



## Body Worn CCTV Cameras

# Data Protection Impact Assessment

### 1. The need for a Data Protection Impact Assessment (DPIA)

This section should set out what the project aims to achieve, what the benefits will be to the Pendine Community Council, to individuals and to other parties.

It should also include what type of processing the project will involve.

Also a summary should be included explaining why the need for a DPIA was identified.

When used effectively, Body Worn CCTV (BWCCTV) can promote public and staff safety, capture the best available evidence, modify behaviour, prevent harm, deter anti-social behaviour and crime.

Recordings of images and audio can provide factual evidence that improve the quality of material available for prosecutions, and may reduce the reliance on victim evidence, which is particularly beneficial where people are vulnerable or reluctant to attend court.

BWCCTV can also have a positive impact on the behaviour and professionalism of Members of Pendine Community Council and its staff and assist in the continual development. The Beach and Community Warden and members of Pendine Community Council can utilise the equipment to review and improve the quality of interactions and interventions.

The use of these systems can also assist in dealing with potential claims and complaints against Pendine Community Council (the Council).

#### **Primary objectives of using BWCCTV**

- To improve evidence gathering in support of bringing offenders to justice;
- To protect members of the public and Council staff;
- To reduce the incidence of operational conflict, thereby providing fewer occasions on which staff safety may be compromised;
- To prevent/detect crime and apprehend offenders.

The need for a DPIA was identified due to:

- The nature of the information being collected – BWCCTV will record personal data relating to individuals (public monitoring) and those individuals will normally have no choice as to whether information regarding them is recorded;
- There is a possibility that personal data regarding vulnerable individuals will be collected.

The Beach and Community Warden is employed by the Council to act as a professional witness in order to capture evidence to support Carmarthenshire County Council in taking any necessary enforcement. These include the following areas:

- Fly tipping,
- littering,
- dog fouling,
- anti-social behaviour issues,
- environmental investigations;

In undertaking these duties, staff may suffer abuse and a significant threat to their personal safety, by physical or verbal means - members of the public may also be subject to such abuse.

The Beach & Community Warden may be subject to complaints and serious allegations from the public due to the confrontational nature of the role they perform. In these situations, factual evidence of what took place can often be confined to 'one person's word against another'. This places staff at risk of malicious or unfounded allegations and can put the safety of the public at risk.

The Council has therefore procured BWCCTV cameras to help alleviate these risks.

However, by introducing this technology there will naturally be concerns associated with how any personal information is being captured, processed and retained by the Council.

These concerns would include:

- The inappropriate collection of images or audio;
- The risk of loss of personal data, or accidental disclosure;
- Intentional or legally required disclosure, e.g. in legal proceedings or responding to subject access requests;
- Retaining images for too long, or not long enough.

This DPIA has therefore been produced to identify all data protection risks that arise from the use of BWCCTV and to address them.

## 2. Description of the processing

### The nature of the processing

Clearly explain what personal information will be collected and how it is to be used. Please set out:

- The purpose(s) for which the personal information will be used;
- How the information will be stored and disposed of/deleted;
- Who will receive the information, including any sharing of the personal information with other Council services or external organisations?

It may also be useful to refer to a flow diagram or another way of explaining data flows if they are complex.

### Purpose for which the data will be used

BWCCTV will allow the Beach & Community Warden to record images and sound whilst carrying out their routine duties.

This will be for the following purposes, when approaching members of the public:

- To increase personal safety and reduce the fear of crime;
- To reduce incidents of violence and aggression to staff members;
- To assist in identifying, apprehending and prosecuting offenders;
- To provide a deterrent effect and reduce criminal activity;
- To provide a contemporaneous record of discussions with those suspected to be involved in criminal offences.

### Procedures and training

The Council has in place **Standard Operation Procedures (SOPs)**, which are provided to staff who use BWCCTV devices and set out what information is to be captured on a BWCCTV device, how it is to be processed and then disposed of.

The Beach and Community Warden role will be used to assign privileges to specific requirements and organisational needs and will be updated from time to time. Applications for access will only be granted following an appropriate request and authorised by the Chair or Clerk of Pendine Community Council prior to relevant training.

Training and support will be provided by Carmarthenshire County Council Enforcement department using a blended approach including in-house provision and written guidance.

## **Storage and disposal of the data**

The data will be stored within a secure area of the Councils Office 365 cloud-based storage solution. The procurement, retention and deletion of footage can be managed by the back-office system. In any case, it will be managed in line with the Council's Retention Guidelines.

The data will be stored in MP4 format within a secure cloud-based storage solution. No personal data is transferred overseas.

In circumstances where the information is evidential, this is retained, and advice will be provided by Carmarthenshire County Council in order to download data on by a secure means. At the conclusion of any official investigation, Pendine Community Council and Carmarthenshire County Council will hold the data in accordance with their retention requirements which detail specific time frames based on the nature of the offence/incident, and includes undertaking appropriate reviews, further retentions if appropriate. When information is identified as being non-evidential, or not subject of an enforcement enquiry, it is still retained. However, this is only for 31 days before it is automatically deleted.

The source of information could include:

- Actual recording of an incident, details of an incident such as a victims or witness account, descriptions of persons involved with the incident as well as personal details of individuals such as victims, witnesses, suspects or any other person that is relevant to the incident that is being dealt with.
- Personal sensitive information, which the Beach & Community Warden may request in the course of their duties, could potentially be recorded in video format.
- Other information such as the recordings of vehicles and members of the public that were in the vicinity when the recording commenced.

Transfer of data from the camera to the secure cloud system will be via dedicated docking stations located within the Council's premises. Transfer of data between the docking station and the Cloud happens automatically when a camera is docked and is encrypted ensuring the data is secure in transit.

## **Access to the data**

The information may be shared with other Enforcement services within Carmarthenshire County Council such as Benefit fraud, Legal Services, Data Protection Officer etc.

Occasionally, information may be shared with the data subjects and/or their representatives. Where this is necessary, the Council will comply with the relevant aspects of the Data Protection legislation.

There are also situations where data will need to be disclosed to external organisations. This will be done by securely via the Council's secure email system. Where necessary information may be shared with:

- Dyfed Powys Police and other police forces
- Regulatory bodies
- Courts
- Prisons
- HMRC
- Local and Central Government

- Security Companies
- Partner agencies and approved organisations

The information shared are the images and audio content recorded on the BWCCTV for the specific enforcement purpose.

Information will therefore be shared to specifically meet at least one of the law enforcement purposes, namely:

- Preventing crime;
- Apprehending/prosecuting an offender;
- Any other duty or responsibility arising from common or statute law.

### **The scope of the processing**

Please set out the nature of the data, including:

- The categories of individuals whose data will be collected;
- The categories of personal data being collected;
- Whether any special categories or criminal offence data will be processed;
- How much data will be collected/used and how often;
- How long the information will be retained;
- The number of individuals affected;
- The geographical area covered.

As set out in previous sections, the data collected will be comprised of images and audio relating to individuals being interviewed, including the reason they are being interviewed.

The data may be recorded on a daily basis dependent on the level of the offences or infringements.

As above, the information will be retained up to 31 days. The user and their line manager shall then review and determine whether there is any continuing legitimate purpose for the further retention of the footage. Such purposes include (but are not limited to):

- The footage is, or is likely to be relevant to an ongoing or prospective legal proceedings, a criminal or disciplinary investigation or obtaining of legal advice;
- The footage is, or is likely to be, relevant to an ongoing or prospective claim or complaint.

The number of individuals potentially affected would be the residents of Carmarthenshire and visitors to the County could also be potentially affected.

Some images may give an indication as to the physical or mental health of an individual and may therefore fall within the special categories of personal data set out in Article 9 of the GDPR.

The images may also record potential criminal offences in the act of commission.

The operation of the systems is normally confined the geographical area covered by the County of Carmarthenshire, however, in some circumstances, there may be a necessity

to record information relating to individuals outside of the County where they reside near the Carmarthenshire boundary.

### **The context of the processing**

#### **Please set out:**

- The nature of our relationship with the individuals;
- The amount of control, if any, they would have over the data;
- Whether the individuals would expect the Council to process their data in this way;
- Whether children or other vulnerable groups are included;
- Any prior concerns regarding the type of processing or security flaws;
- Whether the processing involves new technology, including the current state of technology in this area;
- Whether the Council is signed up to any approved code of conduct or certification scheme that is relevant.

The recording of footage will include any members of the public/demographic groups, including children or other vulnerable individuals.

These individuals will in most cases have no direct control as to whether the images and sound are recorded.

The processing is not utilising new technology and the purpose of this DPIA is to ensure that an existing processing operation is properly documented.

### **The purposes of the processing**

Expanding on section 1, where possible, include:

- The aims to be achieved by the processing activity;
- The intended effect on individuals;
- The benefits of the processing for the Council, the community or other stakeholders.

The aim of this processing activity is set out in preceding sections of this DPIA.

BWCCTV systems are widely considered to be an effective method of delivering these aims.

### 3. Assessment of necessity and proportionality

#### Compliance and proportionality measures

Clearly explain why the collection and use of the personal information is considered necessary and proportionate. Please include:

- The lawful basis for processing the data, including any legislation that applies;
- Whether less intrusive alternatives have been considered and why these are not considered appropriate or effective;
- Any measures taken to ensure that the collection of personal information is adequate, relevant and not excessive;
- What information, if any, will be given to individuals;
- What will be put in place to protect individuals' rights;
- When using a processor, the measures put in place to ensure their compliance;
- Other safeguards, such as international transfers of personal data where applicable.

#### The lawful basis for processing the data

Section 111 Local Government Act 1972 provides the Council with the power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions. This includes the duty of care to its staff, Members of the Council and the public and the need to keep its property safe.

The Crime and Disorder Act 1998 places statutory duties upon local authorities regarding the prevention of crime and disorder. The use of BWCCTV systems and the sharing of footage where appropriate falls within the scope of the performance of those duties.

The following condition set out in the GDPR on the lawfulness of processing therefore applies:

- Article 6 1 (e) – the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller

The processing of special category personal data contained in BWCCTV images is lawful on the basis of the following condition found in the GDPR (paraphrased):

- Article 9 2 (g) – the processing is necessary for reasons of substantial public interest on the basis of UK law

The disclosure of personal data contained in BWCCTV images for the purposes of prevention/detection of crime is permitted by the exemption found in Schedule 2, Part 1, paragraph 2 of the Data Protection Act 2018, where applying the provisions of the GDPR would prejudice any of these purposes.

It is considered there are no less intrusive alternatives to the use of BWCCTV and that their use is proportionate.

#### Human Rights Act

The use of BWCCTV must comply with all the Articles of the ECHR, and there is one particular Article that is most likely to be relevant:

- Article 8 - the right to respect for private and family life, home and correspondence

This Article is a qualified right and Enforcement Agencies are required to consider this article when dealing with recorded information: whether that is in public or private areas.

Accordingly, this DPIA looks to address the issues raised by this Article and introduces suitable safeguards associated with how the Council uses this equipment, in both public and private areas, and how it deals with the product from any use. Throughout, the principle objective is ensuring that any interference with the rights of parties can only be justified if it is:

- Necessary;
- In pursuit of a legitimate aim – such as the prevention, investigation and detection of crime, with the necessity test being satisfied by the presence of a pressing social need;
- In accordance with the law.

Measures to ensure the collection of personal information is adequate, relevant and not excessive, in order to comply with the data minimalisation principle are set out in the SOPs.

The Council ensures that the users of BWCCTV is identified as the Beach Warden and that the camera is prominently work with 'CCTV' visible in all cases. The SOP require the user to provide a standard verbal instruction that the BWCCTV will be used before images and audio are recorded.

The principle of storage limitation is met by only keeping the images and sound for 31 days.

As set out in Section 2 of this DPIA, the data will be stored within a secure cloud-based storage solution, which is hosted by the BWCCTV supplier. This processing is covered by a robust and GDPR compliant Data Processing Agreement, and no personal data is transferred overseas.



## 4. Identify and assess risks

Describe the source of risk and nature of potential impact on individuals. Include associated compliance and corporate risks as necessary.	<b>Likelihood of harm</b> (remote, possible or probable)	<b>Severity of harm</b> (minimal, significant or severe)	<b>Overall risk</b> (low, medium or high)
Inappropriate, unwarranted or excessive collection of personal data.	Possible	Significant	High
Collateral intrusion – capturing the actions of persons other than the subject of the enforcement activity.	Possible	Significant	Medium
Recording images in private as opposed to public areas.	Possible	Significant	Medium
Potential for covert collection of personal data.	Possible	Significant	High
Loss of the device outside of Council premises/in the field leading to unauthorised access to personal data.	Possible	Minimal	Medium
Unauthorised access to personal data within Council systems/file plan.	Remote	Significant	Medium
Accidental or excessive disclosure of personal data.	Possible	Significant	Medium
Releasing personal data without adequate security measures.	Remote	Minimal	Medium

Lack of public knowledge regarding the BWCCTV systems, their functionality, use and processing of the personal data recorded.	Probable	Minimal	Low
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## 5. Identify measures to reduce risk

Identify additional measures that can be taken to reduce or eliminate risks identified as medium as medium or high risk in section 5.

The options to be taken to reduce the risks and any future steps which would be necessary can include producing new operating procedures/guidance/policies or security testing systems.

<b>Risk</b>	<b>Options to reduce or eliminate risk</b>	<b>Effect on risk</b> (eliminated, reduced or accepted)	<b>Residual risk</b> (low, medium or high)	<b>Measure approved</b> (yes/no)
Unwarranted or excessive collection of personal data	The Chair and Beach & Community Warden will be provided with training around the SOPs.  A programme of regular refresher training will be undertaken.	Reduced	Low	Yes
Collateral intrusion – capturing personal data about individuals other than the subject of the enforcement activity, such as family members of passers by	The Chair and Beach & Community Warden will be provided with training around the SOPs.  A programme of regular refresher training will be undertaken.	Reduced	Low	Yes
Recording images in private as opposed to public areas	The Chair and Beach & Community Warden will be provided with training around the SOPs.  A programme of regular refresher training will be undertaken.	Reduced	Low	Yes

Potential for covert collection of personal data	BWCCTV cameras will only be deployed in an over manner and used by trained, staff in clearly defined operational circumstances. The technology will only be deployed in accordance with the SOPs to ensure its use is proportionate, necessary and justified.	Reduced	Low	Yes
Loss of the device outside of Council premises/in the field leading to unauthorised access to personal data	The data recorded on the BWCCTV cameras are encrypted. The hardware also features a secure USB port.	Reduced	Low	Yes
Unauthorised access to personal data within Council systems/file plan	Staff using BWCCTV cameras will download data recorded onto an encrypted device – give to the Clerk to upload it to the Councils secure cloud-based storage solution. Evidence recorded material may be provided to Carmarthenshire County Council by appointment using their secure system. Recorded material will not be disclosed to a third party unless approved, and access to recordings will be controlled and approved by those listed in the SOPs.	Reduced	Low	Yes
Accidental or excessive disclosure of personal data	In the event of an accidental/excessive disclosure of personal data, the Beach & Community Warden is to immediately report it to their line manager, the Clerk or the Chair who will then seek advice from the ICO - Information Commissioners Office .	Accepted	Low	Yes

<p>Releasing personal data without adequate security measures</p>	<p>Data recorded on BWCCTV cameras will only be shared by third parties when it is necessary to do so, where the law permits this and in accordance with the SOPs.</p> <p>The Beach &amp; Community Warden will be provided with training on the SOP, which includes a section on disclosures.</p> <p>The data will be encrypted before being sent to any third parties. Where email is used as a method of transfer, the data will be via sent via a corporately provided secure email system.</p> <p>The retention period of data recorded on BWCCTV cameras is normally 31 days from date of recording, which can be extended provided there is an identified legitimate purpose for the further retention of the footage (as set out in the SOPs). Regular checks will be undertaken by the Clerk to ensure that information is managed in accordance with the SOP and is not retained longer than necessary.</p> <p>The Beach and Community Warden will be assigned their own personal BWCCTV camera. There will be no shared equipment.</p>	<p>Reduced</p>	<p>Low</p>	<p>Yes</p>
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## 6. Sign off and record outcomes

Item	Name/date	Guidance notes
Measures approved by (Members of Pendine Community Council):	Chair of Pendine Community Council, 20/07/2021	These actions should be integrated into the project plan with date(s) and responsibility for completion
Residual risks approved by:	Chair of Pendine Community Council, 20/07/2021	If accepting any residual <b>high</b> risk, consult ICO before proceeding
DPO advice provided:	Paul Morris, Environment Enforcement Officer, Carmarthenshire County Council 15/07/21	DPO should advise on compliance, section 6 measures and whether processing can proceed
Summary of DPO advice: The DPO has provided input throughout the DPIA including section 6 measures and considers that the processing can proceed.		
DPO advice accepted or overruled by:	Not applicable	If overruled, the reasons must be set out here.
Comments:		
DPIA will be kept under review by:	Clerk July 2021	DPO to also review ongoing compliance with the DPIA