

## Privacy Notice in relation to the use of Body Worn Cameras

Our core data protection obligations and commitments are set out in the council's primary privacy notice at [www.bolton.gov.uk](http://www.bolton.gov.uk)

This notice provides additional privacy information for:

- Members of the public
- Partners working with Bolton Council

It describes how we collect, use and share personal information about you

- In relation to Body Worn Cameras and Video
- the types of personal information we need to process, including information the law describes as 'special' because of its sensitivity

It is important that you read this notice, together with any other privacy information we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information. The information collected and held will vary dependent on the service used

## Purposes

We collect your information to:

- evidence breaches of legislation and criminal offences identified by frontline employees and officers when conducting regulatory enforcement duties consistent with their roles and lawful powers
- record visits to retailers or businesses where offences are suspected
- record attendance to locations where crimes are in action or are being reported such as licensing and trading standard offences and rogue traders
- improve the health and safety of council officers and employees, reducing the risk of incidents
- provide evidence to support Police action in the event of physical and verbal assaults on officers and to provide evidence to support and investigate allegations of inappropriate conduct by officers

Bolton Council occasionally uses body worn cameras where there is a need to capture images or speech for evidential purposes, in order to protect Council employees and officers or dealing with members of public in situations where they are particularly vulnerable to abuse.

Any use of body worn cameras is governed by internal policies and is conducted in accordance with the law. The Council will never continuously record using body worn cameras and will only utilise such technology where there is a legitimate need to do so.

In the event that body worn cameras are in operation, Council employees and officers operating body worn video cameras will take all reasonable steps to make sure those captured in such footage are made aware that recording is taking place.

## Categories of personal data

In order to carry out these purposes we collect and obtain:

- photographic, video, and digital imagery and audio commentary
- processing of video images and audio data of members of the public generally and particularly people who come into contact with our officers
- basic details about you such as address, telephone number, email address, date of birth, description, vehicle description and Vehicle Registration Mark (VRM)

## Legal basis for processing

The legal basis for processing your personal data, in accordance with the UK GDPR is:

- (c) Legal Obligation: the processing is necessary to comply with the law. You must reference the applicable legislation if you wish to rely on this basis for processing
- (d) Vital Interests: the processing is necessary to protect someone's life
- (e) Public Task: the processing is necessary to perform a task in the public interest or for an official function, and the task or function has a clear basis in law. You must reference the applicable task/function and its' basis in law if you wish to rely on this basis for processing

In this instance the legislation that informs this processing is as follows:

- Section 163 of the Criminal Justice and Public Order Act 1994
- Crime and Disorder Act 1998
- Criminal Procedures and Investigations Act 1996
- Anti-Social Behaviour Crime and Policing Act 2015
- Protection of Freedoms Act 2012
- Health and Safety at Work Act 1974
- in certain circumstances, the Regulation of Investigatory Powers Act (RIPA) 2000

Depending upon the individual circumstances one or more of the above lawful bases for processing may be applied.

## Human Rights Act (HRA) 1998

In order to comply with data protection legislation and Human Rights Act (HRA), wherever practicable, employees and officers should restrict recording to the areas and persons necessary in order to obtain evidence and intelligence relevant to the incident. and always attempt to minimise collateral intrusion on those not involved.

Article 6 provides the right to a fair trial. All images captured through the use of a body worn camera have the potential to be used in court proceedings and are safeguarded in the same way as any other evidence.

Article 8 of the Act concerns the right for private and family life, home, and correspondence. Recordings of individuals in a public place are only public for those present at the time and may still be regarded as potentially private.

Any recorded conversation between individuals should be regarded as private and users of body worn cameras will ensure that they refrain from recording anything which is beyond necessary with respect to a confrontational situation.

## Legal basis for processing special categories of personal data

Body Worn Camera footage may incidentally record sensitive information, known as Special Category Data, if the footage reveals an individual's ethnic origin, race, religious or philosophical beliefs, political opinions or data concerning their health.

Whilst we do not intentionally capture special/sensitive categories of personal data there may be occasions when they are incidentally featured as part of the overall footage. Where special category data is processed our legal basis for processing special categories of personal data, in accordance with the UK GDPR is:

- (b) Processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law
- (c) Processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent
- (f) Processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity
- (g) Processing is necessary for reasons of substantial public interest

The substantial public interest condition met in these circumstances falls under the Data Protection Act 2018 Schedule 1 Part 2 (10) Preventing or detecting unlawful acts.

## Processing for law enforcement purposes

Where images and personal data are collected and processed by the Council as a competent authority for law enforcement purposes for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security such processing of sensitive data is under the scope of the Law Enforcement Directive, (which is separate from the UK GDPR regime) under Part 3 Chapter 2, Section 42 of the DPA 18.

## Information sharing/recipients

We may share personal information about you with the following types of organisations:

- other departments within Bolton Council, including Licensing, Trading Standards and Legal
- the Police and other law enforcements agencies
- the NHS and the Ambulance Service

- Greater Manchester Fire and Rescue Service
- solicitors
- insurance companies or claims handlers
- other local authorities
- government departments and executive agencies

As well as information collected directly from you, we may also obtain or receive information relating to you from:

- other departments within Bolton Council, including Licensing, Trading Standards and Legal
- the Police and other law enforcements agencies
- the NHS and the Ambulance Service
- Greater Manchester Fire and Rescue Service
- other local authorities
- government departments and executive agencies
- other members of the public

## Automated Decisions

For this service all the decisions we make about you involve human intervention.

## Data retention/criteria

We will only keep your personal information for as long as the law specifies or where the law does not specify this, for the length of time determined by our business requirements.

Typically, recordings are stored for 30 days unless an incident is recorded, and the footage is required for a longer period for investigatory or evidential purposes.

## Rights of individuals

You have certain rights in relation to the council's use of your personal information.

To find out more about how these rights apply in particular circumstances, please refer to our [Guide to exercising your rights](#) which includes information about how to:

- exercise your rights
- contact our Data Protection Officer
- raise a concern with us
- make a complaint to the Information Commissioners Office (ICO)

If you wish to exercise your rights or to raise a concern about the handling of your personal information by the council, please [contact the Council's Data Protection Officer](#).

You also have the right to complain to the [Information Commissioner's Office](#) if you are unhappy about how we process your information. The ICO, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or by telephone: 0303 123 1113

## Updates to Privacy Notices

We may update or revise this privacy notice at any time. If you are reading this as a printed copy please refer to [www.bolton.gov.uk](http://www.bolton.gov.uk) for the most up to date version.