information on the device. SDDC will also notify the Information Commissioner's Office at the earliest opportunity. In addition,</p>

	the captured information is 'stored' on the device's internal memory which encrypts the recorded data and to access this requires a bespoke 'docking' facility, and associated software which is not widely available.
Audio recordings are a greater intrusion on privacy than video recordings alone	BWV is a relatively new technology and is seen to have major benefits of capturing evidence in an indisputable fashion. In order to ensure that all aspects of an incident are captured, this requires the essential inclusion of audio information in order for this to be complementary to the video data. The other important aspect of the addition of audio information is that in some instances, the camera itself may not be pointing in the direction of the main incident but that the audio will still be captured. This has a significant advantage of protecting all parties to ensure that the actions of the officers were totally in accordance with the law and addresses issues of transparency. Equally, in some instances, the presence of only video evidence without the added context that audio, can fail to adequately provide the full context, for all parties, of an incident or interaction.
Collateral intrusion	<p>Collateral intrusion in this context extends to the capturing of the movements and actions of other persons when this equipment is being used. It is inevitable that in some circumstances this will occur, albeit officers are trained to ensure that wherever possible, the focus of their activity is on the person subject of the officer's attention.</p> <p>In circumstances where citizens are captured in any video or audio information and they are unrelated to any offence under investigation, their identities will be protected and anonymised especially should the matter be presented to a court.</p>
Individual consents	<p>There is no requirement to obtain the express consent of the person or persons being filmed since the actions of the Wardens are deemed to be lawful. In the event that someone requests that the BWV be switched off, the officer should advise the person that:</p> <ul style="list-style-type: none"> • Any non-evidential material is only retained for a maximum of 30 days • This material is restricted and cannot be disclosed to third parties without the express authority of the subject of the recording unless prescribed by law; and • Recorded material is Council information and that it can be accessed on request in writing in accordance with the Data Protection Act 1998, unless an exemption applies in the circumstances.

	The BWV operator will consider on a case-by-case basis whether or not to switch the BWV off. There should always be a presumption to record if the 'need to address a pressing social need' has been achieved unless the circumstances dictate otherwise. An officer failing to record an incident may be required to justify the actions as vigorously as any officer who chooses to record a like encounter. In all cases, recording can only be justified when it is relevant to the incident and necessary in order to gather evidence.
Recording in high sensitivity locations such as private dwellings, schools and care homes	The functions and duties of the Safer Neighbourhood Wardens largely demand their activities to take place on streets and open public spaces. We do not foresee many circumstances where recording in high sensitivity locations will be necessary. If officers deem it necessary to initiate recordings in high sensitivity locations they will do so in a manner which limits to all practical extents any collateral intrusion.
Access to the data by non-approved staff	Data will be stored in a single, non-networked PC. The PC is login protected and is contained within a restricted, access-coded area of the Council building.

Section 5 Review of Privacy Impact Assessment

We anticipate that working experience of the BMV devices over time will enable us to review the local impacts of the devices. We also anticipate that as the technology becomes more widespread there may be changes in case law or statutory guidance. We therefore propose to review the contents of this Assessment in 2 years from the date of issue stated below.

Latest version

Version Number	Date of Issue	Author(s)	Brief Description of Change(s)
1	09/09/2015	MHO	First version

Storage Location(s) S:\Health\SNW\Body Worn Cameras

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