



To: Business Coordination Board

From: Chief Constable

Date: 10 November 2016

PRIVACY COMPLIANCE

1. Purpose

1.1 The purpose of this paper is to update the Business Coordination Board (“the Board”) on the Constabulary’s compliance with surveillance legislation following the Privacy Compliance report brought to the Board in March 2016.

2. Recommendation

2.1 The Board is invited to note the contents of the report.

3. Background

3.1 Surveillance cameras in their different forms make a contribution to law enforcement and public safety. This needs to be balanced with the need to meet individuals’ expectations of privacy in a lawful and proportionate manner. In Cambridgeshire, CCTV cameras are managed by local authorities. The Constabulary has inherited some Council owned fixed Automatic Number Plate Recognition (ANPR) cameras and also maintain their own mobile ANPR capability.

3.2 The Information Commissioner’s Office has produced a Code of Practice relating to privacy impact assessments, however, while not statutory, enable organisations to consider and address privacy concerns. The code describes ‘physical’ privacy as the ability for an individual to maintain their own physical space or solitude. CCTV or ANPR

may encroach on the physical privacy of an individual. 'Informational' privacy refers to the information which is held by the Constabulary in respect of individuals.

- 3.3 As covered in the report considered by this Board in March 2016, there is a clear framework for the Constabulary to follow. The right of the individual to privacy is contained within the Human Rights Act 1998 (HRA), the Data Protection Act 1998 (DPA) and The Protection of Freedoms Act 2012 which is supported with a Code of Practice for surveillance camera systems. Chief Constables and Police and Crime Commissioners are considered as relevant authorities within the Act, meaning that they must have regard to the Code of Practice in exercising any functions to which the code relates. This code is in addition to the Information Commissioner' Office (ICO) Codes of Practice which describes the privacy impact assessment process.
- 3.4 Covert surveillance activities are regulated by the Regulation of Investigative Powers Act 2000 (RIPA).
- 3.5 This report will cover the issues of physical privacy as they relate to fixed devices, unmanned aerial vehicles and body worn video capable of obtaining personal data and how the force has regard to the protection of individual privacy. This duty will be exercised by the development of a Privacy Impact Assessment (PIA). The Constabulary is compliant with the use of covert surveillance and the requirements of the Regulation of Investigatory Powers Act 2000.
- 3.6 Within Cambridgeshire Constabulary, information access is managed through the Information Management Department and the processes for doing so are published on the Constabulary website. The website also provides a Fair Processing Notice, informing members of the public what data we collect, the purpose for which it was collected and how it is used.
- 3.7 The Constabulary operates in line with the Bedfordshire Police, Cambridgeshire Constabulary and Hertfordshire Constabulary (BCH) Information Management Policy and attendant procedures in relation to its strategies on data protection. In addition, we are also subject to the BCH Privacy Impact Assessment Policy and Procedures. These policies are based upon the College of Policing Approved Professional Practice; Code of Ethics; Data Protection and Human Rights Acts.
- 3.8 A Tri-Force "Information Charter" has been agreed by the three forces and is to be published prominently on each website. Overall responsibility for compliance lies with the Senior Information Risk Owner of each force and is enforced by the Force Data Protection Officer.

4. Current Position

CCTV/ANPR

- 4.1 CCTV/ANPR is covered by the Protection of Freedoms Act 2012 legislation and Surveillance Camera Code of Practice. The CCTV infrastructure across the county is managed by local authorities and privacy impacts are a matter for those authorities. Until very recently the ANPR infrastructure used by the force was owned and managed by third parties. Recently the force has taken service contract responsibility

for some previously council-owned ANPR cameras, however, there is no expectation of a retrospective review of existing infrastructure as this represents a change of ownership rather than a new deployment.

- 4.2 The Constabulary may make use of third party CCTV for spontaneous incidents and this does not require legislative permission or the need for a PIA. The Regulation of Investigatory Powers Act 2000 provide the authority to use CCTV in a surveillance capacity.
- 4.3 A new ANPR system is proposed to provide an improved network of cameras which will be managed by the BCH strategic alliance. It is envisaged that this deployment will commence in late 2016. Prior to the installation of any new cameras, the force will undertake a PIA and consult with local key stakeholders.
- 4.4 The use of mobile ANPR is not covered by a PIA as they are mobile and would not collect information such as to establish a pattern of public activity which could amount to private information.

Body Worn Video

- 4.5 Data is processed and managed in line the principles of the Data Protection Act 1998 and with due regard to the Surveillance Camera Code of Practice. The body worn video (BWV) is activated when there is an opportunity to gather evidence and the subject of the filming is told in advance, or as soon as practicably possible. A PIA has been undertaken within the Beds, Herts, Cambridgeshire alliance.

Unmanned Aerial Vehicles (Drone)

- 4.6 Drones will be deployed to assist the Police with, searching for persons, both missing and suspected of committing offences, assist with investigations of serious and fatal road traffic collisions, assist with crime scene investigations and to provide situational awareness in a variety of policing situations. The application of the Bedfordshire Police, Cambridgeshire Constabulary and Hertfordshire Constabulary (BCH), Police use of Drones Procedures, applies to all police officers and police staff. A PIA on the Use of Drones for Policing Purposes has been undertaken. The use of Drones complies with the Civil Aviation publication CAP 722 & 382, and the Regulation of Investigatory Powers Act 2000.

Other Privacy Issues

- 4.7 Electronic devices that may be seized in custody for evidential purposes are covered by the Police and Criminal Evidence Act 1984, and RIPA in certain circumstances.

5. Recommendation

- 5.1 The Board is invited to note the contents of the report.

BIBLIOGRAPHY

| | |
|-------------------------|---|
| Source Document | Body Worn Video Policy and Privacy Impact Assessment: http://www.bedfordshire.police.uk/pdf/Body%20Worn%20Video%20Policy%20and%20Procedure.pdf . Surveillance Camera Code of Practice: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/157901/code-of-practice.pdf |
| Contact Officers | Detective Chief Inspector Jim McCrorie, Central Intelligence Bureau, Cambridgeshire Constabulary |