

Step 1: Identify the need for a DPIA

Explain broadly what project aims to achieve and what type of processing it involves. You may find it helpful to refer or link to other documents, such as a project proposal. Summarise why you identified the need for a DPIA.

The use of Body Worn Video by Fylde Council employees and agents.

Officer preparing DPIA – Chris Hambly, Environmental Services Manager

Fylde Council is currently considering the use of bodyworn video ((BWV) for its enforcement officers. The purpose of utilising the BWV is to assist in gathering evidence, to also ensure the quality of evidence and to protect officers.

The purpose of the camera and the legitimate aim is to record specific incidents of interaction between enforcement officers, business operators and members of the public generally during inspections or when being challenged regarding littering, dog fouling offences or incidences of anti-social behaviour. It is anticipated the BWV will provide the ability to assist in the detection and successful prosecution of offences, act as a deterrent regarding any abuse or aggression towards officers and also ensure the officers actions are proportionate when dealing with the public in challenging circumstances.

Frequently officers will be lone workers and the proposed BWV does have a forward facing screen on which the person being interacted with can view themselves and their behaviour. The use and presence of BWV is known to act as a calming factor when dealing with challenging circumstances when the person being engaged with can actually view their behaviour.

Recent prosecutions regarding food safety matters and complaints regarding flytipping have relied heavily on photographic evidence captured by the officers at the time of inspection or dealing with the complaint. The use of BWV can enhance this and capture a fuller picture of the condition or circumstances or scale of a concern at the time of the visit.

The BWV will not be routinely recording video and audio whilst officers are patrolling. It will only be activated by the officer following the person(s) being interacted with being notified they will be recorded. There is little risk of other conversations or conversations being captured as the equipment is designed to record the immediate conversation taking place. Any interactions captured will be downloaded to a stand alone password protected lap top in a secure cupboard and deleted after 31 days or when the matter (for instance a prosecution) has been dealt with.

There is no real alternative to BWV other than not make use of the technology which is utilised by many organisation's including local Councils, Police, NHS and private security companies.

It is felt that the need for a DPIA is due to the high level of risk associated with the rights and freedoms of individuals concerning the recording and processing of personal data. Once this DPIA is approved, a consultation exercise will take place with the intention of commencing recording and processing recorded images immediately.

Fylde Council will be the data controller, all processing principles will be met lawfully, and this will be necessary for the performance of a public task carried out in the public interest.

A subject access request by a member of the public for any data not subject of a criminal investigation may be made for consideration by way of the Fylde Council website or written request stating the reason.

All privacy risks to individuals subject to BWV have been given due consideration and it is believed that the use will not infringe or encroach on to anyone's privacy, apart from the person being interacted with, following advice being issued they are being recorded.

The use of BWV will be reviewed annually and its effectiveness will be regularly monitored to assess the justification.

Step 2: Describe the processing

Describe the nature of the processing: how will you collect, use, store and delete data? What is the source of the data? Will you be sharing data with anyone? What types of processing identified as likely high risk are involved?

- Data collected will be initially saved to the BWV device and at the conclusion of the day or sooner, downloaded to the designated laptop. The laptop is password protected, stored in a secure cabinet in secure building. The software for downloading any recorded footage is provided by the BWV supplier
- The data will then be stored on the laptops hard drive
- Data will only be downloaded for evidential purposes.
- The ability to access saved data will be restricted to the Environmental Services Manager or Head of Health and Environment.
- The data recovered will be maintained by Fylde Council and may be shared with the Police to assist in the prevention and detection of offences.
- Any data downloaded will be done so to a disc and stored as evidence compliant with evidential storage.
- The use of BWV is new to Fylde and the actual BWV cameras have not been altered from their original condition.
- There is no novel type of processing
- The use of BWV will collect personal data in the form of images and names, addresses and date of birth of persons being challenged by the officer. There is extremely limited scope for capturing the images and conversation of bystanders, persons in the vicinity when dealing with a party but any data captured will be managed as above.

Describe the scope of the processing: what is the nature of the data, and does it include special category or criminal offence data? How much data will you be collecting and using? How often? How long will you keep it? How many individuals are affected? What geographical area does it cover?

- The nature of the personal data will be images, conversations and may also, dependent upon the circumstances include the name, address, date of birth of the individual who the officer is engaging with.
- The BWV will be enacted either during inspection when there are concerns regarding a premises compliance, where an officer is dealing with a suspected offence such a breach of PSPO, littering, capturing images of fly tipping or when an officer is involved in an altercation with a member of the public. Where possible, warnings/advice will be issued that the BWV is enacted the conversation and images are to be recorded.
- Any downloaded footage will be retained for 31 days unless requested as part of an incident/offence in which case it may be stored in accordance with Fylde Councils data retention policy.
- BWV will not be routinely recording during the officers duties, only activated on warning.
- It is possible that any recorded data may be subject to a data access request. Data will be held for no longer than necessary. Where held, it will only be released on formal request with supporting information and identity provided..

Describe the context of the processing: what is the nature of your relationship with the individuals? How much control will they have? Would they expect you to use their data in this way? Do they include children or other vulnerable groups? Are there prior concerns over this type of processing or security flaws? Is it novel in any way? What is the current state of technology in this area? Are there any current issues of public concern that you should factor in? Are you signed up to any approved code of conduct or certification scheme (once any have been approved)?

- The relationship between the Council and individuals i.e. members of the public is generally customer focused. However, the BWV is intended to be used by Enforcement Officers to assist with their duties, to protect them and to assist with evidence gathering.
- The public will have no control over the data captured and once downloaded to the secure laptop, access to the data will be restricted to the Head of Health and Environment and Environmental Services Manager.
- Any data used will only be used as evidence in an investigation whereby individuals will be notified as per the rules of evidence
- Children and vulnerable groups will inevitably be captured in the recorded data. Where such data is recorded, this may be beneficial in protecting the officer from inappropriate allegations and to ensure the appropriate safeguarding for children and vulnerable groups has been considered.
- The use of data processing via BWV has been utilised by a number of local authorities and the Police for some time. This is a new initiative to Fylde Council and as such there are there have been no previous concerns regarding a breach of security
- Fylde Council are fully aware of all current CCTV Regulations in particular by the CCTV Surveillance Commissioner
- There are no known issues of public concern but a consultation exercise will be undertaken.

Describe the purposes of the processing: what do you want to achieve? What is the intended effect on individuals? What are the benefits of the processing – for you, and more broadly?

- Offices preparing the DPIA believe there is a pressing need and legitimate interest to utilize BWV to assist in the detection and investigation of offence and protect officers from harm.
- Expectations from the public are to deal with problem premises, fly tipping, littering and dog related offences and the use of BWV will assist in fulfilling the publics demands.
- Furthermore, the use of BWV will assist in evidence gathering but also protect officers, particularly in lone working situations.
- Where a criminal offence has occurred, it will provide the police with evidence in a prosecution.
- Generally speaking, apart from the matters referred to in the risk assessment, any individuals captured on BWV will only be following verbal instruction by the officer and the reasons why the officer has activated the BWV will be explained as part of the investigation.

Step 3: Consultation process

Consider how to consult with relevant stakeholders: describe when and how you will seek individuals' views – or justify why it's not appropriate to do so. Who else do you need to involve within your organisation? Do you need to ask your processors to assist? Do you plan to consult information security experts, or any other experts?

- A consultation exercise has not yet taken place but the principal of BWV has previously been reported to Committee, a policy drafted and members were in support.
- A consultation exercise will take place with an agreed statement/information being placed on our webpages and social media used to highlight the information.
- Lancashire Constabulary will be notified of the intention for Fylde Council to have the ability to carry BWV.
- There is no need to consult with security experts by virtue of the knowledge obtained by the CCTV Surveillance Commissioners Code of Practice and Regulation being adhered to. Fylde currently operate a maintained CCTV system which complies with legitimate interests
- All Council employees will be notified of the consultation via the Directors "5 points" circular.
- Consultation with Fylde Council DPO is taking place.

Step 4: Assess necessity and proportionality

Describe compliance and proportionality measures, in particular: what is your lawful basis for processing? Does the processing actually achieve your purpose? Is there another way to achieve the same outcome? How will you prevent function creep? How will you ensure data quality and data minimisation? What information will you give individuals? How will you help to support their rights? What measures do you take to ensure processors comply? How do you safeguard any international transfers?

- Processing will achieve our purpose in the detection of crime and disorder and the use of BWV will assist in this aim.
- Guidelines from the Information Commissioners Office and the CCTV Surveillance Commissioner.
- Data Protection Act 1998 and the Surveillance Code of Practice 2013
- Human Rights Act, 1998
- Protection of Freedoms Act 2012
- Relevant provisions in the General Data Protection Act and Articles 2018.
- The BWV devices will be subject to regular checks on the equipment being used, as will the data quality
- Specific monitoring or directed surveillance via BWV will not take place and the default position is that the BWV is not recording until activated. Subject access will be allowed to individuals in compliance with the Council terms and conditions
- Verbal warnings will be given when the BWV is to be activated.

- The only transfer of data will be from the BWV to the designated laptop and if necessary to disk for evidential purposes. In such a situation, the disk will be stored in the evidence cupboard. The designated laptop is not connected to the internet and as such, electronic transfer is not possible.

Step 5: Identify and assess risks

Describe source of risk and nature of potential impact on individuals. Include associated compliance and corporate risks as necessary.	Likelihood of harm	Severity of harm	Overall risk
<p>Capturing images of passersby.</p> <p>Capturing conversations of passersby</p> <p>Capturing images of surrounding property and privacy expected from occupiers</p> <p>In general, the BWV may record more data than necessary to achieve the purposes</p> <p>Data may be obtained that is not necessary and not subsequently disposed of or destroyed</p> <p>Data may be released to a third party without consent or processed unlawfully</p>	<p>Remote, possible or probable</p> <p>Probable</p> <p>Remote</p> <p>Probable</p> <p>Possible</p> <p>Remote</p> <p>Remote</p>	<p>Minimal, significant or severe</p> <p>Significant</p> <p>Minimal</p> <p>Minimal</p> <p>Significant</p> <p>Significant</p> <p>Significant</p>	<p>Low, medium or high</p> <p>Medium</p> <p>Low</p> <p>Low</p> <p>Medium</p> <p>Medium</p> <p>Medium</p>

Step 6: Identify measures to reduce risk

Identify additional measures you could take to reduce or eliminate risks identified as medium or high risk in step 5				
Risk	Options to reduce or eliminate risk	Effect on risk	Residual risk	Measure approved
1.	The camera will only be activated when dealing with an individual reducing the field of vision of the camera. It will not be routinely recording conversations or images until activated.	Eliminated reduced accepted Reduced	Low medium high Low	Yes/no
2.	The risk of capturing conversations has been considered. BWV will only be activated when a warning has been issued and there is a remote possibility that small parts of passing conversations may be captured. Consideration has been given to removing the audio element but it is considered this reduces the benefit of the BWV. The recorded footage on its own would not truly represent the recorded situation. The officer's words or instructions to the recorded person would not be captured whilst the actions of the person would be – the benefit of the audio is that it also captures the officers tone and words used and ensures the whole "incident" is captured.	Reduced	Low	
3.	The risk of capturing adjacent properties and persons thereon will be mitigated by the camera only being activated when in conversation with a person or inspecting a premises, reducing the recording field of vision of the camera	Reduced	Low	
4.	Positioning of the camera to be regularly reviewed to ensure	Reduced	Low	

	reasonable expectations of privacy are met.			
5.	Only data intended to be captured will be downloaded. Daily downloading to take place, therefore data ensuring any data inadvertently captured in deleted within 24 hours.	Reduced	Low	
6.	Only written requests for data accompanied by supporting information and ID will be processed	Reduced	Low	

Step 7: Sign off and record outcomes

Item	Name/date	Notes
Measures approved by:		Integrate actions back into project plan, with date and responsibility for completion

Residual risks approved by:		If accepting any residual high risk, consult the ICO before going ahead
DPO advice provided:		DPO should advise on compliance, step 6 measures and whether processing can proceed
Summary of DPO advice:		
DPO advice accepted or overruled by:		If overruled, you must explain your reasons
Comments:		
Consultation responses reviewed by:		If your decision departs from individuals' views, you must explain your reasons
Comments:		
This DPIA will kept under review by:		The DPO should also review ongoing compliance with DPIA