

## Broads Authority Body Worn Camera Trial FAQs

### **Q. What is the Legal Basis under which Body Worn Video Surveillance is being used?**

Under the Data Protection Act 2018, Section 30 (b) the Broads Authority is classed as a competent Authority, allowing us to have statutory functions to exercise public authority or public powers for law enforcement purposes.

Law enforcement is defined under section 31 of the Data Protection Act 2018 as:

*“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”*

### **Q. Where can I find the Broads Authority’s policy on Body Worn Camera Surveillance?**

Under section 36(c) of the Data Protection Act 2018 (DPA 2018), Personal data collected for a law enforcement purpose may be processed for any other law enforcement purpose by the controller “provided that—

- (a) the controller is authorised by law to process the data for other purpose, and
- (b) the processing is necessary and proportionate to that other purpose.

The Broads Authority is a data controller and has in place policies and procedures concerning the UK GDPR. To launch the pilot for Body Worn Cameras the Broads Authority has conducted, as per section 35 of the DPA 2018 a Data Protection Impact Assessment (DPIA).

It is proposed to capture both video and audio recordings. Given the data is for law enforcement purposes the data must be adequate, relevant, and not excessive for the purpose (s37 DPA 2018). Audio alone would not help identify the individual committing the breach of the byelaw, therefore video is adequate relevant and not excessive.

To read the full Body Worn Camera (BWCs) trial policy, review the Data Protection Impact Assessment (DPIA) and participate in the public consultation on BWCs please go to our website where all details and documentation are available: <https://www.broads-authority.gov.uk/about-us/how-we-work/transparency/consultations>

### **Q. Can I ask not to be filmed?**

The camera wearer will have started to record the interaction if they determined that they were being:

- 1. Verbally threatened or verbally abused**
- 2. Unwanted bodily contact is made**
- 3. They feel uncomfortable, or vulnerable in any situation**
- 4. They are dealing with a preexisting high-risk incident or believe such an incident may occur due to known intelligence relating to a particular vessels, location, or person(s)**

The decision to continue recording remains with the BWC wearer, who should consider the objections made by the person in respect of the recording. The presumption will be, however, that recording should continue unless the objection(s) made overrides the need to record an evidential encounter.

**Q. Can I have access to video footage captured on the BWCs?**

Yes, please contact the Data Protection Officer [DPO@broads-authority.gov.uk](mailto:DPO@broads-authority.gov.uk), providing your name, address and contact number. You will be asked a series of questions so the DPO can authenticate you are who you say you are before releasing protected and sensitive personal information.

**Q. The recording commenced before I was aware I was being recorded, is this allowed?**

The camera wearer should, as soon as practicable, announce to those persons becoming a subject of data capture, that recording is taking place, and that actions and sounds are being recorded. This will be issued in plain English such as “I am video recording you,” “I am video recording this incident” or “everything you say and do is being recorded on video.” Wherever practicable, recording will be restricted to the areas and persons necessary to obtain evidence and intelligence relevant to the incident. The camera wearer will attempt to minimise collateral intrusion on those not involved.

**Q. I was in the vicinity of a BWC recording, but I was not related to the incident, will my personal data (face and voice) be retained by the Broads Authority?**

No. Wherever practicable, body-worn data capture will be restricted to the areas and persons necessary to obtain evidence and intelligence relevant to the incident. The camera wearer will attempt to minimise collateral intrusion on those not involved, but non-involved persons within the vicinity of the recording may be inadvertently captured.

The Body Worn Camera software allows the Authority to sterilise the captured images so only the subjects involved in the byelaw breach can be identified. All capture data is securely stored and access to the images is strictly controlled on a ‘need-to-see basis’. Any data not required for byelaw enforcement action will be deleted in accordance with the Authority’s Data Retention Policy.

**Q. I want the BWC wearer to record me, as ongoing proof of our conversation.**

The wearer of the BWC will only film instances that meet one or more of these criteria:

1. Verbally threatened or verbally abused
2. Unwanted bodily contact is made
3. They feel uncomfortable, or vulnerable in any situation
4. They are dealing with a preexisting high-risk incident or believe such an incident may occur due to known intelligence relating to a particular vessels, location, or person(s)

The decision to record or not record an incident remains with staff of the Broads Authority. Each wearer of the BWC must be mindful that failing to record an incident is likely to require an

explanation. Therefore, if a member of staff is present at an evidential encounter, they must record the incident.

All body-worn camera recording is at the discretion of the camera wearer and must be in relation to the lawful purposes described in response to the question **“What is the Legal Basis under which Body Worn Video Surveillance is being used?”**

**Q. The incident ended but the camera was still recording; is this necessary?**

It is recommended that the wearer of the BWC continues to record for a short period after the incident to demonstrate to any subsequent viewer that the incident has concluded, and that the member of staff has moved on to other duties. Before ending the recording, the wearer should make a verbal announcement to indicate the reason for ending the recording.