



Specific Privacy Notice: Body Worn Video

Introduction

This Privacy Notice has been created to make it easier for you to understand what personal data Lancashire Constabulary may collect about you by the use of Body Worn Video and why and how that personal data may be used.

It forms one part of the duties placed upon the Chief Constable by the General Data Protection Regulation (GDPR) (Articles 13 and 14) when undertaking general processing and the Data Protection Act 2018 (Section 44) when undertaking law enforcement processing.

The duties imposed by the legislation will also be met by verbal notification. At the time of activation, and as soon as is practicable, individuals will be informed that video and audio recording has commenced. This Notice should also be read in conjunction with the Lancashire Constabulary [Privacy Notice](#) which can be accessed from the home page of Constabulary's website; this is the high-level Privacy Notice that provides you with further details relating to your data protection rights, should we hold personal data about you now or if we collect your personal data in the future.

If you have received a hard copy of this Notice and do not have access to the internet but you require access to the Lancashire Constabulary Privacy Notice please contact the Lancashire Constabulary Data Protection Office (contact details below) and they will provide a copy to you.

For what purpose(s) is my personal data intended to be processed by Lancashire Constabulary?

Body Worn Video (BWV) is an overt system that is used to collect images and audio in order to promote public reassurance, capture best evidence, modify behaviour, prevent harm and deter people from committing crime and/or engaging in anti-social behaviour. The use of BWV recordings will enhance the ability of Lancashire Constabulary to capture evidence, create efficiencies within criminal justice procedures, reduce the reliance on victim's evidence and support transparency, trust and confidence. All recordings will be incident specific; cameras will not be used indiscriminately to record all patrols or duties.

Personal data that we may collect via BWV includes photographic, video and digital imagery, and audio commentary.

Lancashire Constabulary will use the minimum amount of personal information necessary to carry out a particular activity. It is recognised that there will be certain sensitive incidents when it might not be appropriate to use BWV. Officers will take reasonable steps to make you aware of the active recording.

What is Lancashire Constabulary's legal basis for processing my personal data?

Lancashire Constabulary use BWV for policing purposes, relying on common law policing powers. As such the lawful basis for the processing of dash cam is UK GDPR Article 6 (e):

'processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller'.

The public task relied upon to satisfy the Part 2, Chapter 2, Section 8 (c) condition that processing is necessary for the statutory functions of the Police are:

The Police Act 1996

Section 39A states Chief Officers are required to give "due regard" to the MoPI code of practice and the defined policing purposes. Policing purposes are defined in The Police Act as:

- protecting life and property,
- preserving order,
- preventing the commission of offences,
- bringing offenders to justice, and
- any duty or responsibility of the police arising from common or statute law

Crime and Disorder Act 1998

Under Section 17 the Relevant Authority has the duty to consider crime and disorder implications and the need to do all that it reasonably can to prevent:

- 'crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and
- the misuse of drugs, alcohol, and other substances in its area; and
- re-offending in its area

In addition, the processing of BWV footage may include special categories of personal data. The Article 9 condition relied upon is (g) substantial public interest (with a basis in law). The applicable Part 2 of Schedule 1 condition further relied upon is 'preventing or detecting unlawful acts'.

An Appropriate Policy document is also in place.

Other relevant legislative provisions where general processing might take place include but are not limited to:

The Civil Contingencies Act 2004.

The Policing Protocol Order 2011

Should general processing include the capture of a special category of personal data, which is defined at Article 9 of GDPR as data revealing:

- racial or ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- genetic data, biometric data
- data concerning a natural person's sex life or sexual orientation

Law enforcement processing will be undertaken on the basis that it meets one of the conditions set out at Schedule 8 of the Data Protection Act 2018, namely:

- a function conferred by an enactment or rule of law, necessary in the substantial public interest
- the administration of justice
- the safeguarding children and individuals at risk

General processing will be undertaken in accordance with the condition set out at Article 9(g), substantial public interest on the basis of law, where one of the following conditions from Part 2, Schedule 1 is met:

- prevention/ detection of unlawful acts
- protecting the public against dishonesty
- regulatory activity
- safeguarding of children and adults at risk

What are the categories of personal data collected?

Personal data will be collected about victims, witnesses, offenders, police officers/staff and on some occasions (although we will make every effort to minimise this) other members of the public who may be in the vicinity of the recording.

Who will my personal data be disclosed to by Lancashire Constabulary?

We may share your personal data internally with relevant departments for the purpose of fulfilling the above objectives and functions, eg in relation to complaints, and on occasion we may engage the services of other agencies on our behalf.

Where we engage the services of others to undertake work on our behalf an appropriate contract will be in place to ensure that the data will be sufficiently protected, in accordance with the requirements of the Data Protection legislation.

Information may be shared within the criminal justice process, or with other law enforcement authorities, such as Trading Standards and Licensing authorities. We may also share the footage with community scrutiny panels as part of the scrutiny of our use of stop and search and use of force powers. When considering complaints, it may also be necessary to provide footage to the Independent Office for Police Conduct.

Where we are required to disclose information in accordance with the law, for example for safeguarding purposes or following the receipt of a Court Order, we will take steps to ensure that any disclosures of personal data are necessary and proportionate. Whenever we share your personal information, sharing options will be evaluated to ensure that your data is shared in the most secure manner.

Does Lancashire Constabulary intend to transfer my personal data out of the U.K. or to an international organisation and if so what are the safeguards in place?

There is no intention to transfer data out of the UK.

If data is transferred out of the UK appropriate safeguards will be taken to comply with the requirements of the Data Protection Act 2018.

How long will my personal data be retained by Lancashire Constabulary?

Lancashire Constabulary will only keep your information for as long as it is required to be retained.

All recordings are kept for 90 days, but if classed as 'evidential' they will be kept in line with the guidelines relating to MOPI which are set out within the [Lancashire Constabulary Record Retention Schedule](#)

Your rights

Amongst other rights, you have a right to [request a copy](#) of personal information that Lancashire Constabulary holds about you.

Further details of all your rights can be found within the general Lancashire Constabulary [Privacy Notice](#) referred to above.

The person who determines the purpose and means by which your personal data is processed) is :

Chief Constable of Lancashire Constabulary
Lancashire Constabulary
HQ
Saunders Lane
Hutton
PR4 5SB

The contact details of Lancashire Constabulary's Data Protection Officer

The Data Protection Officer
Lancashire Constabulary
Police Headquarters
Saunders Lane
Hutton
PR4 5SB

Email: data.protection@lancashire.police.uk

If you wish to Complain

The Information Commissioner is the independent regulator responsible for enforcing the Data Protection Act and advising on privacy rights.

The information Commissioner's Office can be contacted as follows:

Telephone : 0303 123 1113

Website : <https://ico.org.uk/make-a-complaint/>

Mail: The Information Commissioner's Office
Wycliffe House
Wilmslow
Cheshire
SK9 5AF