

Project Name:	Colchester City Council North Essex Parking Partnership Privacy Impact Assessment Body Worn Cameras		
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Author:	Lisa Hinman		

Revision History

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Revision Date	Previous Revision Date	Summary of Changes	Changes Marked

Distribution

This document has been distributed to:

Name	Title	Date of Issue	Version

Body Worn Cameras – Privacy Impact Assessment

This Privacy Impact Assessment relates to the use of body worn cameras (BWCs) by North Essex Parking Partnership.(NEPP) Civil Enforcement Officers (CEOs) working with the public in Colchester and other districts.

Making video recordings of any kind can intrude on the privacy of law-abiding people by recording their movements as they go about their day to day lawful activities. Improper use may contravene the European Convention on Human Rights, Article 8 which protects the right to respect for private and family life.

Unlike conventional CCTV, BWCs are controlled by the user who can ensure that recordings are made only on occasions when the need arises. However, the fact that they are entirely portable and are carried by an individual wherever they go in the course of their duties raises considerations not inherent in fixed systems. Unlike fixed systems, the output from BWCs cannot be continuously monitored and the periods of use and field of view of each camera are entirely under the control of the individual operator who must understand the legal and other requirements governing its use.

Colchester City Council and NEPP have considered these matters objectively as part of an assessment of the potential impact of the use of BWCs on the privacy or members of the public and officers.

Impact Assessment

The table below sets down the factors which have been taken into consideration when assessing the effectiveness of the system and whether this justifies its actual or perceived impact on individual privacy.

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<p>Which organisations will be using the recorded images? Who will take legal responsibility under the Data Protection Act?</p>	<p>NEPP are the users and owners of the recordings. The Council is the Data Controller when images are recorded. If however recordings are handed over to the Police or any other body then the legal responsibility will be transferred to that body as the data controller.</p> <p>In addition to the recordings, paper incident forms are completed by Officers, then recorded electronically in an access controlled folder. The hard copy is then shredded. These records are also the responsibility of NEPP and CBC as Data Controller.</p>
<p>What is the purpose for using BWCs? What are the issues that they aim to address?</p>	<p>Body worn cameras (BWCs):</p> <ul style="list-style-type: none"> • Serve as a deterrent to acts of aggression or verbal and physical abuse • Help to protect officers and the public with whom they interact safe • Enhance Health and Safety standards • Capture images close up, including audio recording • Allow the officer to maintain the use of their hands and enforcement equipment whilst recording an incident • Provide evidence to support internal/external investigations (complaints), prosecution cases • Assist in the investigation of allegations of inappropriate conduct by officers.
<p>Do BWCs realistically deliver these benefits?</p>	<p>In other parts of the UK BWCs have been effective in bringing prosecutions for assault on local authority staff working in public areas (1). The fact that such cameras are being worn has also been shown to reduce crime overall. (2)</p>
<p>Can less privacy intrusive solutions achieve the same objectives?</p>	<p>No. BWCs have a unique advantage and provide a tangible improvement over current practices which rely on witness statements, audio only recordings and evidence such as damage or injury to resolve incidents and pursue claims, prosecutions or disciplinary matters.</p>
<p>Must images show identifiable individuals, or could the scheme use images not capable of identifying individuals?</p>	<p>It is essential that BWCs provide images with a level of definition which enables individuals to be identified and their use close to the subject will usually make this automatic. Recordings may be used in court. If the identity of a perpetrator is disputed it must be possible to identify them from the images. If this was not possible the cameras would not be fit for purpose.</p>

<p>Are you satisfied that the information held will still be accessible when required to answer Data Protection Act Subject Access Requests?</p>	<p>All details of the data saved are contained in the Information Asset Log, including officer number, date and location of incident. Data will only be retained until investigations have taken place or prosecutions completed. All other data will be deleted routinely after two calendar months.</p> <p>Colchester City Council and NEPP will have information available on their websites regarding all aspects of the Body Worn Cameras usage and data storage.</p> <p>Regular updates will be published where necessary regarding the usage of body worn cameras.</p>
<p>Does the equipment/system of work being used deliver the desired benefits now and will it remain suitable in the future?</p>	<p>Yes; System is Password Protected. All footage is held and controlled within a secure software package.</p> <p>The cloud used to store the data has all necessary software installed to protect the data . All usernames and passwords are unique, will be regularly updated and will be deleted as soon as staff leave.</p>
<p>What future demands may arise for wider use of images and how will these be addressed?</p>	<p>Not within NEPP however the scheme could be extended to other outside workers of Colchester City Council in future</p>
<p>What are the views of those under surveillance?</p>	<p>There have been consultations with CEOs and UNISON. Many CEOs are in favour; some have expressed initial reservations, however those who have used BWCs previously have not raised objections.</p> <p>No public objections were raised in response to press announcements when BWCs were first introduced.</p>
<p>What could be done to minimise intrusion for those who may be monitored, particularly if specific concerns have been expressed? Is the system established on a proper legal basis and operated in accordance with the law?</p> <p>Continued...</p>	<p>CEOs will be trained in the operation of BWCs and made aware of the law applicable to their use and the possible consequences of misuse.</p> <p>Recordings are kept for no more than 30 days (unless the subject of a request). This period has been found to be necessary for incidents to be reported and requests for footage to be received. Records are also kept of requests for footage.</p> <p>CEOs complete an incident form on each occasion a BWC is used in relation to an incident. Times and reasons for use are recorded. Actions such as informing the Police or other services and outcomes (if known) are also noted.</p> <p>Incident records are retained securely for as long as needed for investigation purposes; they are made available for inspection by police officers if required; the log remains in the cloud, and copies or extracts would only be provided to the police if necessary for prosecution purposes.</p>

Continued...	Any release of recordings is compliant with the Data Protection Act, documented and subject to the condition that images must only be used for specified purposes; never journalistic use. As BWCs are completely portable, they could potentially invade the privacy of occupiers of nearby properties. CEOs are to be made aware of the restrictions this places upon their use of cameras and the need to ensure that all usage complies with the privacy protection contained within the regulations made under the Protection of Freedoms Act 2012.
Are BWCs necessary to address a pressing need, such as public safety, crime prevention or national security?	Yes. In 2015 an NEPP CEO suffered an assault where he was thrown bodily into a road. No action against the perpetrator was possible due to lack of evidence. Had the CEO been wearing a BWC a conviction might well have been secured. In many instances it is not possible to establish events relating to a complaint without capturing video evidence. The availability of video footage will be an aid to both investigation and training of CEO's.
Is the use of BWCs justified in the circumstances?	Yes, for the reasons stated above.
Is the use of BWCs proportionate to the problem that it is designed to deal with?	Yes. They provide invaluable aid to the investigation and prosecution of crime. The types of incidents which CEOs must deal with mean that recording in circumstance when the need arises is proportionate to the risk to which CEOs are exposed.

- 1) http://www.cheltenham.gov.uk/news/article/1633/successful_prosecution_thanks_to_body-worn_cctv_cameras
- 2) Evaluation of the introduction of personal issue body worn video cameras (Operation Hyperion) on the Isle of Wight: final report to Hampshire Constabulary; http://eprints.port.ac.uk/16979/1/Operation_Hyperion_Final_Report_to_Hampshire_Constabulary.pdf