

Body Worn Video Privacy Policy

This Privacy Policy is specifically designed to explain how the NCA processes personal data relating to members of the public using Body Worn Video (BWV) equipment.

This policy supplements the NCAs Privacy and Cookie Policy, as published via the following link: www.nationalcrimeagency.gov.uk/privacy-and-cookie-policy

The NCA's role is to protect the public by disrupting and bringing to justice those serious and organised criminals who present the highest risk to the UK.

Any processing of personal information about you is carried out in accordance with the United Kingdom General Data Protection Regulation 2016 (UK GDPR) and the Data Protection Act 2018 (DPA). Under the UK GDPR and the DPA, we are required to explain what information we hold about you, why we hold information about you, how we use that information and whether we will share that information with anyone else.

You will also find further information regarding the steps we take to ensure that personal data is protected and describes the rights individuals have in relation to the data we process.

Processing means anything we do with the data and includes collecting, storing, and sharing it.

Personal data is any data that can be used to identify a living individual, on its own or in combination with other available information. References to names, identification numbers and location data are all personal data.

1. Data Controller

The Director General is the Controller for any personal data processed by the NCA.

2. Data Protection Officer

The Data Protection Officer can be contacted via DPO@nca.gov.uk

3. How to get in touch

The NCA's Data Protection and Privacy team manages the NCA's data protection compliance and can be contacted at DPO@nca.gov.uk

4. What information do we collect about you?

Personal Data that we may collect includes photographic, video and digital imagery and audio commentary. This will in some instances encompass special category data (also referred to as sensitive processing).

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Types of personal data we process may include information such as:

- Personal details such as name and address
- Sound recordings and visual images
- Complaint, incident and accident details
- Employment details
- Financial details
- Intelligence material

Special category personal data (also referred to as sensitive processing) may include personal data revealing:

- Racial or ethnic origin
- Political opinions
- Religious, cultural or philosophical beliefs
- Trade union membership
- Physical or mental health
- Sex life or orientation
- Genetic or biometric data
- Criminal conviction and/or involvement in criminal proceedings

The NCA will only use the minimum amount of relevant personal information necessary to carry out a particular activity. All BWV recordings will be incident specific; cameras will not be used indiscriminately to record all duties. 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.

5. Where do we obtain data from?

Personal data will be collected via electronic means using suitable recording equipment that will be overtly carried by operationally deployed NCA officers.

Data will be collected during in-person interactions between NCA officers and members of the public during exercise of operational duties.

6. Whose personal data do we handle?

Personal data processed by BWV will be collected from interactions between NCA officers and victims, witnesses, suspects, offenders, law enforcement officers 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.

7. Why do we use personal data?

The use of BWV recordings will enhance the ability of the NCA to capture evidence, create efficiencies within criminal justice procedures, reduce the reliance on victim's evidence and support transparency, trust and confidence.

The NCA processes personal data collected from BWV for law enforcement purposes as defined in Section 31 Data Protection Act 2018. These are for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security. We also retain footage for training and auditing purposes.

The legal basis for processing law enforcement data, in the vast majority of cases, is that it is necessary for the performance of NCA functions. The NCA's functions are set out in Section 1 Crime and Courts Act 2013.

The NCA's functions include:

- The crime reduction function
- The criminal intelligence function
- The other functions set out in the Crime and Courts Act 2013 and other legislation, including safeguarding and Proceeds of Crime Act 2002.

We will only use personal information when the law allows us to and where it is necessary and proportionate to do so.

Where we process special categories of personal data, or undertake sensitive processing, we will do so in accordance with the specific conditions of processing set out in the UK GDPR and the Data Protection Act 2018. It is likely that we will rely on the following conditions:

- Safeguarding of children and individuals at risk, and protecting the vital interests of you or another
- Where it is necessary for the purpose or in connection with any legal proceedings, legal advice or establishing, exercising or defending legal rights
- Where it is necessary for archiving purposes in the public interest, historical research or statistical purposes
- Where it is for the purposes of the exercise of the NCA's functions and it is in the substantial public interest
- Where it is necessary for the administration of the systems of courts and of law enforcement, or the exercise of a function that the NCA is required to carry out by law.

8. How long do we keep personal data?

The NCA will retain your personal data in line with the requirements of data protection legislation, CPIA, MoPI and other legislative requirements, taking into account factors

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such as the content and sensitivity of the data, the purposes for which the data is processed, and any business requirements. We will securely dispose of your data when it is no longer necessary to retain it.

9. Who will we share data with?

The NCA is able to share data under the Crime and Courts Act 2013. For example, it may be necessary to share data with other law enforcement agencies, both nationally and internationally, and with partner agencies working on crime reduction and prevention initiatives. These agencies may include:

- UK police forces
- Border Force
- His Majesty's Revenue and Customs
- British Transport Police
- The Serious Fraud Office

We may also share data with a range of other bodies such as the press and media, voluntary sector organisations, financial institutions and regulatory bodies, other government departments and similar bodies, courts and tribunals and your legal representatives.

We will also disclose personal information to other bodies or individuals when required to do so by law.

The NCA takes steps to ensure that any disclosure of personal data, however obtained, complies with the provisions of the Data Protection Act 2018 and UK GDPR. This includes ensuring that any disclosures are necessary and proportionate, and that necessary safeguards are in place.

Where we have arrangements to share your personal data, a contract, memorandum of understanding or information sharing agreement will be in place to ensure that the requirements of the Data Protection legislation on handling personal information are met. Where we are required to disclose information by law, for example for safeguarding purposes, we may do so without these arrangements.

Some of the bodies or individuals to whom we may disclose personal data are situated outside of the United Kingdom. If we do transfer personal data outside of the UK, including any subsequent sharing of this data, we will ensure that the conditions laid down in Data Protection Legislation are complied with.

Also, we engage with third party processors who handle some, or all, of the above mentioned information on our instruction.

10. How do we keep your data secure?

Your personal data will be processed securely. We have put in place appropriate technical and security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions.

11. Your right as a data subject:

Under the UK GDPR and Data Protection Act 2018 you have a number of rights that you can exercise in relation to the data we process about you. Under certain circumstances, by law you have the right to:

Request access to your personal information (commonly known as a subject access request). This enables you to receive a copy of the personal information we hold about you and check that we are lawfully processing it and that it is accurate.

Request rectification of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.

Request erasure of your personal information. This enables you to ask us to delete or remove personal information where there is no lawful reason for us to continue to process it.

Request the restriction of processing of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.

Please note that when your data is being processed for law enforcement purposes some of the rights listed above may be restricted where it is a legitimate and proportionate measure to avoid obstructing an investigation or procedure, to avoid prejudicing our law enforcement purpose, to protect public or national security or to protect the rights and freedoms of others. If a restriction is necessary, we will inform you unless to do so would prejudice the purpose of the restriction.

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we are allowed under the law to charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we can refuse to comply with the request in such circumstances.

We sometimes need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.



Further information about these rights can be found within the Data Protection Act 2018 and on the Information Commissioner's Office website: www.ico.org.uk

To exercise any of these rights please contact the Statutory Disclosure Team at: StatutoryDisclosureTeam@nca.gov.uk

OR

Statutory Disclosure Team

PO Box 58345

London

NW1W 9JJ

12. Complaints and further queries:

The NCA tries to meet the highest standards when processing personal data. We take complaints very seriously. If you have any concerns about the way that we have handled your personal data please bring it to our attention via the following means:

DPO@nca.gov.uk

You are also able to submit complaints to the Information Commissioner's Office. Details on how to contact them based on the nature of your concern are available at <https://ico.org.uk/concerns/>

The ICO can be contacted via:

The Information Commissioner's Office,

Wycliffe House,

Wilmslow,

Cheshire,

SK9 5AF

Telephone: 0303 123 1113

Email: casework@ico.org.uk

