

SELCP Body Worn Camera FAQs & Answers:

Q1 - Do either of the documents clearly set out who the data controller and data processor are?

Answer:

Because the terms, mode and method of use is determined by the Boston Borough Council (BBC) based service function it is seen as Data Controller for much of the CCTV and management of that footage in the first instance. In respect to that footage collected and downloaded for use by service teams for enforcement – this is the process defined by your service and as such each separate Council is Data Controller for that purpose. E.g. once you have taken as “evidence” from the CCTV team.

The Policy (signed off by all three) would be a statement of “how” we use the body worn, along with other CCTV once an aligned policy is in place. This means each Council has set out the framework and model for processing. Each would then be Controller in its own right.

Q2 - Can SELCP be considered to be one of the above entities and can all three authorities be lumped together as one for the purposes of GDPR? Is SELCP a legally constituted entity, or should all three LA's be considered separately, albeit under one policy, as separate legally constituted bodies? Is Boston the data processor for example? What I'm getting at is can the data be lawfully transferred from one LA to another just under the SELCP banner as if we were one?

Answer:

The Data Controller can vary and change at different points of the data lifecycle depending on the use / and definitions thereof. In all cases the S&ELCP is not a legal entity, and the Councils are often acting as Controllers in Common. There is a MOU in place to allow necessary processing/sharing to take place across the S&ELC Partnership. With a common “policy” we are introducing suitable controls that would move us towards an appropriate degree of control of processing to meet Article 5 GDPR.

Any fair processing would need to be issued by each team, available on request when using the cameras – and/or adding to their online fair processing statement.

Q3 - In the DPIA section (Section 4 first para) that gives examples of functions that may use the camera's, this is very PP Service focussed. Is it intended that they could be used across the Council's other functions such as planning enforcement, Housing, parks and gardens staff, etc? Might be worth just giving an example from each of these services to illustrate, so it's clear that it relates to more than just PP.

Answer:

The processing by the service would need perhaps to undergo a DPIA if it deviated from the Health and Safety Purpose/or to identify and prosecute offenders. We may need to understand how any footage is used for operational use depending on the circumstances. e.g. Would it be appropriate for Parks and Grounds staff to use body worn footage to identify a dog owner, where a dog is running wild? Is that expected? Proportionate? Etc.

17.4 in the policy hopefully covers that question – highlights a few departments but does state not limited:

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.

Q4 - Ref use in domestic situations, does the use of the camera's potentially give rise to a safeguarding risk through the capture for example of children in the recordings? Appreciate one risk might outweigh the other, but does it need to be addressed in the document?

Answer:

Safeguarding should be covered in the safeguarding policy. Any footage obtained with children in as collateral would be handled in the same manner evidentially as other footage. I am not sure that capture of children by an enforcement officer is inappropriate – clearly this is use case dependant. So, if the Public Protection Officer is recording a domestic fridge for a food issue; then taking images of children in an adjacent play pen perhaps is inappropriate. However, if a Housing officer were to attend a domestic premises and there was scope and meaning to having the child in the image (especially if to capture a safeguarding concern) I think it is appropriate to record them. I would certainly expect this to come out in any training – and would avoid a general “you must not record children” as a ban. The additional control of an SIA CCTV trained gateway officer provides segregation of duties and a control if images are captured that cannot be used. Footage of letters/documents and other elements that could contain personal data will also be managed as above – this provides some degree of governance in what footage is taken.

Q5 - I do have concerns generally around the extension of the use of camera's beyond uniformed staff, as anecdotally I've read and heard that the wearing of them can make things more awkward and sometimes escalate a situation, but that's a separate consideration about how and when we ultimately use them in practice.

Answer:

I think your comments do raise the issue about cameras as PPE, and a consideration that if it is issued PPE (to prevent an incident) how do we record a decision not to wear it to prevent escalation. Perhaps something to consider from a Health & Safety consideration.

Q5 - I have been just about to buy some so you have saved an expensive mess up on my part what kit are we using and how long before it goes through at ELDC?

Answer:

The cameras are Dahua BWV devices, which links in with our Public Realm CCTV software system. The cameras we have purchased cost around 5k, but that includes the docking station, 6 cameras, installation and software, etc, – which we purchased through our CCTV Contractor Videcom and have a framework built into our new contractor for additional purchases relating to CCTV. Duncan is also interested in purchasing some for his Car Park attendants, so maybe worth a chat with him to share the costs, unless you want to purchase a unit solely for your team.

Once I speak to John Medlar next Wednesday morning, I'll find the route I need to take and will then plot the meetings I need to take the policy too to get it signed off – I was taking BBC first as the equipment is already installed in CCTV now, but if we know a unit is going into ELDC as well then I can take it through ELDC due process at the same time.

You'll need to have a chat with Christian, as built into the policy he needs to authorise and approve which teams / officers can use a BWV.