

Body Worn Video Procedure



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Responsible Officer: Head of Service, Counter Fraud and Enforcement Unit

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1. INTRODUCTION

- 1.1. Body Worn Video (BWV) technology is a portable, body-worn system that can capture audio and visual recordings of any activities carried out by the wearer. These recordings are stored securely on tamper-proof devices to ensure the integrity and authenticity of the data.
- 1.2. This document outlines the Council's Procedure regarding the use of BWV by Council Officers who carry out enforcement activity, or general patrolling and monitoring activities in public areas. It ensures compliance with UK Legislation, including the Data Protection Act 2018, the UK General Data Protection Regulation (UK GDPR), the Human Rights Act 1998, and the Regulation of Investigatory Powers Act 2000 (RIPA).
- 1.3. The Procedure is designed to support employees in adhering to legal requirements related to video recording, highlighting the benefits for both Council Officers and the public, and documents best practices for maintaining the security, integrity, and proper use of recordings.
- 1.4. The use of body worn cameras offers several benefits. These include acting as a deterrent against aggressive, abusive, or violent behaviour towards Officers and providing valuable evidence for criminal and civil investigations and, where appropriate, Committee Hearings.
- 1.5. Please contact the individual listed at 6.10 if you are procuring or have procured BWV devices to ensure a record can be made and the appropriate training and documentation completed.

2. PURPOSE OF THE PROCEDURE

- 2.1. The purpose of this Procedure is to establish clear principles for the use of BWV devices by Council Officers, ensuring that enforcement activities are conducted lawfully, transparently, and in a manner that safeguards public and employee interests.
- 2.2. Specifically, this Procedure aims to:
 - Provide clear guidance on the use of BWV devices by Council Officers.
 - Ensure compliance with UK legal requirements regarding data protection, privacy, and surveillance.
 - Protect the rights of individuals and uphold the Council's duty of care to its employees.
 - Enhance transparency, accountability, and trust between Officers and the public.
 - Support the collection of objective evidence for enforcement and investigation purposes by the Council.

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3. SCOPE

- 3.1. This Procedure applies to any Officer authorised to wear and operate BWV equipment during the course of their duties.

4. DEFINITIONS

- 4.1. **Body Worn Video (BWV):** Wearable devices used by Council Officers to capture audio and video footage during overt enforcement and investigative activities.

- 4.2. **Data Controller:** The Council, which is responsible for compliance with Data Protection Legislation.

- 4.3. **Data Subject:** Any individual who is identifiable in footage captured by BWV.

4.4. **Incident:**

- An interaction that the Officer believes to be confrontational or likely to result in verbal or physical abuse of themselves or another. Where any such incident occurs resulting in physical harm to the Officer or if the incident impacted the Officers' wellbeing, a report must be made to the Health and Safety Team and to the Police if appropriate.
- A member of the public approaches the Officer in an aggressive or threatening manner.
- An observed or suspected crime, breach of legal requirements or licence conditions.
- If required, the execution of a warrant and/or matters related to the prevention and detection of crime.

- 4.5. **Subject Access Request (SAR):** A legal right under data protection legislation that allows individuals to request access to personal data held by the Council.

5. LEGAL FRAMEWORK

- 5.1. The use of BWV equipment must comply with the following Legislation:

- 5.2. **Data Protection Act 2018 & UK GDPR:** Governing the lawful collection, processing, and storage of personal data.

- 5.3. The Information Commission's Office (ICO) regulates the Data Protection Act and provides guidance on the use of BWV. BWV recordings that identify individuals constitute personal data and must be processed lawfully and transparently by the Council as the Data Controller.

- 5.4. Any information relating to an identified or identifiable living individual recorded because of the use of a BWV must be processed in accordance with Data Protection Legislation and the Council's Data Protection Policies. The Council's Privacy Notices relating to CCTV, BWV and Dash Cams also apply.

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- 5.5. If an individual requests to view footage in which they appear, a **SAR**, they are entitled to view only the parts involving themselves and any others who have consented to such disclosure. In cases where footage relates to the detection or prosecution of a criminal offence, the Council may be exempt from complying with a SAR if disclosure would prejudice an investigation. In such cases, guidance must be sought from the Council's Data Protection Officer (DPO) and/or the legal service.
- 5.6. **Human Rights Act 1998:** Protecting individual rights, including the right to privacy under Article 8.
- 5.7. **Article 6 – Right to a Fair Trial:** BWV recordings that may be used in legal or disciplinary proceedings must be preserved with a secure and auditable chain of custody.
- 5.8. **Article 8 – Right to Respect for Private and Family Life:** Although recordings in public spaces are generally not private, they may still include conversations or interactions that are considered private. Officers must minimise intrusion by recording only what is necessary in confrontational or enforcement scenarios
- 5.9. Throughout, the principal objective is ensuring that any interference with the rights of parties can only be justified if it is necessary, in pursuit of a legitimate aim such as the prevention of crime and in accordance with the law.
- 5.10. **Regulation of Investigatory Powers Act 2000 (RIPA):** Governing the use of covert surveillance.
- 5.11. BWV must only be used **overtly**, not hidden or used covertly. Should Officers need to undertake covert surveillance, they must adhere to the Council's Regulation of Investigatory Powers Act 2000 Surveillance and Covert Human Intelligence Source Policy.
- 5.12. **Freedom of Information Act 2000 (FOIA):** Regulating public access to recorded information.
- 5.13. FOIA provides a general right of access to non-personal information held by public authorities. This includes anonymised data, statistics, or policy information related to the use of BWV but not identifiable images or audio of individuals.
- 5.14. **Police and Criminal Evidence Act 1984 (PACE):** Governing the use of evidence in criminal investigations and proceedings.
- 5.15. **Privacy Notice:** A statement informing individuals about how their personal information is collected, used, stored and shared.
- 5.16. **Criminal Procedure and Investigations Act 1996 (CPIA):** Setting out obligations for evidence disclosure in criminal proceedings.

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5.17. BWV footage relevant to criminal investigations must be retained and managed in accordance with the CPIA Code of Practice. This includes maintaining a comprehensive audit trail from initial capture through to potential disclosure to legal teams, the Crown Prosecution Service, or the defence.

6. OPERATIONAL PRACTICES AND USE OF BWV DEVICES

- 6.1. The Council is committed to the overt and responsible use of BWV. To ensure transparency and compliance, the following practices will be adhered to.
- 6.2. BWV cameras will be worn in a clearly visible location, typically on the chest during operational duties. The device's forward-facing screen will be viewable by members of the public.
- 6.3. Officers will display identification clearly stating that the device is a camera/audio/visual recording device.
- 6.4. Recording must be activated only as required being mindful of Article 8. This could be due to an incident, as referred to above at paragraph 4.4; when engaging with members of the public, or during incidents that are likely to require evidential documentation.
- 6.5. Where practicable, Officers should verbally inform individuals that recording is taking place, unless doing so would compromise Officer safety, public safety, or the effectiveness of an ongoing investigation.
- 6.6. Officers should avoid recording private or sensitive situations unless there is a clear operational justification.
- 6.7. Officers must ensure that they are appropriately authorised to enter any premises where recording may take place.
- 6.8. Officers must be mindful of behaving responsibly when recording and capturing images of those under the age of 18. In terms of enforcement, children aged between 10 and 17 can be taken to court if they commit a crime but their identity is protected from public disclosure. Officers may capture anti-social behaviour for example being committed by minors. Where this occurs, Officers must seek support and guidance from the legal team.
- 6.9. BWV devices will be issued to Enforcement Officers, who are responsible for booking the device prior to use, ensuring the unit is fully charged, and verifying that the date and time settings are accurate. Any discrepancies must be reported to the Officer's Team Leader or Line Manager.
- 6.10. BWV devices are held by various teams in each Council. The contacts below are responsible for oversight to include record keeping relating to which teams utilise

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devices, data privacy requirements, risk assessments, data storage and access arrangements, officer training, and booking processes.

Cotswold District Council	Governance and Risk Officer customer.feedback@publicagroup.uk
Forest of Dean District Council	
West Oxfordshire District Council	
Publica	
Cheltenham Borough Council	Victoria Bishop Head of Governance Risk and Assurance Victoria.Bishop@cheltenham.gov.uk
Stroud District Council	Owen Chandler Information and Data Governance Manager (DPO) Owen.Chandler@stroud.gov.uk
Tewkesbury Borough Council	Alice Grundy Head of Audit and Governance governanceteam@tewkesbury.gov.uk

- 6.11. BWV wearers should assess both visual and audio recording for privacy intrusion. The information should be stored in such a way so that recordings relating to a specific individual or event can be easily identified, located and retrieved. Data should also be stored in a way that remains under the Council's sole control, retains the quality of the original recording, is adequate for the purpose for which it was originally collected and only retained for as long as is necessary.
- 6.12. Officers are reminded that they are representing the Council when undertaking their duties. Any misconduct captured on BWV may be used for disciplinary proceedings.

7. RECORDING GUIDANCE

- 7.1. Recording must be **incident-specific**. Officers must not record entire patrols indiscriminately.
- 7.2. At the start of any recording, Officers should, where possible, make a verbal announcement explaining the reason for activation. This announcement serves to:
 - Notify individuals that they are being recorded,
 - Provide an opportunity for individuals to modify inappropriate behaviour,

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- De-escalate potential conflict, and
- Clarify the purpose of the recording.

- 7.3. If an Officer determines that continued recording or verbal announcements would escalate a volatile situation, they may use their discretion to disengage or withdraw to ensure safety.
- 7.4. BWV should not be used for the purpose of conducting interviews under caution however, in extreme and extenuating circumstances where this may be necessary, only Officers who have received specific training in undertaking interviews under caution should caution members of the public and obtain testimony.

8. DATA MANAGEMENT AND SECURITY

- 8.1. For each new area of deployment, a Privacy or Data Protection Impact Assessment must be completed to confirm how data will be stored, for how long it will be retained, the purpose of the data, and the risks and risk mitigations of the BWV usage.
- 8.2. The Council will ensure it has an up-to-date Privacy Notice covering the use of BWV.
- 8.3. BWV footage must be uploaded securely to the designated encrypted/secure data storage system as soon as practicable after the recording is completed. Storage platforms provided by BWV vendors must meet all legislation and Council policy data security requirements.
- 8.4. Access to stored footage is restricted to authorised personnel with a legitimate purpose. This detail must be included within the Privacy or Data Protection Impact Assessment.
- 8.5. Data will be retained for no longer than is necessary and in line with the Council's Data Retention Schedule, unless required for legal proceedings or ongoing investigations.
- 8.6. SAR's for BWV footage must be handled in accordance with the Council's Data Protection Policy.

9. PROHIBITED ACTIONS

- 9.1. Any unauthorised editing, sharing, or distribution of BWV footage is strictly prohibited and may lead to disciplinary proceedings or legal action. It will also be subject to investigation and may be referred to the Information Commissioner's Office.
- 9.2. Tampering with BWV equipment or recorded data may lead to disciplinary proceedings or legal action.

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10. TRAINING AND RESPONSIBILITIES

- 10.1. All authorised Officers will undergo mandatory training covering BWV device operation, legal and ethical considerations, data protection and privacy requirements.
- 10.2. Team Leaders and/or Line Managers will be responsible for monitoring compliance, reviewing footage when necessary, and ensuring proper use and handling of devices.
- 10.3. The Council's DPO will provide expert guidance, monitor legal compliance, and support procedural implementation.

11. PROCEDURE REVIEW

- 11.1. The nominated Officer will review and amend this Procedure as necessary to ensure that it continues to remain compliant and meets legislative requirements.