

FAIR PROCESSING AND PRIVACY NOTICE

Appliance Closed-Circuit Television (CCTV) and 'Dashcams' in Service vehicles

Introduction

This fair processing and privacy notice relates to the personal data that Leicestershire Fire and Rescue Service (LFRS) processes about you in relation to Closed-Circuit Television (CCTV) and 'Dashcams' mounted on or in our vehicles. Processing means the collection, recording, storage, use, sharing, archiving and deletion of your personal data. The cameras provide a deterrent to crime and unwanted behaviour, evidential data to the Fire and Rescue Service and other relevant agencies and, support the Service in other Risk Management areas.

Data Controller

In compliance with the Data Protection Act 2018 and General Data Protection Regulations 2016 (GDPR), LFRS is the Data Controller for your personal data recorded by us and processed in data capture devices and Service systems.

All video capture devices are overseen by our Data Protection Officer (DPO). They are responsible for carrying out compliance audits and reviewing the need for CCTV and Dashcams and for determining what purpose they are used for.

The data that we collect, process, hold and share

We collect video images using fixed cameras mounted on or in our vehicles. Recording is active when the vehicle is powered (via ignition), either when moving or static, for example when at an incident or an event such as delivering Community Safety. Recording stops when power is isolated (the ignition is turned off). There may be a lag of up to twenty minutes after ignition is turned off where the device continues to record, it will then deactivate automatically.

Any person who is within the range of our vehicle mounted camera's may be captured on CCTV or Dashcam and their video images stored on the devices. That includes those who have a purpose or right to be within the vicinity and those who do not. In addition to recording people when the vehicle is static such as our staff or bystanders, cameras capture video images of people in other vehicles and pedestrians when the vehicle is in motion. There is a possibility that the cameras may record our staff when not adhering to our policies and procedures. There is also a possibility that our cameras may record criminal activity.

Whilst our cameras have the ability to record audio, we do not do this and our cameras are muted. Where we decide that audio recording is required, for example for training purposes, then the people in the vehicle will be made aware.

The scope of area captured by our cameras:

CCTV – Close vicinity providing all around (360 degree) external to the vehicle cover, some of the cameras may capture images beyond the immediate extent of the vehicle. Front mounted cameras have extended views to capture all vehicle journeys and collect footage when conducting Service business including when static and dealing with emergency and non-emergency incidents.

Note: Vehicles we use for training purposes only, have CCTV camera's facing into crew cabs in order to record the driver during and after learning and assessment.

Dashcam – Forward mounted only, providing extended views to capture all vehicle journeys and collect video footage when conducting Service business including when static and dealing with emergency and non-emergency incidents.

We do not perform any covert surveillance; covert surveillance is recording your video images in a manner that seeks to ensure you are unaware it is, or may be taking place. All buildings and fire appliances where CCTV is fitted display awareness signs. Vehicles fitted with Dashcams also have signage warning that video image recording is taking place.

How we use the personal data we collect about you

Once captured, we use the video images to:

- Assist the Police and any other agencies, with the identification and prosecution of offenders under the Emergency Workers Obstruction Act 2006 and/or any other criminal act that the perpetrator has been charged with.
- Assist with any Fire investigations at homes, business and public areas.
- Assist with any Health & Safety event investigation.
- Enable remote viewing of hazardous materials to be observed from appliances assisting with the successful conclusion to operational incidents.
- Assist with the debrief process of operational incidents.
- Assist with the training of Service drivers.
- Assist with defending spurious third party liability and vehicle insurance claims against the Service and its employees.
- Assist with any complaint or concern that is generated by a member of the public.
- Assist with any complaint or concern that is generated by a member of the Service.
- Enable evidence to be captured and utilised where appropriate as part of any asset security strategy adopted by LFRS.

Our lawful basis for processing your personal data

LFRS has due regard to the Data Protection Act 2018, the General Data Protection Regulation (GDPR) 2016 and any subsequent data protection legislation, to the Freedom of Information Act 2000, the Protection of Freedoms Act 2012 and the Human Rights Act 1998. LFRS will also have due regard to the Surveillance Camera Code of Practice, issued under the Protection of Freedoms Act 2012 and in particular the 12 guiding principles contained therein. In addition, LFRS follows the Information Commissioners CCTV code of practice.

The lawful basis for processing are set out in Article 6 of the GDPR. At least one of these must apply whenever the Service is processing CCTV personal data:

Consent: you have given consent to the processing of your personal data for one or more specific purposes. This will usually only be used before sharing your video images with third parties without another lawful reason being applied by us, or for promoting the work we do. Other case by case circumstances may mean we seek your consent before processing your video images.

Contract: the processing is necessary for a contract the Service has with the individual, or because they have asked us to take specific steps before entering into a contract. This includes contracts of employment and contracts with our insurance providers.

Legal obligation: the processing is necessary for us to comply with the law (not including contractual obligations). This includes our legal obligations under the Health & Safety at Work Act 1974.

Public task: the processing is necessary for us to perform a task in the public interest or for our official functions as a Fire and Rescue Service, and the task or function has a clear basis in law. Some of the tasks performed by the Service are published in the Fire and Rescue Services Act 2004.

Legitimate interests: the processing is necessary for our legitimate interests or the legitimate interests of a third party, unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (Note: we do not apply this when carrying out our official tasks, we apply one of the above).

We also process sensitive personal data captured on CCTV, for example this may relate to a person's race, disability or health. The lawful basis for processing are set out in Article 9 of the GDPR. In addition to the above, at least one of these must apply whenever the Service is processing CCTV sensitive personal data:

Employment, social security and social protection law – includes us ensuring the health, safety and welfare of our staff.

Processing is necessary for the establishment, exercise or defense of legal claims. This includes people, property and vehicles.

Processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject (our staff and any other person whose personal data we are processing).

Storing, securing and managing the lifecycle of your data

Local storage of data in the cameras is limited to the memory size of the on-board storage media. All previously captured images will be removed from the hard drive following a data download to secure data servers located at our Service Headquarters, or on a rolling cycle as the on-board memory becomes full when it will be overwritten. Depending on how active the vehicle has been data is overwritten with new video images approximately every 30 days. Information accessed from and to the devices is securely encrypted.

Video images that are stored in our secure servers are kept for as long as we need them to meet our purpose of processing, they are then permanently deleted.

Storage devices are secured with access limited to those who have fair and lawful purpose to do so, this is closely regulated by us.

We do not know how long organisations we share your data with retain it for. This information may be obtained by contacting them on a case by case basis.

Who we share this information with and why

Only the people who need to see your personal data that is the video images, will be allowed access to it as well as ICT staff; this may include Service managers and investigating officers as well as third parties when there is a fair and lawful reason to do so.

We may share your personal data with third party (non LFRS people) who provide our CCTV and Dashcam software and hardware when we need to. We will not share your video images with persons outside of LFRS for any other purpose without first obtaining your consent unless we are legally required to do so. We regularly share CCTV footage with the Police using a legal data protection exemption to support investigation of crime and the identification, apprehension and prosecution of offenders.

Your rights

Subject to an exemption under the Data Protection Act 2018, you have the following rights with relation to your personal data processing:

The right to request a copy of your personal data which the "Authority" holds about you.

The right to request that the "Authority" corrects any personal information if it is found to be inaccurate or out of date.

The right to erasure of your personal data where it is no longer necessary for the "Authority" to retain such data.

The right to withdraw consent to the processing of your data at any time.

The right to request that the "Authority" to transmit your data another organisation where applicable.

Where there is a dispute in relation to the accuracy or processing of your personal data, you have the right to request a restriction is placed on further processing;

The right to object to the processing of personal data where applicable. However, as we will mainly be processing data based on the performance of a statutory duty in the public interest, there are limits to this right.

The right to lodge a complaint with the Information Commissioners Office.

You have the right to view any personal data recorded by our CCTV that relates to you. We may take time though to redact the personal data of anyone else on the recordings. We may be able to supply you with a copy of the recording unless that isn't technically possible or to do so puts us to disproportionate effort.

Contacting us - Data protection information

LFRS is a registered Data Controller with the Information Commissioner's Office, you can contact our Data Protection Officer via:

Telephone: 0116 210 5555 (Switchboard)

Email: dpo@leics-fire.gov.uk

In writing to: Leicestershire Fire and Rescue Service HQ, 12 Geoff Monk Way, Birstall LE4 3BU.

You can obtain further information about your rights from the Information Commissioner's Office at: www.ico.org.uk or via its telephone helpline (0303 123 1113).

Before lodging a complaint with the Information Commissioners Office, you are encouraged to contact our Data Protection Officer to see if the matter can be resolved by us.