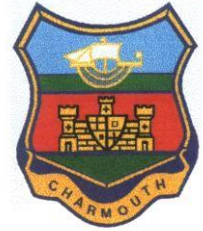


# Charmouth Parish Council

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## Body Worn Camera Policy

### 1. Introduction

Charmouth Parish Council has an obligation under the Health and Safety at Work Act 1974, to ensure the Health, Safety and Welfare of its employees. It is particularly important that it helps to protect and support its workers whilst they are carrying out their duties. Unfortunately, the outside staff, through the nature of their work, are sometimes open to aggressive and/or abusive encounters.

To help mitigate the risks a body worn video camera (BWC) can be worn. This device records sound and pictures, which will help the employee gather unambiguous evidence and add an extra level of security. The system acts largely as a deterrent and the device does not record unless the employee switches it to the on position.

In addition to increasing the health & safety of the staff, the use of the device will help to make the Council's operation more transparent to the public with the evidence being available when investigating complaints. Any evidence gathered can also be used by Police to substantiate a prosecution in the event of a more serious incident of abuse.

Any recordings made should be captured, stored securely and used in accordance with the Data Protection Act and the Information Commissioner's Office (ICO) CCTV Code of Practice.

1.1 This document sets out the Body Worn Camera Policy and Procedural Guidelines for the use of body worn cameras by staff within Charmouth Parish Council. It will enable employees to comply with relevant legislation relating to video recording and outline the associated benefits to staff and the general public. It also documents best practice procedures with regard to integrity of data, images and video as well as its security and use.

1.2 The use of body worn CCTV can provide a number of benefits which include a deterrent to acts of aggression or verbal and physical abuse towards staff, in addition to providing evidence to support internal or Police investigations.

1.3 Body worn CCTV forms part of an employee Personal Protective Equipment and is provided solely for Health and Safety purposes. It will be used in an overt manner and reiterated by staff wearing clear identification that it is a CCTV device. Whenever practicable at the

commencement of any recording staff will give a clear verbal instruction that recording video and audio is taking place.

1.4. Body worn CCTV will not be used to gather evidence for Parking Enforcement purposes nor will it be used as a tool to assist in the ad-hoc monitoring of staff or citizens.

## **2. Legislation & Statutory Guidance**

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

- Criminal Procedure and Investigations Act 1996
- Data Protection Act 1998
- Freedom of Information Act 2000
- Human Rights Act 1998
- Protection of Freedoms Act 2012
- Home Office Surveillance Camera Code of Practice
- Information Commissioners Code of Practice

### 2.2 Criminal Procedure and Investigations Act 1996

The 1996 Act introduced the statutory test for disclosing material to the defence in criminal cases. We must be able to disclose both used and unused images and demonstrate that this has been done. Deleting any images prior to their respective retention periods may amount to a breach of the Act if they are not then available for disclosure. Images that are relevant to an investigation must be retained in accordance with the Code of Practice issued under Section 23 of the 1996 Act. Any generated digital images should be accompanied by a full audit trail, from the point of capture of the image throughout the whole management process – including when they are passed to the Council’s legal team or the Crown Prosecution Service or the defence or if there is any supervised viewing.

### 2.3 Data Protection Act 1998

The Council is registered with the ICO to monitor CCTV under reference number Z2795982. The Information Commissioner’s Office is the regulator for the Act and has given guidance with regard to use of body worn CCTV equipment. This legislation regulates the processing of ‘personal data’ or ‘sensitive personal data’ whether processed on computer, CCTV, 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 body worn equipment.

The use of body worn CCTV in this guidance is ‘overt use’ meaning that equipment is not to be worn or used in a hidden or covert manner.

Where individuals ask to view footage of themselves this is called a 'Subject Access Request' (SAR). The requester is only allowed to see footage of themselves and anyone who has provided consent for their images to be viewed by them. The Council has a SAR process which is managed by the Clerk.

The police may request to view footage under Section 29 of the Data Protection Act.

#### 2.4 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.

#### 2.5 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 for use 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 body worn equipment should not record beyond what is necessary when recording a confrontational situation.

Charmouth Parish Council will ensure that the use of body worn CCTV equipment by its staff is widely advertised in the local press prior to commencement, in addition to publishing information on its web site.

Charmouth Parish Council will further ensure that the use of body worn CCTV is reiterated by staff wearing it in a prominent position (normally on their chest or shoulder) and that its forward facing display is visible to anyone being recorded. Additionally, employees will make a verbal announcement prior to commencement of any recording whenever possible and again once recording has commenced.

#### 2.6 Protection of Freedoms Act 2012

Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need. Surveillance camera systems operating in public places, such as BWC cameras, must always have a clearly defined purpose or purposes in pursuit of a legitimate aim and necessary to address a pressing need (or needs). Such a legitimate aim and pressing need might include public safety and the prevention of disorder or crime. These purposes should be capable of translation into clearly articulated objectives against which the ongoing requirement for operation or use of the systems and any images or other information obtained can be assessed. In assessing whether a system will meet its objectives, and in designing the appropriate technological solution to do so, a system operator must always consider the requirements of the end user of the images.

A surveillance camera system will only be used in a public place for the specific purpose or purposes it was established to address. It must not be used for other purposes that would not have justified its establishment in the first place. Part 2 creates new regulation for, and instructs the Secretary of State to prepare a code of practice towards, closed-circuit television and automatic number plate recognition.

Chapter 1 gives the full regulatory legislation of CCTV and other surveillance camera technology which relates to a Code of Practice and interpretations.

Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use. Putting effective security safeguards in place helps ensure the integrity of images and information should they be necessary for use as evidence in legal proceedings. This also helps to foster public confidence in system operators and how they approach the handling of images and information. Under the 1998 Act, those operating surveillance camera systems or who use or process images and information obtained by such systems must have a clearly defined policy to control how images and information are stored and who has access to them.

There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published. Good practice dictates that a system operator (Clerk) should review the continued use of a surveillance camera system on a regular basis to ensure it remains necessary, proportionate and effective in meeting its stated purpose for deployment.

## 2.7 Home Office Surveillance Camera Code of Practice

Part 2 of the Protection of Freedoms Act 2012 deals with the regulation of CCTV and other surveillance camera technology and introduces the Code of Practice for Surveillance Camera systems. Section 29(6) of the 2012 Act provides that this code covers “any other systems for recording or viewing visual images for surveillance purposes”. This would include BWC. The integrity of any video data recorded will be considered in accordance with this Statutory Guidance.

The Home Office is the regulator for this guidance with regard to staff use of body worn CCTV equipment. This guidance is centred around “12 Guiding Principles” which Charmouth Parish Council will adopt and adhere to at all times.

## 2.8 Information Commissioners Code of Practice

The Information Commissioners Code of Practice is the Statutory Guidance issued that runs in conjunction with the Surveillance Camera Code of Practice issued with regard to staff use of body worn CCTV equipment.

### **3. Operational Guidance and Best Practice for Recording**

#### **3.1 Training**

All outside staff will receive full training in the use of body worn CCTV. This training will include practical use of equipment, guidance and best practice, when to commence and cease recording and the legal implications of using such equipment.

#### **3.2 Daily Use**

Body worn CCTV will only be used in the event that an employee finds themselves in a confrontational situation where they are subject to, or feel that they are likely to be subject to, verbal or physical abuse. Employees will continue with a Zero Tolerance approach when confronted with any physical/verbal abuse or threatening behaviour.

The decision to record or not to record any incident remains with the employee. It is evidentially important to record as much of an incident as possible, therefore recording should begin at the earliest opportunity from the start of an incident. Recording must be incident specific. Employees must not indiscriminately record entire duties, patrols and must only use recording to capture video and audio at specific incidents.

At the commencement of any recording the user should, where practicable, make a verbal announcement to indicate why the recording has been activated.

Specific words for this announcement have not been prescribed in this guidance, but users should use straightforward speech that can be easily understood by those present, such as, "I am wearing and using a body video camera".

If the recording has commenced prior to arrival at the scene of an incident the user should, as soon as is practicable, announce to those persons present at the incident that recording is taking place and that actions and sounds are being recorded.

It is important to note that in principle there is no requirement to obtain the express consent of the person or persons being filmed since the actions of the employee acting in accordance with the Charmouth Parish Council Policy Guidelines and Privacy Impact Assessment, are deemed to be lawful.

In general, the BWC 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.

Unless specific circumstances dictate otherwise (see below) recording must continue uninterrupted from commencement of recording until the conclusion of the incident or resumption of general duties.

In so far as is practicable, 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.

It is considered advisable that the user continues to record for a short period after the incident to clearly demonstrate to any subsequent viewer that the incident has concluded and the user has resumed other duties or activities.

Prior to concluding recording the user should make a verbal announcement to indicate the reason for ending the recording.

Any recorded image must not be deleted by the recording user and must be retained as required by the procedures.

Recordings will not be made for the gathering of any evidence related to a parking contravention.

All recordings will be held within a specifically designed controlled and secure database within the Charmouth Parish Council network. Access to recordings will be restricted to authorised personnel.

Start of Shift Procedure - At the commencement of each shift the employee will book out a Body Worn Video Camera and will ensure that the unit is fully functioning and that the unit is fully charged and that the date and time displayed is correct.

### 3.4 Playback

Employees will need to be fully aware of the legal implications once digital images and audio have been recorded. To this end playback should only be undertaken by the Clerk with use of a password. Once the employee has left the incident the footage can only be viewed by the authorised persons or through the relevant S29 procedural requests.

Any request to view captured video by a member of the public will need to be made in writing to Charmouth Parish Council in line with the 'subject access procedure'. Evidence of identity prior to viewing must also be provided.

### 3.5 End of Shift

The employee will advise the Clerk and/or Facilities Manager of any footage to be retained and that supporting Incident Reports have been completed.

It will be the employee's responsibility to ensure that their body worn device is placed on charge at the end of their shift.

### 3.6 Storage of Data

Each video has the date and time stamped on every frame, a tamper proof digital fingerprint, and encryption which prevents the videos being visible on unauthorised computers.

All recorded footage will be uploaded to the Clerk's computer by the Clerk.

For Incidents where the Police have not been in attendance the Clerk will review the recording and a decision made on whether referral to the Police is appropriate.

All retained data will be kept until all investigations have been completed or prosecution has taken place before deletion. All data not required for evidential purposes will be deleted after upload and viewing.

The recordings will only be accessible by authorised personnel and all non-evidential data will be maintained for a maximum of 3 months before it is deleted.

### 3.7 Transfer of data

Any footage requested by the police as part of their investigation will be copied to a memory stick, labelled as an official exhibit and handed to them. Once in their possession the memory stick will fall under the police policy and guidelines for Data Protection. The Council will store evidential data for 3 months prior to it being deleted.

Details of this process and any relevant information i.e. PC name or collar number, date, time etc. will be logged with the footage so there is a full audit trail.