



## South & East Lincolnshire Councils Partnership Body Worn Video (BWV) Policy

**Name of Policy:**     **Body Worn Video (BWV)**

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<b>Date agreed and implemented:</b>	August 2025
<b>Agreed by:</b>	
<b>Frequency of Review:</b>	Every 3 years
<b>Review date:</b>	August 2028
<b>Privacy Impact Assessment completed: (date)</b>	August 2028
<b>Member involvement (if any)</b>	Consultation with PFHs / ELDC Overview Committee
<b>Internal or Public Domain:</b>	

<b>VERSION CONTROL:</b>			
<b>Reference:</b>	<b>Status:</b>	<b>Authorised by:</b>	<b>Date:</b>

## **1 Introduction**

South & East Lincolnshire Councils Partnership (The Partnership) is committed to ensuring, so far as is reasonably practicable, the health, safety and welfare of its staff, service users and anyone else who may be affected by its activities. This policy has been developed and adopted to ensure that The Partnership's front line enforcement officers using Body Worn Video (BWV) devices do so in a lawful, reasonable, justifiable and proportionate manner.

1.1 Under Articles 25(1) and 25(2) of the UK GDPR, The Partnership have an obligation to implement appropriate technical and organisational measures to show that it has considered and integrated all of the principles of data protection into the processing activities. **Policy Statement.** The Partnership is committed to securing the best evidence and intelligence possible when carrying out any relevant Partnership Council function, including but not being limited to its regulation and enforcement activities. BWV technology provides enhanced opportunity to secure such evidence and intelligence.

## **2 Purpose.**

The purpose of this policy is to ensure that the operational use of BWV is lawful, proportionate, legitimate and necessary; that it will be only used when deemed necessary for the purposes of violence reduction or evidence collection by trained staff in accordance with legislation, policy and procedures. It sets out roles and responsibilities, provides staff with the correct procedures for collecting, downloading, processing and presenting video evidence, appropriate retention etc. This policy will ensure all BWV devices are used reasonably, justifiable and proportionately and that the product of BWV devices is stored, retained, reproduced and disposed of appropriately.

## **3 Application and Scope.**

3.1 This policy is effective from 1<sup>st</sup> August 2025 and applies to all officers who using BWV as part of their role.

## **4 Supplementary Benefits.**

The use of BWV may derive a range of supplementary benefits including but not being limited to:

- Compliance with the appropriate legislation and guidance including requirements around privacy, the Data Protection and Freedom of Information legislation.
- A reduction in the risk of violence and aggression towards staff as BWV devices should act as a deterrent (by clearly demonstrating that actions may be recorded).

- That staff are trained and have detailed guidance on the collection, downloading, processing, presentation and retention of video / audio evidence.
- That BWV devices are used correctly to maximise their benefit.
- The provision of compelling, high-quality video / audio footage thereby supporting the likelihood of the successful identification, apprehension and prosecution of offenders, particularly in relation to violence and aggression towards staff.

## **5 Safeguarding of public assets.**

- Reducing protracted complaint investigations by providing impartial, accurate evidence.
- Support PACE interviews through the quality of evidence presented to alleged perpetrators.
- Give greater insight into service delivery and assist in identifying good practice.
- Reduce the number of incidents of aggressive behaviour and abuse aimed at officers exercising their duties.
- Evidence the good service of enforcement and advisory letters.

## **6 General Principles**

6.1 BWV devices are an overt method by which staff can obtain and secure evidence at the scene of incidents.

The use of BWV will be:

- Proportionate.
- Legitimate.
- Necessary.
- Justifiable.

6.2 These principles are intended to enable staff to comply with all legislative requirements. When used effectively BWV can capture best evidence, modify behaviour, prevent harm and deter people from committing offences and anti-social behaviour. The general principles of operation will include:

- BWV devices will be used overtly, fairly, within the law, and only for the purposes for which it was established.
- Operating BWV with due regard to the principle that everyone has the right to respect for his or her private and family life and their home and that the use BWV must be proportionate, legitimate and necessary.

- The public interest in the operation of the system will be recognised by ensuring the security and integrity of operational procedures and that data will be processed and managed in line with data protection requirements. Data will:
  - o Be processed fairly, lawfully and in a transparent manner.
  - o Be adequate, relevant and limited to what is necessary.
  - o Not be kept for longer than is necessary.
  - o Be kept securely.

## 7 Procedure

Body Worn Video (BWV):

7.1 A BWV device is an overt camera capable of capturing video and audio information used to record events in which the wearer is involved. It is typically worn on the torso of the member of staff and on the uniform (clipped on); a harness can also be used. They are highly visible and used by staff to capture evidence of incidents that occur while they are on operational duty.

7.2 Why use BWV?

BWV devices will be used to assist with the prevention and reduction of violence and aggression. When used effectively BWV can capture best evidence, modify behaviour, prevent harm and deter people from committing crime and anti-social behaviour. BWV devices will record exactly what happened, what was said and when, in an indisputable format.

7.3 BWV devices are 'overt' meaning that they should be visible and obvious at all times. Overt means any use of surveillance for which authority does not fall under the Regulation and Investigatory Powers Act 2000 (RIPA). BWV will always be used in an **overt** manner unless a RIPA application has been duly approved by a Court.

7.4 Where possible, reasonable, practicable and appropriate, the potential/use of BWV devices will be notified to those who are or who may be subject to any form of lawful engagement, regulation or enforcement by the Council. For example (and non-exhaustively), the Partnership may include reference to the potential/use of BWV devices within its Privacy Notice (s), letters, Notices, Orders or other communications to individuals, groups or businesses.

7.5 Where possible, reasonable, practicable and appropriate, officers equipped with BWV devices will notify those whose personal data is likely to be captured by the use of BWV devices of such likelihood both prior to switching the device on and immediately after switching the device on.

7.6 Officers are **NOT** authorised under this policy to have BWV devices constantly running.

7.7 All images captured by BWV will be handled securely in accordance with the Partnership's CCTV retention procedures where products with **no** evidential or other lawful value will be retained for a **maximum** of 30 days with authorised officers, named here, being responsible for destruction of data. CCTV Manager, Community Safety Manager, ASB Officers and CCTV Operators (those with a SIA Public CCTV Licence) will be the only authorised staff allowed to access the DEMS (Digital Evidence Management System system) to produce the evidence accordingly as they do now for image requested caught on our Public Space CCTV System. Any product of evidential or other lawful value will then be stored, retained, reproduced and disposed of in accordance with prevailing legislative requirements and the Partnership's Data Retention Policy.

## **8 Equipment**

8.1 BWV devices shall be overtly body mountable with built in microphones.

8.2 Once appropriate budgetary provision is in place, the purchase or acquisition of BWV devices must be authorised by the Partnership's Assistant Director for Regulatory Services.

8.3 All Boston Borough Council BWV devices shall be stored securely in the Council's CCTV suite and a central register (including make, model and serial number) of BWV devices will be maintained by The Partnership's CCTV Manager / CCTV Team. East Lindsey District Council and South Holland District Council BWV devices will be stored securely only in Council Owned Buildings, will be added to the central register and images captured on all BWV devices (across The Partnership) will remotely be transferred to the DEMS System within the CCTV Suite at Boston within 2 hours of being placed back in the charging and storing docking station.

8.4 Authorised officers will sign all BWV devices in and out of the CCTV suite and shall: test that the device they are seeking to use is working correctly; that the battery is fully charged and that the date and time stamp on the device is accurate. Separate logs for charging and storing docking stations within ELDC and SHDC to sign devices in and out will be produced and maintained by managers / team leaders with the responsibility for separate charging and docking stations outside of the CCTV Suite at Boston.

8.5 Any malfunction of a BWV device must be notified immediately to the Duty CCTV Operator and CCTV Manager.

8.6 Any loss or theft of a BWV device containing **NO** recorded material must be notified immediately to the Partnership's Assistant Director for Regulatory Services and CCTV Manager and reported to the Police by the wearer at the time.

8.7 Any loss or theft of a BWV device **CONTAINING** recorded material must be notified immediately to the Partnership's Assistant Director for Regulatory Services, CCTV Manager **and Information Governance Team.**

8.8 As soon as any BWV product is considered to have evidential or other lawful value it will be stored, processed and disposed of according to its use (for example, evidence for certain enforcement cases will be retained for up to seven years). Each primary file will be allocated a unique identifier with the time and date stamp.

8.9 The storage of recordings from BWV is not cloud based. Storage is separate to that of the council's main IT servers and is situated in a secure room at a Boston Borough Council premises. To support the camera systems, 'stand-alone' computers or equipment and appropriate encryption should be utilised for the downloading and storage of digital video files. These will need to provide a full audit trail and ensure evidential continuity is maintained. The storage and control of all BWV and the necessary computer systems required for the storage and download of images and digital video files will be based within the Borough Council's CCTV Suite / The Hub / Priory Road or any other council premises named within this policy.

8.10 When not in use all BWV devices shall be stored within the Partnership's CCTV Suite.

## **9 Training**

9.1 All Officers authorised to use BWV devices will receive training in the operation of this policy and the operation of allocated BWV devices prior to being able to employ their use. This will include:

- Applicable legislation and legal requirements of using BWV devices in a public area, privacy, data protection, information governance etc.
- Framework and reasons for implementation of devices throughout the Councils.
- How to mount the device on the body.
- How to operate the device, turning on/off and various functions.
- When to operate the recording function and the parameters of permitted use.
- Permissions of use, how to alert the public recording is about to commence and reasons why.
- Maintenance and charging of the device.
- How to use the device software for information and data upload/transfer.
- The timeframe for uploading of information and data.
- How to deal with a subject access request.
- How the information and data is stored and erased from the devices.
- Implications for misuse.

9.2 All personnel must attend a full training session prior to operating the BWV device in an operational environment and must sign to acknowledge they have been trained in the use of BWV devices and understand their legal responsibilities in its use.

Records of this training will be held centrally for audit and accountability purposes.

## 10 Equipment Use and Storage

BWV will be accessed only by staff who have an appropriate authority to do so. Staff must:

- ensure the device remains with them at all times during their shift;
- make all reasonable efforts to ensure the device is kept secure, clean and in an operational condition;
- report any losses, defects or malfunctions of devices as soon as reasonably practicable and seek a replacement device where necessary.

When the staff members shift finishes, they must return their BWV to the CCTV suite or authorised area within East Lindsey or South Holland to ensure it will be charged and ready for operational use.

## 11 Recording Inspections and Incidents

The following is guidance on the use of BWV when recording incidents.

11.1 **Decision.** Officers will wear BWV when on operational duties or as required by a supervisory officer, the camera should be switched on when footage might support 'professional observation' or would corroborate what would be written in a pocket notebook (PNB). The decision to record or not to record any incident remains with the user. The user should be mindful that failing to record incidents that are of evidential value may require explanation in court.

11.2 **Objections.** There may be occasions where a person objects to being recorded. BWV wearers may record overt video and audio without consent if this recording is for the reasons stated in this policy, including any aggression or threats of violence to the wearer or their colleagues. There is no requirement to obtain the express consent of the person or persons being filmed since the actions of the officers acting in according with these Policy guidelines and associated Data Privacy Impact Assessment are deemed to be lawful. The lawful basis for the recordings is as outlined in the Partnership's Privacy Notice (s).

11.3 **The decision to continue recording** should remain with the BWV wearer, 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 an evidential encounter. If the BWV wearer decides to continue recording despite objections, they should make a note as to why they have decided to do so. (see also 6.9 below).

11.4 **Start recording early.** 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.

11.5        **Recordings to be Incident Specific.** Recording must be incident specific. Users should not indiscriminately record entire duties or operations and must only use recording to capture video and audio during inspections or incidents that would normally be the subject of Pocket Note Book entries or as 'professional observation', whether or not these are ultimately required for use in evidence. There are a few instances where recording should not be undertaken and further guidance on when not to record is contained in this policy.

11.6        **Talk.** At the commencement of any recording the user should, where practicable, make a verbal announcement to indicate why the recording has been activated. If possible this should include:

- Date, time and location
- Confirmation, where practicable, to those present that the inspection/incident is now being recorded using both video and audio.

11.7        **Inform.** If the recording has commenced prior to arrival at the site or scene of an inspection/incident the user should, as soon as is practicable, announce to those persons present that recording is taking place and that actions and sounds are being recorded. 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, "Please be aware I am wearing and using body worn video".

11.8        **Privacy Notice.** The Partnership will also have readily available privacy policies that individuals are able to access (for example, on your website) in the event that it is not operationally viable for fair processing information to be provided before recording is commenced.

11.9        **Collateral intrusion.** It is possible that the BWV camera field of view may include individuals (members of the public, staff, etc.) not directly involved in the incident, i.e. bystanders, resulting in individuals being recorded by devices without them being fully aware. This is known as collateral intrusion and in this context extends to the capturing of the movements and actions of other persons, not involved in an incident, when this equipment is being used.

11.9.1        It is inevitable that in some circumstances this will occur, albeit staff will be trained to ensure that wherever possible, the focus of their activity is on the subject of attention. In circumstances where members of the public 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.

11.10        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. Users should attempt to minimise intrusion of privacy on those persons who are present but not involved in an incident, by keeping the camera focused on the incident and not bystanders and third parties.

11.11 **Staff should be aware of high sensitivity** areas such as residential premises, hospitals, private vehicles etc. and avoid recording unnecessarily.

11.12 **Private dwellings.** In private dwellings, users may find that one party objects to the recording taking place; for example where warrants are available and abuse is apparent or expected. In such circumstances users should continue to record and explain the reasons for recording continuously. These include:

- Where an operational plan or procedure is in place
- A warrant is in force or powers under current legislation
- There is a requirement to secure best evidence of any offences that have occurred.
- Continuing to record would safeguard both parties with true and accurate recording of any significant statement made by either party
- Continuing to record would safeguard vulnerable persons.
- Where an incident having previously taken place may reoccur in the immediate future.

11.13 **Sensitivities connected with faith/equalities issues.** The filming in domestic circumstances could be an issue with some faiths. An example may be where the female may not have a face covering within the home. Officers should be aware of this fact and be sensitive to the wishes of those involved.

11.14 **Do not interrupt filming.** Unless specific circumstances dictate otherwise recording must continue uninterrupted from commencement of recording until the conclusion of the incident.

11.15 **Concluding filming.** It is considered advisable that the officer 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.

11.16 **The recording must cease as soon as reasonably practicable,** the incident has been dealt with or de-escalated to a point the staff member, using their own dynamic risk assessment, no longer feels under threat and the incident has come to a conclusion.

11.17 Recording may also be concluded when the officer attends another area.

Prior to concluding recording the user should make a verbal announcement to indicate the reason for ending the recording this should state:

- Date, time and location
- Reason for concluding recording

11.18 **Don't delete!** Once a recording has been completed this becomes The Partnership's information and must be retained and handled in accordance with the Police and Criminal Evidence Act, the Data Protection legislation and The Partnership's CCTV Policy. Therefore any recorded image must not be deleted by the recording user

and must be retained as required by the procedures. Any breach of the procedures may render the user liable to disciplinary action or adverse comment in criminal proceedings.

11.19        **Selective Capture.** In general, the BWV 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.

11.19.1       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.

11.20        In cases **where the user does interrupt** or cease recording at an ongoing incident, they should record their decision including the grounds for making such a decision.

11.21        **The whole incident,** where practicable, should be recorded. If an employee attends an incident and is recording evidence using a BWV device, they should record it all. Employees should not intentionally fail to record an incident by, for example, turning away without good cause, or deliberately obstructing the camera lens. Such actions may be considered misconduct.

11.22        Recording of Interviews. BWV should not be used to record interviews of suspects under caution which occur at an office or police station. It may be used to record interviews which take place other than at an office or police station. However, recording of interviews under such circumstances does not negate the need for them to be recorded contemporaneously.

11.23        BWV can and should be used to capture hearsay evidence. An example of this is where a person gives his account of suspected offender's actions to an investigating officer, in the presence and hearing of the suspect.

11.24        Scene Review. An additional use of BWV is to record the location of objects and evidence at the scene of a crime/incident or inspection e.g. property hazards, defects, damage and deficiencies. This can be particularly beneficial in allowing Senior managers an opportunity to review scenes of crime/incident or inspection or in effectively recording the positions of vehicles, animals, persons, equipment at the scene.

## **12       Limitations on Use**

12.1       BWV is an overt recording medium and can be used across a wide range of Local Authority operations. There are a few examples of situations where the use of BWV is not appropriate. In all cases users and supervisors must use their professional judgement with regard to recording.

12.2 Intimate searches - BWV must not be used under any circumstances for video or photographic recording to be made of intimate searches.

### **13 Confidential Information**

13.1 Particular care should be taken in cases where the subject of the recording might reasonably expect a high degree of privacy where confidential information is involved.

13.2 'Confidential information' consists of such matters as legal privilege, confidential personal information or confidential journalistic information. So for example particular care should be given where matters of medical or journalistic confidentiality or legal privilege may be involved.

13.3 Where it is likely that through the use of BWV cameras knowledge of confidential information will be acquired the users should carefully consider the balance between the privacy expectations of the subject (s) and the requirement to record the proceedings.

13.4 In general any recording which is likely to result in the acquisition of legally privileged information should only be made in exceptional and compelling circumstances. Particular regard should be had to the issue of proportionality. Similar considerations should also be given to authorisations that involve confidential personal information and confidential journalistic material.

13.5 'Legally privileged' information applies to communications between a professional legal adviser and their client or any person representing their client which are made in connection with the giving of legal advice to the client or in contemplation of legal proceedings.

13.6 'Confidential personal information' is information held in confidence relating to the physical or mental health or spiritual counselling concerning an individual (whether living or dead) who can be identified from it. Examples might include consultations between a health professional and a patient.

13.7 'Confidential journalistic material' includes material acquired or created for the purposes of journalism and held subject to an undertaking to hold it in confidence.

### **14 Audit Trail**

14.1 Supporting Software must be used from approved contractors or hard copies kept to evidence strict controls. The Duty CCTV Operator will assist with downloads and produce evidence packages as required.

### **15 Right of access**

15.1 Subject to exemption, the right of access under Article 15 of the UK GDPR is a fundamental right for individuals and helps them understand how and why their data

is being used, and to check it is done lawfully. The right of access gives individuals the right to obtain a copy of their personal data, as well as other supplementary information.

15.2 In practice, requests for CCTV or BWV footage can be a complex area and each request should be approached on a case-by-case basis. The Partnership should however ensure that the design of any surveillance system allows the controller to easily locate and extract personal data in response to such requests.

15.3 Freedom of Information (FOI):

- All requests for information under Freedom of Information will be dealt with on a case-by-case basis by the Information Governance Team.
- Requestors may only ask for information regarding the general operation of the BWV devices, the allocation of them, or the costs of purchasing, using and maintaining them. No recorded content should be disclosed under an FOI request without authorisation from a Senior officer of The Partnership.

## **16. Production of Exhibits**

16.1 Data will not be downloaded to any device other than the dedicated stand-alone computer /forensic examination System BWV provided as stated in Appendix2, or on approved The Partnership's DVDs when Master and/or working copies of the recordings are required.

16.2 All footage recorded to the BWV unit will be downloaded as soon as practical.

16.3 Evidential footage downloaded will be saved on the relevant stand-alone BWV computer as per the approved procedure. It will be identified by exhibit/unique reference number.

16.4 As soon as reasonably practical, a CCTV Operator will make two DVD copies. The first will be a 'master copy' which will be sealed and labelled. The second will be a 'working copy' for investigation and file preparation purposes. DVDs should be retained in line with authority's evidential retention policy.

## **17. Evidential footage**

17.1 Evidential footage will be considered as any data that is:

17.2 Evidence of an offence or supporting evidence for any process – e.g. charge, Fixed Penalty Notice, Penalty Notice for Disorder etc.

17.3 Footage that is required for a relevant and proportionate purpose - i.e. footage taken of an overcrowded town centre taxi-rank to highlight the need for an extended facility to partner agencies or services.

17.4 Footage which is subject to the Local Government Act 1972 (LGA 1972). The LGA 1972, s 222 provides that a local authority can prosecute or defend criminal proceedings where it considers it 'expedient for the promotion or protection of the interests of the inhabitants of their area'.

This gives local authorities power to prosecute criminal offences investigated by their own departments.

These departments may include, but not limited to:

- community safety
- health and safety
- environmental health/food safety and hygiene
- Planning Enforcement
- housing and council tax benefit.

17.5 The LGA 1972, s 222 provides that a local authority can prosecute or defend criminal proceedings where it considers it 'expedient for the promotion or protection of the interests of the inhabitants of their area'. It is for the local authority to determine what is in the interests of its residents and not the courts. In practice this means that in, general terms, local authorities can only enforce offences within their own jurisdiction.

17.6 BWV is supporting evidence and officers will be required to provide written statements which must include the audit trail for the capture of the footage and the subsequent production of the master disc/DVD.

## **18. Non evidential footage:**

18.1 Data downloaded as **non-evidential** will be stored for a maximum of 30 days. During that time, it is searchable and can be retrieved and marked as evidential. After this period, it will be deleted.

18.2 Security and sharing with third parties

- Any non-evidential data is destroyed within 30 days.
- Any data / information recorded / stored will only be kept for as long as necessary to allow for all investigations, legal proceedings and convictions to be finalised and in line with the Partnership's retention and disposal arrangements.
- Recorded material will be stored in a way that maintains the integrity of the information and ensures the rights of individuals recorded by BWV devices are protected and that the information can be used as evidence in court.

- The information will be stored in a secure location with restricted access and fully encrypted.
- Images and information will only be accessible by authorised staff.
- Recorded images will only be viewed in a restricted area, such as a designated secure office. This viewing must be carried out under the direct supervision of an authorised officer.
- Where BWV recordings are required for evidential purposes in legal proceedings, they will be properly processed following consultation with the Information Governance Team and authorised officers.
- Information and data will be recorded and stored, in a recognisable and useable format. This will allow ease of transfer if required, to other agencies. Such formats will be of digital standard.
- The recording will be placed in a sealed envelope which is signed, dated and then stored securely until the investigation is complete.

## **19 Anticipated Third parties sharing**

19.1 Due to the nature of the specified purposes, there is likely to be sharing of data with Lincolnshire Police, the Partnership, other departments within the Partnership and similar public organisations. From time to time, it may also be shared with the Media during public appeals for information etc.

19.2 Primary requests to view data generated by a BWV device are likely to be made by third parties for any one or more of the following purposes:

- i. providing evidence in criminal proceedings
- ii. the prevention of crime
- iii. the investigation and detection of crime (may include identification of offenders)
- iv. identification of witnesses
- v. Internal Gross Misconduct enquiries.

19.3 Information is only released to third parties on receipt of the appropriate REQUEST FOR DISCLOSURE OF PERSONAL INFORMATION - Schedule 2, Part 1 (2) Data Protection Act 2018 form completed by the appropriate police/organisation rank.

19.4 The same applies to other law enforcement agencies.

Third parties, which are required to show adequate grounds for disclosure of data within the above criteria, may include, but are not limited to:

- police

- statutory authorities with powers to prosecute, for example Customs and Excise, Trading Standards
- solicitors
- claimants in civil proceedings
- accused persons or defendants in criminal proceedings
- other agencies, as agreed by the Data Controllers.

19.5 Upon receipt from a third party of a bona fide request for the release of data, the Partnership's BWV Information Governance lead shall:

- Not unduly obstruct a third-party investigation to verify the existence of relevant data,
- Ensure the retention of data which may be relevant to a request, but which may be pending application for, or the issue of, a court order. A time limit shall be imposed on such retention, which will be notified at the time of the request.

19.6 Most requests from the Police can be dealt with during normal working hours, although there may be occasions where urgent access is sought, particularly when dealing with serious crimes. These requests will be dealt with accordingly under routine protocols by the CCTV manager.

19.7 The Police and others legitimately requesting access to images should only be given **copies** of the original data. Copies should be made onto portable media, such as write-only DVDs and handed over against a signature. Images should not be sent by email or other networked systems.

19.8 There may be very rare occasions when the Police require the original recording device, or the hard disk drives from the device. This may be necessary to safeguard forensic data following a serious incident. Release of recording devices or hard disk drives will be actioned by the Information Governance Team in line with existing procedures.

19.9 No secondary recording of images and data is permitted under any circumstances (recording of computer monitors for example).

19.10 Any person found recording of information or data on a secondary device may be subject to disciplinary proceedings.

19.11 Misuse of BWV devices and equipment, unauthorised processing of data may be a criminal offence under the Data Protection Act.

## **20 Disclosure of Information**

20.1 Disclosure of information from any of the The Partnership's BWV devices will be controlled and consistent with the purpose(s) for which the scheme was established.

20.2 The date of the disclosure along with details of who the information has been provided to (the name of the person and the organisation they represent) will be recorded accordingly.

20.3 Each recording will be viewed and if necessary, images of persons not directly involved in the incident will be obscured to protect their identity and comply with data protection requirements.

20.4 When disclosing images of individuals, consideration will be given to whether obscuring of identifying features is necessary. Whether or not it is necessary to obscure will depend on the nature and context of the footage that is being considered for disclosure.

20.5 Judgements about disclosure should be made by the Data Protection Officer. They have discretion to refuse any request for information unless there is an overriding legal obligation, such as a court order or information access rights.

20.6 Once the information has been to another body, such as the police, they become the data controller for the copy (s) they hold. It is their responsibility to comply with the data protection legislation in relation to any further disclosures.

20.7 The method of disclosing information will be secure to ensure they are only seen by the intended recipient/s.

20.8 Under no circumstances should copies of non-evidential material be burned to disc.

20.9 The CCTV Operator or nominated authorised officer will download the content onto working and master DVDs and complete necessary evidence paperwork for release to requesting officer / agency.

## **21 Miscellaneous guidance**

21.1 Where more than one BWV device is present at the scene of an incident, or the area of the incident is also covered by a CCTV system the investigating officer and the officer in the case (OIC) must ensure that all available footage of the incident is secured as exhibits in consideration of any defence arguments that may be presented.

21.2 Data/footage must be made available to partner agencies and organisations as per The Partnership's data protection procedures and or local information sharing protocols. More information on this is available on The Partnership's website.

## **22 Legislation & Statutory Guidance**

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

- UK General Data Protection Regulation ('UK GDPR')
- Data Protection Act 2018 ('DPA 2018')
- Freedom of Information Act 2000

- Human Rights Act 1998
- Protection of Freedoms Act 2012
- Regulation and Investigatory Powers Act 2000
- Home Office Surveillance Camera Code of Practice & Information Commissioners Code of Practice
- The Local Government Act 1972 (LGA 1972)
- Housing Act 2004, Section 239

## **23 Complaints**

23.1 Formal complaints received in relation to any issue pertaining to the use of BWV will be managed through the Partnership Councils routine complaints process with assistance from the local managers, and advice from the Data Protection Officer.

Where these cannot be resolved, the individual has the right to escalate the complaint to the office of the Information Commissioner (ICO).

23.2 As well as monitoring and enforcing the UK General Data Protection Regulation ('UK GDPR') and Data Protection Act 2018 ('DPA 2018'), the Information Commissioner's functions include promoting public awareness and understanding of the risks, rules, safeguards and rights in relation to the processing of personal data.

## **24 Home Office Surveillance Camera Code of Practice**

24.1 This document sets out The Partnership's response and clarification of compliance and conformity to the Home Office Surveillance Camera Code of Practice. The document is our main referral document and The Partnership will endeavour to comply and conform to all guidance within the document but specifically, in this case, refer to the 'Twelve Guiding Principles'.

24.2 The Home Office is the author of guidance with regard to use of Body-worn CCTV equipment. This guidance is centred on "12 Guiding Principles" which The Partnership has adopted and will always adhere to.

## **25 The 'Twelve Guiding Principles'**

25.1 Use of a surveillance camera system must always be for a specified purpose which is in the pursuit of a legitimate aim and necessary to meet an identified pressing need.

25.2 The use of a surveillance camera system must consider its effect on individuals and their privacy, with regular reviews to ensure it remains justified.

25.3 There must be as much transparency in the use of a surveillance camera system as possible, including a published contact point for access to information or complaints.

25.4 There must be a clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.

25.5 Clear rules, policies and procedures must be in place before a surveillance camera system is used, and these must be communicated to all who need to comply with them.

25.6 No more images and information should be stored than that which is strictly required for the stated purposes of a surveillance camera system and such images and information should be deleted once their purposes have been discharged.

25.7 Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes.

25.8 Surveillance camera operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to maintain those standards.

Purchase of Bodycams is only from approved accredited manufacturers.

25.9 Surveillance camera system images and information should be subject to appropriate security measures against unauthorised access and use.

25.10 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.

25.11 When the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and evidential value.

25.12 Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date.

### ***Appendix 1***

<b>The Partnership</b>	<b>Name</b>	<b>Position</b>
<b>Scheme Manager</b>		
<b>Data Controller</b>		<b>Head of Service</b>
<b>Authorised Personnel (Trained in use of BWV)</b>		
<b>Name</b>	<b>Position</b>	

### ***Appendix 2***

<b>The Partnership</b>	<b>List of Equipment</b>	
<b>Location of Equipment</b>	<b>The Partnership CCTV Suite</b>	
<b>Make</b>	<b>Model</b>	<b>URN/Serial No.</b>


#### Detail of Recording Solution

<b>Solution</b> (PC, Hard Drive, or Server)	<b>Location</b>	<b>Responsible Officer</b> (for housekeeping)

CY = current year CM = current month.

Depending upon the trigger point for retention, current year/month will relate to year/month of creation or closure.

		Status		Trigger Point for Retention	Action Following Retention Period	Authority guiding record creation & retention	Updates
BWV Unit							
The Partnership Server							
Hard Drive							
Disc/DVD							