Community Directorate

Parking Services – Body Worn Video

Operational Framework
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1 Introduction

The purpose of this document is to bring together all the elements required for effective use of body worn video technology. It seeks to enable Civil Enforcement Officers (CEOs) to comply with legislation surrounding body worn video recording, including for the purpose of Parking Enforcement where appropriate and dependent on the circumstances. It also outlines the associated benefits to Civil Enforcement Officers and the general public.

This operational framework will be assimilated into an addendum to the current Parking Policy documents and represent procedures that should be followed in terms of the integrity of data/images/recordings as well as its security and usage.

2 Background

Body worn video is a body worn portable system that provides audio and visual record of enforcement activities undertaken by the wearer. Sound and images are recorded on a tamper proof storage device, thereby ensuring a secure chain/custody of evidence.

Body worn video technology has a number of benefits and the aim is to achieve and promote improved communication towards motorists and the general public. In particular it covers two specific objectives namely:

- Good quality evidence of conversations with the public, which will assure fairness, transparency and accountability.
- Provision of reliable evidence to the Police and Council Officers of assaults and any other matters that might lead to complaints.

However, it is crucial that the use of Body worn video for parking contraventions should not be used as the primary evidential trail over other types of evidence, such as additional electronic notes, and photographs on a digital camera taken by CEOs. It is also important that if there is an absence of a video recording of a parking contravention that this will not in any way affect the quality of the PCN issued. The primary use of BWV is that it is to be deployed where necessary i.e. to evidence a crime against the CEO or to evidence a PCN where other forms of evidence gathering are not adequate.

3 Authorised Officers

Responsibility of deploying the body worn cameras and authorising the storage and deletion of the footage will rest with the Parking Services Team Leaders and the Out of Hours Supervisors.

4 Training

In order to use Body worn video, Civil Enforcement Officers will receive training in all the necessary technical aspects of the specific equipment being used. A training package for the equipment must include:

Legal implications
Compliance with:
Data Protection Act 1998
Human Rights Act 1998
Traffic Management Act 2004
Freedom of Information Act 2000
The Information Commissioner’s Office and the Surveillance Camera Commissioner’s
Guidance and Codes of Practice (including ‘in the picture: a data protection code of practice,
for surveillance cameras and personal information’)

**Equipment familiarisation**
- Assembly
- Wearing
- Appropriate use
- Securing of images

Specialist training for supervisors will be given for the ICT element of the process.

**Practical use issues (on street operational guidance & best practice)**
- When to commence and cease recording
- How to record a contravention

**Health and Safety awareness**

**5 Operations**

The Body worn video device must be set on standby mode so that the unit is ready for use as
detailed in this document.

Recordings should commence at the start of an interaction with a motorist and should continue
uninterrupted until the end of the incident. Where it is not possible to capture photographic
evidence and there is the need to use video footage to record a vehicle in contravention, the
footage should continue uninterrupted until the contravention and PCN have been completed
or stop once it is obvious that a PCN will not be issued.

**Start of shift**
After a radio check but before general patrol begins, CEOs should record a brief clip stating,

- CEO number
- Date
- Time
- Location
- Camera number

**Issuing of PCN if it is not possible to take photographic evidence**
Photographic evidence will always take precedence as supporting evidence of a PCN.
However, where circumstances dictate it is not possible to use photographic evidence to
capture a vehicle in contravention, for example where the driver is driving away while the CEO
is about to take the picture. The following will need to be complied with when using the video
badge to capture evidence. Once a CEO believes that a PCN will be issued they may start
recording where necessary to evidence the contravention and state the CEO number and
where relevant offer other general information even though it may have been recorded
elsewhere in HHC (hand held computer).
The motorist returns prior to completion of the CEO processing the PCN

If the motorist returns and enters into conversation, the CEO may now wish to mention “please be aware that this parking contravention and/or conversation are being recorded and could be used to enforce this parking contravention”.

However, if the CEO believe a motorist is so angry or aggressive and that mentioning that they are being recorded may make the matter worse, it is recommended that they do not mention that the conversation is currently being recorded”. This is in the interest of the CEO’s personal health and safety, which is paramount in all instances. Situations that would be contrary to health and safety would be where a criminal offence is being committed. i.e. threats of violence, intimidating behaviour or physical assault. This is because in most cases people will be displeased that they have been given a parking fine and also that they are being filmed. When a motorist’s behaviour is aggressive both verbally and physically, they will not be in the correct frame of mind to listen to advanced warning that the conversation is being recorded. This would therefore be a justifiable reason to not inform the motorist of the recording taking place, as it will interfere with the prosecution and detection of a crime. However a privacy notice should not be avoided where there is a concern about a potential assault.

If the matter escalates to a 'code red' The CEO is to raise a code red by radioing base and inform a Supervisor. The Supervisor will inform all CEOs to keep the radios wave clear until the matter has been resolved. A CEO nearest to the area will visit the area where the CEO is in distress and if need be contact the Police and or ambulance if the CEO is injured. Should the CEO not be injured, the CEO assisting the Officer in distress will radio base to ask a supervisor or Team Leader to bring the CEO back to base to produce an MG11 Witness Statement to be included with the Video Badge footage to aid Police investigations.

6 Deployment of Body worn video

All use of Body worn video is provided by London Borough of Harrow, which has authorised the deployment of Body worn video to assist in evidence gathering with parking enforcement activities.

Recording should not be made of general patrolling duties. All recordings must be securely held in accordance with existing CCTV procedures. Access to recordings must be controlled and only persons having operational needs to view specific incidents may view. CEOs should not review their recorded evidence and controls should be in place to ensure that the data remains secure at all times to comply with legislative requirements.

Officers must, when engaging in non-routine or potentially controversial conversations, where practicable, announce to the subject that video and audio recording is taking place; however, this should not be at the detriment to their own personal safety in the interest of health and safety.

Body worn video must only be deployed in an overt fashion. The covert use of a Body worn video is not be authorised by Parking Services for London Borough of Harrow and improper use if proven could result in disciplinary action being taken as per corporate policy. It should make it clear on the badge the fact that the person is being audio and video recorded, why they are being recorded and the fact that they are being recorded by the Council. Otherwise a verbal privacy notice with this information would have to be issued on every occasion. The badge could say "You are being video and audio recorded by the London Borough of Harrow
for the prevention and detection of crime, protecting the safety of Parking Enforcement Officers and enforcement of traffic conventions."

Body worn video is deployed to provide recorded visual and audio evidence and should only be used for the following reasons:
a) Gathering evidence such as conversations with regards to the issue of the Penalty Charge Notice when necessary
b) Staff safety and protection
c) On the advice of the police for the prevention and detection of crime

For data protection purposes, the Council will be the Data Controller and will be responsible for the processing of the data. Any recordings requested by the police or members of the public must be referred in writing to the Authorised Officer, who will be team leaders and parking services manager. Recordings will only be disclosed in compliance with the Data Protection Act 1998.

7 Usage of Body Worn Video

All users must wear full uniform and deploy the equipment correctly and in the approved manner. All users must wear full uniform and deploy the equipment correctly and in the approved manner as set out in this document. Recorded images and sound may be used by parking services to detect or prevent crimes such as assault or threats of violence against CEOs, or disciplinary purposes providing all such use conforms to data protection legislation. Body worn video will only ever be deployed to personnel trained in the use of the device and have been trained on the responsibility and restrictions of the unit. Recorded images can include vehicle registrations, occupants of vehicles, pedestrians and employees of the London Borough of Harrow. All personnel using a Body worn video must wear a visible identification badge, which is affixed to the body camera advising their use of the Body worn video equipment and that there is audio and video recording. When the Body worn video is activated whilst undertaking enforcement activities, inform members of the public who may be the subject to the enforcement activity taking place that a Body worn video cam unit is monitoring and recording them.

8 Storage and Retention of Records

For data protection purposes, the Council is the Data Controller and the Data Processor as defined in the Data Protection Act 1998. Any recordings requested by the police or members of the public must be referred to an authorised officer.

All recordings will be securely stored to ensure that at all times no unauthorised access is allowed to the recorded material. Footage recorded is encrypted and access to footage will be password protected. All access to stored data will be recorded.

Daily recorded footage will be transferred to a secure server. The stored data will be kept in a manner that allows for the Body worn video device to be separate from any other Body worn video by date and uniquely identifiable at all times.

Stored data for PCN evidence will be destroyed after 6 months unless required for legal case or police matter, in which case the footage will be kept for as long as deemed necessary, which is permitted under data protection legislation. Team Leaders will decide destroying footage earlier if the footage captured will serve no lawful purpose. Team Leaders will also
make decisions about destroying footage outside the 6 month timeframe. The time frame of 18 months is necessary for PCN disputes because a motorist can have up to 6 months from the date of contravention to dispute liability of a PCN as per Traffic Management Act 2004.

9 Access, viewing and disclosure of data stored
Access, viewing and disclosure of stored data are controlled by Parking Services. Parking Services also manages the processing of the stored data.

Data is restricted to authorised personnel, by using unique Passwords and logins.

Footage burnt for a third party must be delivered in a sealed CCTV evidence bag. The security number must be recorded; all footage must be signed for and kept by the Service provider as evidence.

Faces of those who are not the subject of the process for which the footage was taken will be obscured to maintain their right to privacy and their rights under the Data Protection Act.

10 Ownership of Body worn video cam equipment
All Body worn video equipment remains the property of the London Borough of Harrow, this includes:

- Server with PC and docking stations these will be kept securely at Huskey Room within Unit 5 of Central Depot, Forward Drive, Harrow HA3 8NT
- All Body worn video including identification cards, fixings and harnesses.

Any loss or damage to the devices must be replaced in a timely fashion through making a claim with the Council's Insurance Team in the first instance. Any faults of the device or server must be reported to the Councils Authorised Officer.

Any faults found with any of the above equipment must be reported to one of the authorised officers listed.

11 Body Worn Video – Minimum technical specifications required of cameras for CEOs

The Authorities currently deploy the VB-200 (Edesix) with the following capabilities:

<table>
<thead>
<tr>
<th>Description</th>
<th>Specifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dimensions</td>
<td>95mm x 62mm x 16mm</td>
</tr>
<tr>
<td>Approx Weight</td>
<td>127g without mounting</td>
</tr>
<tr>
<td>Charging Docking Station</td>
<td>3hrs</td>
</tr>
<tr>
<td>Charging USB</td>
<td>6hrs</td>
</tr>
<tr>
<td>Recording Storage</td>
<td>16GB</td>
</tr>
<tr>
<td>Recording Time</td>
<td>Up to 8hrs</td>
</tr>
<tr>
<td>Battery - Internal</td>
<td>2000mAh</td>
</tr>
<tr>
<td><strong>Battery On Standby</strong></td>
<td>48hrs</td>
</tr>
<tr>
<td>------------------------</td>
<td>-------</td>
</tr>
<tr>
<td><strong>Battery Type</strong></td>
<td>Lithium-Polymer</td>
</tr>
<tr>
<td><strong>Lens</strong></td>
<td>150 degree field of view</td>
</tr>
<tr>
<td><strong>Storage Media</strong></td>
<td>Internal solid state</td>
</tr>
<tr>
<td><strong>Access</strong></td>
<td>Sealed unit, no user access to storage media or battery</td>
</tr>
<tr>
<td><strong>Frames Per Second (fps)</strong></td>
<td>E.g. 25fps</td>
</tr>
<tr>
<td><strong>Night Quality Recording Standards.</strong></td>
<td>Day &amp; night recording capability</td>
</tr>
<tr>
<td><strong>Recording quality</strong></td>
<td>Up to 720p HD video, high quality audio</td>
</tr>
<tr>
<td><strong>Recording quality 1</strong></td>
<td>Visual recording light and audible bleep to notify user of recording on / off</td>
</tr>
<tr>
<td><strong>Recording quality 2</strong></td>
<td>150 degree horizontal field of view</td>
</tr>
<tr>
<td><strong>Recording quality 3</strong></td>
<td>Evidential quality recording for use in court</td>
</tr>
</tbody>
</table>

### 12 Monitoring and Review

This framework will be reviewed in light of developing practice, guidance and changing legislation as necessary and in any event every two years. At the time of review consultation will take place with appropriate parties.

### 13 Amendments to this Framework

As may be necessary, for instance with the issuing of new guidance by Government, amendments will be made to this framework. Should such amendments be minor, for example to reflect updated guidance, such amendments may be attached through an amendment document rather then the re-issuing of the framework as a whole, until the next full review takes place.

### 14 Legislation

It should always be noted that the integrity of the data recorded will be considered under all relevant acts mentioned in this document and any others that are applicable. Even though the recordings are made to assist with the provisions of the Traffic Management Act (TMA) 2004 when deemed necessary, no single act or legislations should determine the use of the data and legal advice must be sought as appropriate.

**Data Protection Act (DPA) 1998**

The Information Commissioner’s Office (ICO) is the regulator for the DPA and has given guidance with regards to CEO use of Body worn video camera Technology.

The DPA is legislation that regulates the processing of `personal data` or `sensitive personal data`, whether processed on computer, CCTV, still camera or any other media. Any recorded image that is aimed at or may identify a particular person or learning about their activities is described as `personal data` and is covered by the DPA; this is therefore likely to include all images and audio captured using Body worn video footage.
“Personal data” is data relating to a living individual who can be identified from that data or from the data and other data in possession of the data controller (in this case the London Borough of Harrow is the data controller). Therefore in this case BWV capturing footage of audio of an individual could be personal data.

“Sensitive personal data” is personal data as defined above consisting of information as to the commission or alleged commission by a person of any offence. Footage and audio recordings of a member of the public assaulting or behaving in a threatening way towards a CEO could be sensitive personal data because such behaviour could amount to a criminal offence.

Under the DPA, personal data or sensitive personal data must be processed for lawful purposes as set out under the Act. Processing could include storing the footage and audio from the BWV and then disclosing it to third parties such as the Police or the Traffic Tribunal.

Personal data can be processed if it is necessary for the exercise of the functions of a government department or in the exercise of functions of a public nature in the public interests and also to pursue legitimate interests. This could include the enforcement of PCN.

Sensitive personal data can be processed if it is necessary for the above purposes and also if it is necessary for the purposes of any legal proceedings and the administration of justice. The prosecution of a potential criminal offence against a CEO could fall within this purpose.

The use of Body worn video described in this guidance is ‘overt use’. Body worn video technology might be small, but they are not to be worn or used under any circumstances in a hidden or covert manner. The Council has a duty to ensure that in relation to these cameras:

1. their use is highlighted by Officers wearing a sign/symbol (each CEO is required to wear a specially made badge in a prominent position, normally on their chest, if recording);

2. Making a verbal announcement where possible to those persons who may be recorded and the purpose for which they are being recorded (this procedure is explained under on street best practice).

In respect of point 2 above, if possible, this information should be provided at the time the CEO is recording. As a general rule, verbal notification is provided except where this is not possible because of violent aggression. Where a CEO is in uniform and is clearly wearing a Body worn video camera, the ICO would consider that this condition has been satisfied.

Principle 1 of the DPA (fair processing) requires that the data subject must be informed of:

- The identity of the data controller (the primary data controller for this purpose is the London Borough of Harrow. However, each CEO will have a clearly displayed number as indicated on the CEOs shoulder epauletts identifying the Officer recording)
- The purpose or purposes for which the footage is intended to be processed. The proposed usage of the footage is as follows;
  a) Provide more details of parking contraventions, which will assure fairness,
  b) transparency and accountability in the appeals process and in dealing with complaints;
  c) Provide evidence of assaults on officers.
- Any further information that is necessary for processing to be fair.
However, it could be argued that some versions of the equipment are quite discreet and would not necessarily be identified as cameras by members of the public, especially from a distance. Members of the public may also be unaware that the Body worn video (BWV) is capable of recording sound. In order to ensure ‘fair processing’, it is therefore important that the Council raises public awareness of the use of Body worn video by CEOs, for example, through the Council’s website and other forms of notifying the public that these will be used. It is therefore important to inform members of the public that they are being audio and video recorded whenever possible.

Other data protection principles under the DPA provide that data must be

- processed where necessary for the above lawful purposes,
- should be accurate and kept up to date
- should not be retained for no longer than necessary to satisfy a lawful purpose
- should be processed in accordance with the rights of the data subject
- should be subject to appropriate organisational and technical measures to prevent unlawful processing, loss or damage of the data.

It should be noted that the London Borough of Harrow are obliged to consider any complaints to ascertain whether any breach of the DPA has taken place.

Under the Data Protection Act 1998 those that have been recorded on BWV are entitled to copies of the footage on request. Such a request is known as a Subject Access Request. The Council must ensure that the individual requesting the information is the person on the footage by checking photographic ID from the individual; asking them to provide the time and date of the incident as accurately as possible and obtaining other useful information to check their identity for example number plate.

Where footage has been obtained for the detection of a criminal offence committed by the person captured on the footage, the Council may not have to comply with such a Subject Access Request where it would prejudice the detection and prosecution of the crime for which the footage was taken. When the Council is considering withholding disclosure for this reason advice should be obtained from the Information Governance Officer.

**Freedom of Information Act (FOIA) 2000**
The FOI Act grants a general right to access all types of recorded information held by public authorities, which may include digital images recorded by Body worn video. The act provides exemptions to the requirements. These include national security (section 24), investigations or proceedings (section 30), law enforcement (section 31) and personal information (section 40).

Under the Freedom of Information Act 2000, a public body is obliged to communicate information to a member of the public upon request. There are exemptions to this in relation to personal information that relate to a data subject and if the disclosure of the information to the public would cause a breach of the Data Protection Principles. So essentially if the public wanted to view BWV footage, the Council would ideally have to obtain the consent of the data subject that was captured in the footage. The Information Commissioner’s Code of Practice on the Use of CCTV footage states that generally such footage should not be disclosed to members of the public as part of a FOI request.

In cases where recordings of individuals have taken place either coincidentally or by intended conversations from either party, this evidence/recording is only to be seen by person(s) recorded. The London Borough of Harrow must be satisfied that the person wishing to see the recording is the same person recorded. This should be done by viewing the recording and
familiarising themselves with the person recorded. However a subject access request does not need to be complied with where to do so would mean disclosing information about another individual from which that individual can be identified, except where the other individual has consented to the disclosure or it is reasonable in all the circumstances to comply with the request without the individuals consent.

The registered keeper may not be allowed to see the footage unless he/she was the party involved.

**Traffic Management Act 2004**

It should always be noted that the integrity of the data recorded should be considered under all relevant acts mentioned in this document and any others that are applicable. Even though the recordings can be made where appropriate to assist with the provisions of the TMA 2004, no single act or legislations should determine the use of the data and legal advice must be sought. The following are examples of situations where video body cam footage can be used as supporting evidence for parking contraventions:

- Vehicle parked in a loading bay but motorist returns with shopping not being pre-purchased goods
- Vehicle being driven away before the PCN is affixed to the vehicle or handed to the driver
- Filming the location of a parked vehicle in relation to the nearest signage. At times, it is not possible to capture this information using photographic evidence.

**Human Rights Acts 1998**


Article 6 provides for the right to a fair trial. All images from Body worn video footage have the potential for use in court proceedings whether they provide information to the defence or prosecution; they must therefore be safeguarded by an audit trail the same way as any other evidence retained for court.

Article 8 is right to respect for private and family life, home and correspondence. Local authority and parking enforcement Service providers are required to consider this article when dealing with recorded images, both in public and private. Recordings of persons in a public place are only public for those present at the time, so those situations are therefore still regarded as potentially private. Recorded conversations between members of the public should always be considered private. The right to privacy should not be interfered with except where necessary for the prevention of disorder or crime. Users of Body worn video must consider this article when recording and must not record beyond what is necessary. Users of Body Worn Video must also consider whether the recording is necessary to achieve the intended purposes for example to capture evidence of an assault or to enforce a PCN.
15 Agreement and Declaration

I am signing this document in agreement to its context and agree to adhere to it.

Signature .................................. Date ..................................

PRINT NAME.................................................................

PRINT POSITION HELD..................................................
16 Document Amendment Trail

The council is committed to enforcing the provisions contained within the relevant legislation and to work in partnership with all enforcement agencies, to provide consistent enforcement on waste management issues. The decision to use enforcement action will be taken on a case by case basis, and, to ensure consistency of approach, in accordance with this and any more specific policies which may be applicable. The action taken, which may be immediate, will be proportionate to the seriousness and nature of the non-compliance. The council will monitor for hot-spot areas blighted by fly-tipping and will take appropriate action including implementing Fixed Penalty Notices (FPNs). The effectiveness of this approach will be evaluated within the first year of implementation.