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## **BODY WORN CAMERA POLICY**

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### **1. Introduction**

Fakenham Town Council has an obligation under the Health and Safety at Work Act 1974, to ensure the Health, Safety and Welfare of its employees. Unfortunately, staff, through the nature of their work, are sometimes open to aggressive and/or abusive encounters. To help mitigate the risks a body worn video camera (BWC) can be worn. This device records sound and pictures, helping the employee gather unambiguous evidence and add an extra level of security. The system acts largely as a deterrent and the device does not record unless switched on. Evidence gathered can also be used by Police to substantiate a prosecution in the event of a more serious incident of abuse. Recordings should be captured, stored securely, and used in accordance with the Data Protection Act and the Information Commissioner's Office (ICO) CCTV Code of Practice.

This document sets out BWC Policy and Procedural Guidelines for the use of BWC by staff within Fakenham Town Council. It will enable employees to comply with relevant legislation relating to video recording and outline the associated benefits to staff and the public. It also documents best practice procedures regarding to integrity of data, images, and video as well as its security and use.

The use of body worn CCTV can provide several benefits which include a deterrent to acts of aggression or verbal and physical abuse towards staff, in addition to providing evidence to support internal or Police investigations. Body worn CCTV forms part of an employee Personal Protective Equipment and is provided solely for Health and Safety purposes. It will be used in an overt manner and reiterated by staff wearing clear identification that it is a CCTV device. Whenever practicable at the commencement of any recording staff will give a clear verbal instruction that recording video and audio is taking place.

### **2. Legislation & Statutory Guidance**

The integrity of any video data recorded will be considered in accordance with the following legislation and Statutory Guidance:

- Criminal Procedure and Investigations Act 1996
- Data Protection Act 1998
- Freedom of Information Act 2000

- Human Rights Act 1998
- Protection of Freedoms Act 2012
- Home Office Surveillance Camera Code of Practice
- Information Commissioners Code of Practice

### **2.1 Criminal Procedure and Investigations Act 1996**

The 1996 Act introduced the statutory test for disclosing material to the defence in criminal cases. Images that are relevant to an investigation must be retained in accordance with the Code of Practice issued under Section 23 of the 1996 Act. Any generated digital images should be accompanied by a full audit trail, from the point of capture of the image throughout.

### **2.2 Data Protection Act 2018 & UK GDPR**

The ICO is the independent regulator for the Act and has given guidance about use of body worn CCTV equipment. This legislation 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 is described as 'personal data' and covered by this Act and will include images and audio captured using body worn equipment. The use of body worn CCTV in this guidance is 'overt use' meaning that equipment is not to be worn or used in a hidden or covert manner. Where individuals ask to view footage of themselves this is called a 'Subject Access Request' (SAR). The requester is only allowed to see footage of themselves and anyone who has provided consent for their images to be viewed by them. The Council has a SAR process which is managed by the Clerk. The police may request to view footage under Section 29 of the Data Protection Act.

### **2.2 Freedom of Information Act 2000**

This Act grants a general right of access to information held by public bodies, which is not personal data. Information released under FOI can include statistical and other non-personal information.

### **2.3 Human Rights Act 1998**

Article 6 provides for the right to a fair trial. All images captured using a body worn device have the potential for use in court proceedings and must be safeguarded by an audit trail in the same way as any other evidence. Article 8 of the Human Rights Act 1998 concerns the right for private and family life, home, and correspondence. Recordings of persons in a public place are only public for those present at the time and can still be regarded as potentially private. Recorded conversations between the public should always be considered private and users of BWC's should not record beyond what is necessary when recording a confrontational situation.

### **2.4 Protection of Freedoms Act 2012**

Surveillance camera systems operating in public places, such as BWC cameras, must always have a clearly defined purpose or purposes in pursuit of a legitimate aim and necessary to address a pressing need (or needs).

Part 2 creates new regulation for and instructs the Secretary of State to prepare a code of practice towards, closed-circuit television and automatic number plate

recognition. Chapter 1 gives full regulatory legislation of CCTV and other surveillance camera technology which relates to a Code of Practice and interpretations.

There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published. Good practice dictates that a system operator (Clerk) should review the continued use of a surveillance camera system on a regular basis to ensure it remains necessary, proportionate and effective.

### **2.5 Home Office Surveillance Camera Code of Practice**

Part 2 of the Protection of Freedoms Act 2012 deals with the regulation of CCTV and other surveillance camera technology and introduces the Code of Practice for Surveillance Camera systems. Section 29(6) of the 2012 Act provides that this code covers “any other systems for recording or viewing visual images for surveillance purposes”. This would include BWC. The Home Office is the regulator for this guidance regarding staff use of body worn CCTV equipment. This guidance is based on “12 Guiding Principles” which Fakenham Town Council will adopt and adhere to.

### **2.6 Information Commissioners Code of Practice**

The Information Commissioners Code of Practice is the Statutory Guidance issued that runs in conjunction with the Surveillance Camera Code of Practice issued with regard to staff use of body worn CCTV equipment.

## **3. Operational Guidance and Best Practice**

### **3.1 Training**

All outside staff will receive full training in the use of body worn CCTV. This training will include practical use of equipment, guidance and best practice, when to commence and cease recording and the legal implications of using such equipment.

### **3.2 Daily Use**

Users will ensure that the unit is fully functioning, reporting faults immediately and that the unit is fully charged and that the date and time displayed is correct. All users should be identifiable as Fakenham Town council staff and wear BWC’s in a prominent position so the forward-facing display is visible to anyone being recorded. BWC’s will only be used if an employee finds themselves in a situation where they are subject to or feel that they are likely to be subject to, verbal or physical abuse. The decision to record or not to record any incident remains with the employee.

### **3.3 Recording**

It is evidentially important to record as much of an incident as possible, therefore recording should begin at the earliest opportunity from the start of an incident.

- Recording must be incident specific.
- Employees must not indiscriminately record entire duties, patrols and must only use recording to capture video and audio at specific incidents.
- At the commencement of any recording the user should, where practicable, make a verbal announcement to indicate the recording has been activated.

- It is considered advisable that the user continues to record for a short period after the incident to clearly demonstrate to any subsequent viewer that the incident has concluded, and the user has resumed other duties or activities.
- Any recorded image must not be deleted by the recording user and must be retained as required by the procedures.

### **3.4 Playback**

Employees will need to be fully aware of the legal implications once digital images and audio have been recorded advising the Clerk of any footage to be retained. Playback should only be undertaken by the Clerk. Any request to view the video captured by a member of the public will need to be made in writing to Fakenham Town Council in line with the 'subject access procedure'. Evidence of identity prior to viewing must also be provided.

### **3.5 Storage of Data**

All recorded footage will be uploaded to the Clerk's computer by the Clerk. For Incidents where the Police have not been in attendance the Clerk will review the recording and a decision made on whether referral to the Police is appropriate. All data retained will be kept until all investigations have been completed or prosecution has taken place before deletion. All data not required for evidential purposes will be deleted after uploading and viewing. The recordings will only be accessible by authorised personnel, and all non-evidential data will be maintained for a maximum of 30 days before it is deleted.

### **3.6 Transfer of data**

Any footage requested by the police as part of their investigation will be copied to a memory stick, labelled as an official exhibit and handed to them. Once in their possession the memory stick will fall under the police policy and guidelines for Data Protection. The Council will store evidential data for 3 months prior to it being deleted. Details of this process and any relevant information i.e. PC name or collar number, date, time etc. will be logged with the footage so there is a full audit trail.

## **4. Requests to view recordings**

Individuals who are caught on surveillance footage are entitled to request to see copies of that footage, via both the Data Protection Act 2018 and the Freedom of Information Act 2000.

Subject Access Requests and Freedom of Information requests should be referred to and may be subject to a standard fee.

Reviewed & Ratified at Governance & Finance 18<sup>th</sup> November 2025