



South Tyneside Council

Date: 1/2/17

South Tyneside Council Community Warden Body Cams Privacy Impact Assessment S.4 ICO COP

Report of the CCTV and Systems Co-ordinator

Purpose of Report

1. The purpose of this report is to primarily minimise the risk of informational privacy - the risk of harm through use or misuse of personal information gathered through the use of the Councils Community Warden Body Cam System.

Contact Officer: Andrew Bailey CCTV and Community Warden Co-ordinator

council council council **council** council council council

2. Introduction

Using CCTV can be privacy intrusive, because it is capable of putting law-abiding people under surveillance and recording their movements as they go about their day to day lawful activities. Careful consideration should be used whether to use it, or not; the fact that it is possible, affordable and has public support should not be the primary motivating factor. The authority should take into account what benefits can be gained, whether better solutions exist, and what effect it may have on individuals. South Tyneside Council considers these matters objectively as part of an assessment of the scheme's impact on people's privacy.

3. Impact Assessment

South Tyneside Council owns and operates a Body Worn CCTV system utilised by their Community Wardens when patrolling and attending incidents throughout the Borough . Body Cams have been used by the Wardens for over 10 years, since the technology first came about. Various camera systems have been used, although they currently use Reveal Media RS3-SX. There are various questions that need to be answered to successfully provide a privacy impact assessment; those questions are outlined below in a table format.

Where the system will be operated by or on behalf of a public authority, the authority will also need to consider wider human rights issues and in particular the implications of the European Convention on Human Rights, Article 8 (the right to respect for private and family life).

If this is not the case then it would not be appropriate to use CCTV.

Privacy Impact Assessment for South Tyneside Borough Community Warden Body Worn CCTV Cameras.

Date: February 2017

Review Date: February 2020

Manager conducting Assessment: Andrew Bailey, CCTV and Community Warden Co-ordinator

DPA 1998	
<p>What organisations will be using the CCTV images? Who will take legal responsibility under the Data Protection Act?</p>	<p>South Tyneside Council, South Tyneside Homes and Northumbria Police are the main users of the CCTV system.</p> <p>South Tyneside Council will be the Data Controller at the point of images being recorded, however, if these images are seized by the Constabulary or any other statutory body then the legal responsibility will be transferred to that body as the data controller for the images that have been seized</p>
<p>What is the organisation's purpose for using CCTV? What are the issues that the system aims to address?</p>	<p>The Council's Community Warden Service was created in the late 1990's initially to respond to incidents of anti-social behaviour and low level crime such as Littering and dog fouling.</p> <p>The introduction of the Crime and Disorder Act placed a direct responsibility on local authorities to combat crime and anti-social behaviour through Section 17, which states:</p> <p><i>"Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area".</i></p> <p>Section 17 was intended to provide the impetus for authorities to consider how their services could contribute to reducing crime and disorder, as well as their impact on social and community factors that affect crime levels. To deliver against these requirements, further government funding was made available a large amount of local authorities chose to set up Community Warden schemes in their area to directly tackle issues of ASB, issue warnings and provide evidence for these incidents to be addressed. As the community wardens lack the Police powers to demand name and address or detain</p>

	<p>suspects the use of body worn video was considered and then implemented.</p>
<p>What are the benefits to be gained from using CCTV</p>	<p>CCTV is a proven tool in detecting crimes, and the perpetrators of it. Using CCTV can significantly reduce the time and cost on the police service in investigating allegations. It is also known that false allegations are made and CCTV is a useful tool in disproving some allegations. CCTV captures actual events and is not influenced by interpretation, or events, as seen by people who are under the influence of alcohol or drugs.</p>
<p>Can CCTV realistically deliver these benefits?</p>	<p>Yes, and consistently do.</p>
<p>Can less privacy-intrusive solutions, such as improved lighting, achieve the same objectives?</p>	<p>The body cams were implemented specifically for the reasons stated and provide a vital tool in gathering evidence of occurring incidents and identifying perpetrators. No other tool could be utilised in such a way.</p>
<p>Do you need images of identifiable individuals, or could the scheme use other images not capable of identifying the individual?</p>	<p>It is of paramount importance that the system is capable of identifying individuals. Footage from the system will be used in court. If the persons were not identifiable then the system would not be fit for purpose.</p>

<p>Will the particular equipment/system of work being considered deliver the desired benefits now and remain suitable in the future?</p>	<p>South Tyneside Council's method of work is unlikely to change. The service will continue to use this proven method of gathering evidence to both aid in the prevention and detection of crime, officer safety and aid in investigations relating to allegations against staff. We are always looking at new technologies and how these will help us to deliver a service in the most productive and cost effective manner. Being up to date on new technology and legislation is very important to us.</p>
<p>What future demands may arise for wider use of images and how will you address these?</p>	<p>Legislation can and does change. We will therefore comply with all future regulations placed upon us. As populations increase, it is realistic to assume that pressures will be put on the department to supply images to wider audiences. These include blue light services solicitors, insurance companies and law enforcement agencies such as HRMC, and the Environment Agency.</p>
<p>What are the views of those under surveillance?</p>	<p>The general feeling is that people who are not involved in crime are happy to be in an area that is monitored by CCTV cameras. There are some members of society both law abiding and those who are not, who have issues with being recorded by CCTV cameras. By abiding with current legislation, we aim to show that the CCTV system is only used for ASB/crime reduction/detection purposes and those activities that assist the public.</p>
<p>HRA</p>	
<p>What could we do to minimise intrusion for those that may be monitored, particularly if specific concerns have been expressed? Is the system established on a proper legal basis and operated in accordance with the law?</p>	<p>As the system is body worn it is only set to record when the officers are responding to an incident or have a particular need for example when carrying out a proactive patrol within a targeted ASB hotspot area. The system has been established on a proper and legal basis and we comply with the Data Protection Act, Human Rights Act and Protection of Freedoms Act.</p>

<p>Is it necessary to address a pressing need, such as public safety, crime prevention or national security?</p>	<p>South Tyneside borough continues to have incidents of crime and ASB and without utilising this technology in this way the community wardens impact would be greatly reduced. The footage has been instrumental in providing evidence to tackle a wide variety of issues through the area and is a necessary tool to combat these incidents and allow action to be taken against perpetrators who would other whys continue to plague residents and visitors to South Tyneside.</p>
<p>Is it justified in the circumstances?</p>	<p>Yes,</p>
<p>Is it proportionate to the problem that it is designed to deal with?</p>	<p>Yes. CCTV is used to detect crime and complies with the current legislation.</p>

background papers background papers background papers

South Tyneside Council CCTV Unit Privacy Impact Assessment S.4 ICO COP

The following is a list of the background papers (excluding exempt papers) relied upon in the preparation of the above report:

Background Paper	Author	Published
Conducting privacy impact assessments code of practice	ICO	2014
In the picture: A data protection code of practice for surveillance cameras and personal information	ICO	2014
Code of Practice for the Operation and Management of South Tyneside Council Central Public Space CCTV Control Centre	Andy Bailey, STC	2013
CCTV code of practice	ICO	2008

Contact Officer: Andrew Bailey

background papers background papers background papers