

Sheffield City Council

Body Worn Video Devices Policy

Publication Date: November 2017



Contents

Introduction.....	3
Purpose.....	3
Legislation.....	3
Operational Guidance.....	4
Training.....	4
Daily use.....	4
End of Shift.....	5
Maintenance.....	5
Data Storage.....	5
Public Privacy.....	6
Accessing Images.....	7
Requests to View Files.....	7
Subject Access Requests.....	7

Body Worn Video Policy

Introduction

1) Purpose

- 1.1 This document sets out Sheffield City Council's protocol and procedure for Body Worn Video (BWV) devices worn by its employees.
- 1.2 The purpose of this document is to ensure staff comply with the relevant legislation relating to surveillance cameras and personal information and outline the benefits to staff who use the devices, and to the general public. Detailed procedures will explain how Sheffield City Council will maintain the integrity of the data, images and video collected along with data security and its use.
- 1.3 BWV devices will act as a deterrent to acts of aggression and verbal/physical abuse towards employees. Evidence may also be used to help support internal investigations as well as external investigations, e.g. Police investigations.
- 1.4 Where BWV devices are used they will be issued to the employee as part of their Personal Protective Equipment in line with their Risk Assessment as a method of mitigating potential abuse. The BWV device will be clearly worn on the employee's uniform, in an overt manner and the device will clearly show that it is a CCTV recording device. Employees using BWV devices will advise members of the public that video and audio recording is taking place at the start of any conversation by giving a clear verbal instruction.
- 1.5 The BWV device may be used if a complaint is made against an employee's conduct, but will not be used to gather information relating to the employee's duties, e.g. it will not be used to gather evidence to support Penalty Charge Notices issued by a Civil Enforcement Officer.
- 1.6 Services will have their own nominated Responsible Officers, and approved investigators. Employees should be aware of who the Responsible Officers and Approved Investigators are in their service, as well as any other service specific guidance around the use of BWV devices.

2. Legislation

2.1 The BWV system will be operated within the following legislation and statutory guidance:

- 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 CCTV Code of Practice

Sheffield City Council is the data controller for the purpose of the Data Protection Act 1998.

3. Operational Guidance

3.1 Training

All employees who are to use BWV devices will receive full training in their use. The training will include operational guidance and use of the equipment.

3.2 Daily Use

3.2.1 The BWV device **will not** be continuously recording for the employee's entire shift. Recordings will be initiated and terminated by the employee using the camera. The employee will use their own judgement as to when the camera needs to be used or will follow the procedure and guidance provided by their service area on the use and activation of their BWV device.

3.2.2 The employee must inform any members of the public that the device is recording with a clear verbal instruction before any conversation takes place. This should be in plain, easily understood speech. An example is:

“This conversation is being recorded for my and your safety”.

Employees will carry a card with details on how the subject of the recording can request a copy of the recording. This may be issued to the subject should they request access to the video.

3.2.3 The BWV device may be used if a complaint is made against an employee's conduct

3.2.4 When an employee has been issued with a BWV device, they should ensure that the unit is in full working order and contains no video from previous days' use. If the device does contain footage, the employee must arrange to download this before the start of their shift. The employee should fix the BWV device to their uniform, and ensure the camera angle is correct. At the start of their shift, the employee will record one video to identify themselves for the benefit of the recording, including their name, ID number as appropriate, date and the time.

3.2.5 The BWV devices are not being used to monitor employee's behaviour. However if during the review of evidence poor Health and Safety practices or acts which may potentially considered misconduct are observed, then as part of the Council's duty of care the employee's manager will be informed. If there is a potential issue of misconduct managers should follow the Council's guidance around investigations and the Disciplinary Procedure.

- 3.2.6 If an employee attends an incident and is recording evidence using a BWV device, the whole incident, where practicable, should be recorded. 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.

3.3 End of Shift

- 3.3.1 At the end of an employee's shift, all BWV devices must be signed back in and placed in their docking station for charging and downloading. The device will automatically upload any stored images to the web storage solution and wipe the device.
- 3.3.2 In the case of an incident needing to be downloaded, the employee should liaise with their manager to get authorisation as to when the download is to be done. This may be required immediately after a significant incident where Police have been asked to attend, or it could take place at the end of a shift if the incident is less serious and won't be required in evidence. If an employee is unable to download the device due to the seriousness of the incident, then a more senior employee will make arrangements to collect the device and arrange download.
- 3.3.3 The employee using the device will be responsible for ensuring a device is docked and download is initiated.

4. Maintenance

4.1 Equipment must be kept in good working order. The BWV devices must be checked to ensure they are working correctly at the start of the shift and any faults reported immediately to a nominated officer. It is the responsibility of each user to report any faults or damage to the on-duty nominated officer, or a nominated deputy, during their shift or at the end of the shift.

5. Data Storage

5.1 All footage will be uploaded automatically, once the BWV device has been docked on the docking station, to the BWV device software.

5.2 Overall management of the downloaded images will lie with the relevant Head of Service who defines the use of footage through appropriate policies and guidance. Sheffield City Council CCTV Control Room staff will manage the day to day processing of body worn video footage and be responsible for ensuring images that have been downloaded are categorised and stored according to the related retention policy. CCTV Control Room staff will be responsible for providing access to those images from the Police, or Information Management, following the approved guidelines to ensure adherence to the legislation governing use of images.

5.3 A restricted number of designated Managers within a service will have full access to permissions in the BWV back office system. Supervisors within a service will have limited "View Only" access to the images so that they can be reviewed for completing

incident statements and providing feedback on any training needs. Any tagging to retain images longer than the 14 day retention policy and provision of images to third parties will solely be handled by the CCTV team.

5.4 If any incidents have occurred during the shift it is essential that employees complete an "Accident, Violent Incident and Near Miss Report Form" These are located <https://myteam.sheffield.gov.uk/HRPoint/PublicLibrary/Accident, Violent Incident and Near Miss Report Form.doc>.

At this point one of the service's authorised managers or supervisors should complete a "**Request for Body Worn Video Footage for Investigation**" email template and submit to CCTV. with a request to retain footage. To facilitate identification of relevant footage this should include the time and location of the incident, and the camera reference number. The report must also indicate if the Police have been involved. Once an incident report has been received by CCTV staff, the images will be tagged for retention for the requested period, initially up to 14 days. CCTV will burn the requested footage and supply it to the approved requestor who then has responsibility for safe storage of that footage. At that point the image can be deleted from the system.

Evidence will be tracked on the Body Worn Video Device Data Access Log located at <https://place.sheffield.gov.uk/strategyregulation/Parking/SitePages/Home.aspx>

Police may request footage directly from CCTV using the existing Section 29 forms used to request CCTV footage in the City Centre.

The BWV device is encrypted, ensuring that viewing of the footage can only be carried out by an authorised officer.

6. Public Privacy

6.1 Recordings from a BWV device provide an account of what the employee saw and heard during an incident. There are however limitations to the technology and wearers must be aware that some aspects of incidents vital to the evidence for the incident may occur out of camera view, that sound recordings may not be complete or that other sounds at the scene can drown out statements by those present. There is also the possibility of other technical failures or operator errors that can hinder the production of recorded evidence. Employees must be mindful of standard evidence gathering procedures at scenes and must not rely solely on the BWV evidence to support them, e.g. logging an incident in a notebook in the event of a break in the recording.

6.2 In some situations, use of a BWV device is not appropriate. Examples of these are:

- Intimacy- BWV must not, under any circumstances, be used for the recording of intimate circumstances, for example sex acts or urination, or any other time a person is not fully dressed, with genitals not covered or just in underwear.
- Private dwellings- Users must consider the right to private and family life.

- Incidents not involving the employee

The above is not an exhaustive list.

7. Accessing Images

7.1 Requests to view files

7.1.1 Requests to view files may be received from third parties including, but not limited to:

- The police
- Solicitors
- Claimants in Civil Proceedings
- Accused Persons or Defendants in criminal proceedings
- Individuals captured in the footage (Subject Access Requests)

7.1.2 Reasons for requests may include, but are not limited to:

- Evidence in criminal proceedings
- Evidence in civil proceedings or tribunals
- The prevention of crime
- The investigation and detection of crime, which may include the identification of offenders
- The identification of witnesses
- Complaints made against the employee
- Complaints made against members of the public

7.1.3 Images may be viewed by the Police if the Council refer an incident to them. If the police request access to images they must provide the necessary documentation, for example a Section 29 form. A log of all requests will be made. Section 29 (3) of the Data Protection Act provides the Council with an exemption to the non-disclosure provisions of the Act where the information required is for the prevention and detection of crime and/or the apprehension and prosecution of an offender.

7.2 Subject Access Requests

7.2.1 Any individual- employee or member of the public-may request access to and a copy of their own personal data, under the Data Protection Act 1998. This includes footage taken via a BWV device. There is a £10 fee for a Subject Access Request and individuals must provide their identification including the supply of a picture/photo identification document to support their request.

7.2.2 To make a request for information, a subject access request form for CCTV is located here:

<https://www.sheffield.gov.uk/home/your-city-council/access-information>

Or email subjectaccess@sheffield.gov.uk

7.2.3 As the audio will be recorded along with the image the Information Management team needs to review each case on its individual merits to decide what information can be released and what can be considered personal detail.

7.2.4 Any footage required as part of an internal investigation must be approved by the Information Management team and cleared by a HR Business Partner. Footage will then be burned and kept in a secure location for the duration of the investigation, after which time it will be destroyed.

7.2.5 Any footage required as part of a Police investigation has to be requested in writing. Once a request is received, it will be burned to a disc, logged using a Digital Movement form and handed to the investigating officer.

7.2.6 Footage not associated with an investigation will be deleted automatically by the software after 14 days.