

South Kyme Parish Council

Body Worn Video Camera Policy

Policy Aim

This document explains how the Parish Council will approach and use body worn video cameras (BWVC / 'bodycam') to ensure compliance with relevant legislation and codes of practice.

This document and associated procedures will standardise the use of bodycams and the evidential product produced.

The intention is for the use of a bodycam to:

- Provide an accurate record or report of activities carried out
- Reduce incident escalation
- Be used in the process of enforcement to ensure accuracy and transparency
- Reduce complaints
- Protect the wearer from aggression or abuse

This policy applies to all South Kyme Parish Council councillors or staff who may use a bodycam and/or the associated data management software in the course of their work.

The council will monitor the use of bodycams to ensure the equipment is an appropriate tactic and that usage is in line with policy and procedure.

Introduction

The Parish Council has an obligation under the Health and Safety at Work Act to ensure the health, safety and welfare of its employees. It is particularly important that it helps to protect and support any mobile and/or lone workers whilst conducting their duties.

Mobile phones and when necessary, radio communication systems, are already in place for staff to help manage personal risk. In addition to this a bodycam may be worn. This device records sound and pictures which will assist in providing clear, unambiguous evidence as well as an added layer of security.

The bodycam acts largely as a deterrent and it does not record unless the officer switches it on and notifies persons present.

Any evidence gathered can also be used by the police.

Any recordings made should be captured, stored securely and used in accordance with the General Data Protection Regulations, the Information Commissioner's CCTV code of practice and the Parish Council's policies.

The general principles regarding bodycams are as follows:

- They will only be used when operationally necessary in support of the aims outlined above and the triggers below:

- Evidence or a report is required
 - Fear of personal safety
 - Fear of the safety of other colleagues
 - Fear for the safety of another person
 - Escalation of a situation
 - Police have been called
 - A crime is being or has been committed or reported
- Any use of bodycams as an operational tool must be justifiable and proportionate to the matter at hand
 - Any use of bodycams should be considered alongside the impact on staff and members of the public who may be present.
 - All users must comply with this policy and when gathering evidence or information, ensuring the quality and integrity of that evidence or information.
 - When using a bodycam in public, it should be made clear that it is capable of video and audio recording.

Using the Bodycam

The bodycam will only be used overtly.

The bodycam should clearly show that recording is taking place and in the event of an incident with a member of the public, the user should make it clear that they are being recorded.

If a recording has already started prior to the arrival of a member of public, the user should tell them straight away that recording is in operation.

The user should attempt to minimise intrusion of privacy on members of the public who are present but not involved in an incident by keeping the bodycam focused on the incident and not bystanders.

Recording should continue uninterrupted from the start of the recording until the conclusion of the incident. The user should continue recording for a short period after any incident to clearly demonstrate that the incident has concluded.

The recordings taken will be downloaded at the end of each day and stored securely. Any transfer to unauthorised storage facilities may result in legal or disciplinary proceedings.

There may be occasions where a person objects to being recorded. Users may record overt video and audio without consent if this recording is for law enforcement purposes. Authority to do this should not be confused with a power to take photographs without consent. The decision to continue recording should remain with the user who should consider the objections made by the person in respect of the recording. The presumption should be, however, that recording should continue unless the objection(s) made overrides the need to record for law enforcement or evidential purposes. The user has a judgement call to make and as such there is a balance to be struck between resolving the incident at hand and the privacy of person(s) who may object. If the user decides to continue recording despite the objections of an individual, they should report to the Council as to why they have decided to do so.

Equally, users may encounter members of the public who specifically request that any encounter or interaction is recorded, even if the user does not feel there is any evidential reason to do so. Unless there are clear reasons to do otherwise, the officer should record such an encounter, but should remind the person requesting the recording that, unless there is an evidential reason to retain the footage, it will automatically be deleted in line with existing guidelines.

It is the responsibility of the user to ensure that:

- The bodycam is checked prior to deployment to ensure it is working correctly
- They comply with the relevant legislation and guidance
- They view only images that they have a bona fide reason for viewing
- They activate the bodycam in accordance with this policy

Storing and Using a Recording

Only authorised council staff can view a recording captured by a bodycam.

The recordings will be stored securely.

The recordings will only be accessible by authorised personnel and all non-evidential data will be maintained for a maximum of 30 days before it is deleted. Recordings required as evidence will be kept for a maximum of six months or until the evidence is no longer required, whichever is longer.

A record will be kept detailing any information required by the police and/or for evidence in court.

Any evidential data will be deleted once it is no longer required. A record of this process will also be kept.

The recording will only be viewed by authorised personnel in the following situations.

- A user has reported an aggressive/abusive incident which needs to be investigated further and/or reported to the police.
- A complaint has been received which needs to be investigated.
- A member of the public has requested a copy of the recording via a formal subject access request.
- Evidence has been requested by the police or is required as evidence in court. Police are requested to provide a suitable USB stick and be present at the download of data to ensure accuracy and security of bodycam evidence. A log of each police download will be recorded.

Recorded images must be viewed by authorised personnel in a private/restricted area.

Relevant Documents and Legislation

- General Data Protection Regulation
- Human Rights Act
- Freedom of Information Act
- Information Commissioner's CCTV code of practice
- Other South Kyme Parish Council policies

General Data Protection Regulation

Principle 1 – Fair processing of information

If asked a person must be advised of:

- The identity of the data controller, i.e. South Kyme Parish Council.
- The purpose(s) for which the footage is intended to be processed.
- Any further information which is necessary to enable processing to be fair, e.g. the routine deletion of images after 30 days where it is decided they are of no evidential use.

Human Rights Act

Article 8 covers the right to respect for private and family life, so we are obliged to consider this when dealing with recorded images whether these were made in public or private areas.

Recordings of persons in a public place are only public for those persons who were present at the time and are therefore still regarded as potentially private situations. Collateral recorded conversations unintentionally captured between members of the public during the use of a bodycam should always be considered private.

Users must consider this when recording and must not record beyond what is necessary for enforcement or disorder purposes.

Freedom of Information Act

This act creates a general right of access to all types of recorded information held by public authorities. This may include digital images recorded by South Kyme Parish Council.

The act does provide several exemptions to the requirements to disclose information held by an organisation. These exemptions include (*inter alia*) investigations or proceedings, law enforcement and personal information.

Any requests received quoting this legislation should be referred to the Parish Clerk who will in turn report the request to the Council.

Information Commissioner's CCTV code of practice

The council and its users will adhere to the code of practice as further assurance of compliance with all the relevant (above) legislation.

Other South Kyme Parish Council policies

This policy should be read, and acts in conjunction with, other policies – principally, the data protection policy.