

General Purposes Committee 29th September 2016

**Northampton
Borough Council
Body-Worn Video (BWV)
Privacy Impact Assessment**

1 Introduction and Screening Questions

It is widely known that citizens, going about their daily lives, are likely to have their movements and identity captured on surveillance systems. Therefore, it is important to mitigate any privacy risks and issues. This Privacy Impact Assessment has been written to explore these issues and in particular to explain:

- The rationale for Northampton Borough Council introducing and using this technology
- The legality behind its use
- The likely operational circumstances when council officers may use BWV
- Key privacy issues and risks and an explanation on their mitigation

The Information Commissioner's Office Code of Practice recommends the application of 'screening questions' to confirm or otherwise the requirement for a Privacy Impact Assessment and to indicate its appropriate scale and detail. These questions are re-produced in the table below:

No.	Question	Response
1	Does the project apply new or additional information technologies that have the potential to invade the privacy of any individuals and/ or employees?	Yes. BWV (although overt) is proximate to incidents and events and therefore has the potential to invade the privacy of individuals, as well as the officers carrying them.
2	Does the project hold sensitive information that could potentially expose the identity of the individuals and/ or employees and require new security measures	Yes. BWV holds personal data requiring appropriate network and hardware security.
3	Does the project have the capacity to continue without identifying any of the individuals and/ or employees?	No. Only identified employees have access to the BWV camera software. No unidentified employee has access to this software.
4	Does the project involve working with multiple organisations, whether they are government agencies or private sector organisations (e.g. as outsourced service providers or as 'business partners')?	Yes. Due to the nature of the specified purposes, there is likely to be sharing of data with Northamptonshire Police.
5	Does the project involve new or significantly changed handling of personal data that is of particular concern to individuals and/ or employees?	Yes. Images of people whether victims, suspected offenders, witnesses, bystanders or officers will be captured on BWV before secure but accessible storage.
6	Does the project involve new or significantly changed handling of a considerable amount of personal data	Yes. The uploading and storage of images is the core of the BWV system.

No.	Question	Response
	about each individuals and/ or employees in the database requiring new retention arrangements?	
7	Does the project involve new or significantly changed handling of personal data about a large number of individuals and/ or employees?	Yes. The actual length (amount) of footage and what proportion is categorised as evidential and therefore retained, will be closely monitored.
8	Does the project involve new or significantly changed consolidation, inter-linking, cross-referencing or matching of personal data from multiple sources?	No. Although as a caveat building prosecution cases could involve the creation of composite video evidence e.g. bringing together BWV and CCTV.
9	Does the project relate to data processing which is in any way exempt from legislative privacy protections e.g. The Data Protection Act?	<p>Yes; potentially Sections 28 (National security) and 29 (Crime and taxation) of the Data Protection Act.</p> <p>The Freedom of Information Act 2000 provides some specific exemptions to the requirements to disclose information. The exemptions can be found in Part II of the 2000 Act, at sections 21 to 44. These are known as 'absolute exemptions' and 'qualified exemptions'. This could include, for example, information that breaches an individual's right to privacy under the Act. A full list of the exemptions can be found on the Information Commissioner's website.</p>
10	Does the project's justification include significant contributions to public security measures?	Yes. Included in the social need of the prevention and detection of crime, is public safety and security.
11	Does the project involve disclosure of personal data to, or access by, third parties that are not subject to similar privacy impact audits?	Yes. Disclosure will be to other public bodies; police services, the Courts and NHS Trusts.
12	Will the project be subject of consultation both internally and externally	Yes. This has taken place and a community impact assessment has also been undertaken.

2 What is a Privacy Impact Assessment and what is the need for it?

2.1 Any project or set of new processes that involve exchanging personal information, inevitably gives rise to privacy concerns from the public. The data collection, sharing and processing must therefore be undertaken within a clear legal framework with minimum intrusion on an individual's privacy. A Privacy Impact Assessment (PIA) can assess privacy risks to individuals as part of the collection, use and disclosure of information, within projects and policies that involve the processing of personal data. It enables the Council to systematically and thoroughly analyse how a particular project or system will affect the privacy of the individuals involved. This PIA only addresses the application of BWV equipment in an overt capacity.

Any project or set of new processes that involve exchanging personal information, inevitably gives rise to privacy concerns, from the public. Indeed, the cumulative effect of many such initiatives during recent decades has resulted in harm to public trust and to the reputations of corporations and government agencies alike. The PIA will ensure that individuals and wider communities have confidence that BWV devices are deployed to protect and support them, rather than spy on them.

3 The Information Flows

Northampton Borough Council has the responsibility for the processing of information in its possession which commences at the point when an officer captures it. The capturing of information is covered in the Body-Worn Video Policy.

4 Consultation Requirements

Northampton Borough Council has taken practical steps to ensure we have identified and addressed privacy risks. We have carried out consultation with staff.

5 The general privacy and related risks of surveillance technology

Through the introduction of this type of technology, there might naturally be concerns associated with how any information is being captured, processed and retained by Northampton Borough Council.

So far as surveillance and data storage is concerned the general risks are:

1. Inappropriate collecting of images.
2. Retention period of images too long or not long enough.
3. Risk of disclosure in normal usage (e.g. monitors and images viewable by the public).

4. Risk of accidental disclosure (poor procedures and inadequate training of staff processing the data).
5. Risks associated with intentional or legally required disclosure, e.g. S7 subject access requests.

6 The privacy and related risks of BWV

Privacy Issue	Risk to Individuals	Compliance Risk	Northampton Borough Council
Collection of data	<p>Contravention of privacy rights</p> <p>Unauthorised access to data</p>	Data Protection Act 1998 - contravenes Principle 1 (fair and lawful processing)	<p>The Data Protection Act comprises eight principles and data controllers have a legal obligation to comply with these principles. The data subject must be informed of: the identity of the data controller; the purpose or purposes for which the material is intended to be processed; and any further information that is necessary for processing to be fair.</p>
Loss or misuse data	<p>A failure to account for a full audit trail</p> <p>Footage being kept for longer than necessary</p>	Data Protection Act 1998 - contravenes Principle 7 (security)	
Footage being recorded unnecessarily	If a retention period is not established information might be used for longer than necessary.	Data Protection Act 1998 - contravenes Principle 3 (excessive)	<p>Data losses which damage individuals could lead to claims for compensation. The data will be securely stored, with access granted only to employees who have had specific training, and been granted authority..</p> <p>BWV cameras will not record at all times (they can be turned on and off) and will be automatically deleted after 30 days.</p>

Recorded images (in private as opposed to public areas)	Misuse of footage	Human Rights Act 1998 – contravenes Article 8 (the right to respect for private and family life, home and correspondence)	The use by Council staff of BWV must be shown to be proportionate, legitimate, necessary and justifiable. In addition, use of the equipment should address a ‘pressing social need’ especially in respect of its application within the confines of the Articles enshrined by
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			the European Convention of Human Rights (incorporated into the Human Rights Act 1998).
The use of images in court proceedings	Measures taken against individuals as a result of collecting information about them might be seen as intrusive	Human Rights Act 1998 – contravenes Article 6 (the right to a fair trial)	Public distrust about how information is used can damage an organisation’s reputation. In respect of the Human Rights Act, the Council is satisfied that the use of BWV is necessary, legitimate and proportionate.
The use of images in court proceedings	The information provided may be beneficial to the prosecution or the defence	Criminal Procedure and Investigations Act 1996	Images that are relevant to an investigation must be retained in accordance with the Code of Practice issued under Section 23 of the CPIA. Any generated digital images should be accompanied by a full audit trail, from the point of capture of the image throughout the whole management process – including when they are passed to the CPS or the defence or if there is any supervised viewing.
The potential for covert surveillance	Contravention of privacy rights	Regulation of Investigatory Powers Act (RIPA) 2000	The Council’s surveillance activities in respect of BWV will be overt. BWV devices will not be used in a covert manner. Under s26(9)(a) of RIPA, surveillance is “covert” if, and only if, it is carried out in a manner that is calculated to ensure that persons who are subject to the surveillance are unaware that it is or may be taking place. Northampton Borough Council will ensure the use of BWV is highly visible to the public and if necessary, an officer wearing the equipment will announce

7 Solutions to the Privacy Risks

Risk	Solution
Collection/ use / loss of data	<p>Access to data only available to authorised staff.</p> <p>Persons entitled to access data identified in CCTV Code of Practice. All data signed for by person receiving the data.</p> <p>For full disclosure, publish the PIA and Policy documents on the public website.</p>
Footage being recorded unnecessarily	<p>The system will be properly set up to retain data for the correct retention period (maximum 30 days, before automatic deletion).</p>
Recorded images (in private as opposed to public areas)	<p>Any attempt to delete any recording whilst on duty will be clearly identified (via the audit trail) once the camera is returned to the control centre.</p> <p>There will also be a log of the booked out cameras, which shows the user who booked out the camera</p>
The use of images in court proceedings	<p>All officers will receive training in all the necessary technical aspects of the equipment being used. This will cover the legal implications, equipment, practical use e.g. when to commence and cease recording, and health and safety.</p>
The potential for covert surveillance	<p>BWV will only be deployed in an overt manner.</p>

8 Evaluation of the Solutions to the Privacy Risks

8.1 Northampton Borough Council recognises the concerns from the public regarding privacy issues. Accordingly, this technology will only be deployed in an overt manner, using trained, uniformed staff and in defined operational circumstances. The use of BWV, both image and audio, has been investigated to ensure legislative compliance. All captured data will be processed and managed in compliance with the relevant legislation such as Data Protection Act, Human Rights Act 1998. It is important that a surveillance system produces information that is of a suitable quality to meet the purpose for which it was installed.

8.2 BWV systems are likely to be more intrusive than the more 'normal' CCTV style surveillance systems because of its mobility; however BWV also has the potential for positive outcomes for both the Council and its citizens. It can, for example, help reduce the occurrence of intimidation and threat of violence, for the benefit of staff and the public.

8.3 The introduction of BWV cameras at Northampton Borough Council will only be used in accordance with the law and the specific privacy related impacts have been identified but are mitigated as set out below. The default retention period for BWV is 31 days and the system is fully audited.

8.4 Cameras are fully encrypted. Data collected from BWV cameras is not accessible to any other parties other than other authorised council officers. Once the data is uploaded it will be kept securely on a password protected PC which will be locked down to certain nominated users to ensure its safeguarding. Only nominated council officers will be able to access the footage to view or delete recordings.

8.5 The system used will be regularly tested to ensure its efficiency in protecting the footage captured. Procedures will be regularly checked to ensure best practices are followed, to identify problems in the procedures and to amend / update them as necessary.

8.6 It is recognised that for some, the deployment of BWV cameras impact on the public's privacy and their trust and confidence in the local authority. The public has a right to challenge whether collection of data in this way is really necessary / proportionate. Surveillance cameras however do already operate in Northampton through fixed CCTV cameras and therefore this is not a new concept. This project is to enhance the authority's ability to improve the safety, cleanliness and maintenance of the Town and to offer protection to council officers working within the Town Centre and occasionally the wider Borough.

8.7 Misuse of the data constitutes serious misconduct and will be robustly dealt with should it ever happen. Auditing systems are in place to deter any such wrong doing and to identify it, should it happen.

8.8 Likely outcomes if these risks are not adequately addressed include complaints, drain on resources, damage to reputation and enforcement action and sanctions by ICO.

9 Review of the Privacy Impact Assessment

9.1 The system used will be regularly tested to ensure its efficiency in protecting the footage captured. Procedures will be regularly checked to ensure best practices are followed, to identify problems in the procedures and to amend / update them as necessary.

9.2 Northampton Borough Council will review the impact of BWV cameras on an ongoing basis.