

Witham Town Council: Body Worn Camera policy

This policy outlines the use of body worn cameras by staff employed by Witham Town Council. It should be read alongside the Council's CCTV Policy, Data Protection Policy, Privacy Notices and any relevant staff Codes of Conduct.

Policy Overview

This policy explains the protocol in which body worn cameras are operated and how we store the data that is captured. Its purpose is to ensure that body worn cameras are used lawfully, transparently and proportionately to protect staff and the public, and to provide evidence where appropriate.

Introduction

1. This document sets out the Town Council's Policy and Procedural Guidelines for the use of Body worn video CCTV cameras by all Council staff. It will enable employees to comply with the relevant legislation relating to video recording and outline the associated benefits to staff, visitors and the general public. It also documents best practice procedures with regard to integrity of data, images and video as well as its security and use
2. The use of Body worn CCTV can provide a number of benefits which include a deterrent to acts of aggression or verbal and physical abuse toward staff, and providing evidence to support Police or other law enforcement or regulatory investigations
3. Body worn CCTV forms part of a staff members' Personal Protective Equipment (PPE) and is provided solely for Health and Safety purposes. It will be used in an overt manner and emphasized by staff that it is a CCTV device. Prior to commencement of any recording, where possible, staff will give a clear verbal instruction that recording is taking place. Body worn cameras must not be used for any purpose that is incompatible with this policy (for example, monitoring staff performance or recording routine interactions where there is no risk).

Legislation

4. The integrity of any video data recorded will be considered in accordance with the General Data Protection Regulation, UK GDPR and Human Rights Act 1998. The Council will also have regard to the Protection of Freedoms Act 2012, the Surveillance Camera Code of Practice issued by the Home Office, the Data Protection Act 2018, the Freedom of Information Act 2000 and any relevant guidance from the Information Commissioner's Office (ICO) and Surveillance Camera Commissioner (where applicable).
5. The Town Council operates this policy in accordance with guidance issued by the Information Commissioners Office. A Data Protection Impact Assessment (DPIA) will be completed and kept under review for the use of body worn cameras.

General Data Protection Regulation (GDPR)

6. The Information Commissioner's Office is the regulator for GDPR and has given guidance with regard to the use of Body worn CCTV equipment. This legislation regulates the processing of 'personal data' or 'sensitive personal data' whether processed on computer, CCTV, still camera or any other media.

7. Any recorded image that is aimed at or may identify a particular person is described as 'personal data' and covered by this Act and will include images and audio captured using Body worn equipment. The use of Body worn CCTV in this guidance is 'overt use' meaning that equipment is not to be worn or used in a hidden or covert manner. Covert recording is prohibited unless separately authorised in accordance with relevant legislation (for example, the Regulation of Investigatory Powers Act 2000) and is not covered by this policy.
8. Where an individual asks to view footage this is called a 'Subject Access Request'. The requester is only allowed to see footage of themselves and anyone who has provided consent for their images to be viewed by them. Requests must be made in writing and will be handled under the Council's Data Protection procedures. Where other individuals are visible, the Council may need to redact or edit footage before disclosure, or may refuse disclosure where an exemption applies.

Human Rights Act 1998

9. Article 6 provides for the right to a fair trial. All images captured through the use of a Body worn device have the potential to be used in court proceedings and must be safeguarded by an audit trail in the same way as any other evidence. Chain of custody arrangements must therefore be robust, documented and auditable.
10. Article 8 of the Human Rights Act 1998 concerns the right for private and family life, home and correspondence. Recordings of persons in a public place are only public for those present at the time and can still be regarded as potentially private. Any recorded conversation between members of the public should always be considered private and users of Body worn equipment should not record beyond what is necessary when recording a confrontational situation. Staff must always consider whether recording is necessary and proportionate in the circumstances and must minimise any collateral intrusion into the privacy of people who are not involved in the incident.

The Town Council will ensure that the use of Body worn CCTV is emphasised by staff wearing it in a prominent position (normally on their chest) and that is visible to anyone being recorded. Additionally, staff will make a verbal announcement, where practicable, prior to commencement of any recording.

Operational Guidance and Best Practice

11. All Operations staff will receive training in the use of Body worn CCTV. This training will include practical use of equipment, operational guidance and best practice, when to commence and cease recording and the legal implications of using such equipment.
12. Body worn CCTV will only be used in the event where Council staff find themselves in a confrontational situation where they are subject to, or feel that they are likely to be subject to, verbal or physical abuse or where there is a clear need to gather evidence of an incident in connection with the Council's functions (for example, environmental enforcement or public safety).
13. Recordings will not commence until the staff member has issued a verbal warning, where possible, of their intention to turn on the Body worn device.
14. Recordings will not be made whilst performing normal duties. Recording must not be continuous and must cease as soon as the risk, incident or purpose for recording has passed.
15. All recordings will be held securely.

16. Access to recordings will be restricted to persons on a list maintained by the Town Council (currently the Town Clerk, Operations Manager and law enforcement agencies). Any changes to this list will be approved by the Town Clerk (or delegated senior officer) and recorded.
17. Regular checks will be conducted to ensure compliance with this policy and relevant legislation. Non-compliance or misuse may be treated as a disciplinary matter.

Recording

18. Recording must be incident specific. Members of staff must not indiscriminately record entire duties or patrols and must only use recording to capture video and audio of specific incidents. For the purposes of this guidance an 'incident' is defined as:
 - a) An engagement with a person which in the opinion of the member of staff is confrontational, and where the member of staff believes they may be subject to physical or verbal abuse where recording is needed for the purpose of evidence gathering for an Incident report.
19. The member of staff is approached by a person in a manner perceived as aggressive or threatening.
20. Staff must be aware of and respect individuals' right to privacy. Recording should not be continuous and should only be activated when necessary for specific purposes outlined in the policy.
21. Repeated failure to record incidents could lead to disciplinary action. Equally, repeated unnecessary or excessive recording may also result in management action. Staff should seek guidance from their line manager where in doubt.

Verbal Warning

22. The purpose of issuing a verbal warning is to allow the subject a chance to modify any unacceptable confrontational or aggressive and threatening behaviour. If, at any time during an incident the member of staff considers that the use of Body worn CCTV or the issuing of a verbal warning, is likely to inflame a confrontational situation, the member of staff may use discretion to disengage from further discussion and withdraw from the incident. Employee safety will always take priority.
23. A specific form of words to be used in any warning to a subject has not been prescribed, but Officers should use straightforward speech that can be easily understood by those present such as:

'I am wearing a Body worn CCTV camera and I am now recording video and sound'

Playback

24. Members of staff will need to be fully aware of the legal implications once digital images and audio have been recorded. To this end playback should only be at the request of the Town Clerk, Deputy Town Clerk or Police Officer attending the incident. Any request to view captured video by the subject, will need to be made in writing to the Town Council. Ad-hoc viewing of footage by staff or members of the public is not permitted.

25. Any playback must be conducted in a secure, private environment to maintain the confidentiality of the recording. A record should be kept of any playback or disclosure, including date, time, purpose and person(s) present.

Storage of Data

26. All recorded footage will be uploaded to the secure Town Council servers.
27. The Town Clerk will assume responsibility for ensuring that any footage to be retained has been correctly bookmarked and that supporting Incident Reports have been completed. Responsibility for day-to-day administration may be delegated in writing, but overall accountability remains with the Town Clerk.
28. For Incidents where the Police have not been in attendance the Town Clerk will review the recording and a decision will be made on whether referral to the Police is appropriate.
29. The Town Clerk will then transfer the data to the IT system hard drive and complete the Information Asset Log. All retained data will be kept until all investigations have been completed or a prosecution has taken place. Retention decisions must be consistent with the Council's corporate Retention and Disposal Schedule and any statutory requirements.
30. Any other data not required for evidential purposes will be deleted after 31 days. Deletion must be secure and irreversible.
31. A data retention schedule will be maintained, clearly outlining how long different types of footage will be kept and the reasons for retention.
32. Staff will receive regular training on data protection and the proper use of body worn cameras, including updates on any changes to relevant legislation or best practices. Managers are responsible for ensuring that only trained and authorised staff use body worn cameras and that compliance with this policy is monitored through supervision and periodic audit.

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