

Data Protection Risk Assessment – Body-worn video (recording sound and vision) used by Bailiffs during enforcement visits

Portfolio: Community and Enterprise
Assessor(s): Name: Carwyn Jones

Service: Debt Enforcement
Post title: Senior Revenues Officer

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	Information must be:	Process / issues / risk	Measures to eliminate or limit risk	Likeli-hood	Impact	Risk rating
1	Processed fairly and lawfully	<p>Body worn videos (BWVs) which record visual and sound data will be used by bailiffs/enforcement agents employed directly by the Council.</p> <p>Customers should be informed about reasons for recording, how the data will be used including who it may be shared with and for how long it will be kept.</p> <p>Reference to the use of BWVs and the purpose must be adequately covered in the Notification to the Information Commissioner's Office.</p>	<p>The DP (Processing of Sensitive Personal Data) Order 2000 applies. Bailiffs will be thoroughly trained in the appropriate use of the devices.</p> <p>Customers will always be informed about the use of BWV devices by means of 'layered' fair processing notices on the Flintshire website and in a personalised letter as part of a compliance procedure in line with the Taking Control of Goods Regulations 2014. Visits to customer properties by bailiffs/enforcement agents using BWV's will not take place prior to the issue of at least one or more compliance letters. This will ensure informed consent for each data subject.</p> <p>Information about the use of BWV's, information retention periods complaints procedures and subject access requests will be published on the Flintshire website</p> <p>The Council's annual notification to the ICO will be revisited to ensure that use of the BWVs for the purposes of debt enforcement is adequately covered.</p> <p>BWV's will only ever be used in cases where there is a lawful right for an enforcement agent/bailiff to attend a customer's property</p>	1	3	3

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			which is in accordance with the powers conferred to the Council by the issue of a Liability Order at the Magistrates Court.			
2	Processed for specified and lawful purposes	The purpose of recording is to safeguard bailiffs and customers during enforcement visits and to provide good evidence for all parties in the event of complaints or investigations lodged with the County Court, the County Council or any other lawful investigation.	The data will be processed only for the specified purpose of the enforcement of debt. Only nominated managers responsible for the delivery of the enforcement/bailiff service will have security access to view or delete the footage to ensure it is kept secure and not misused/kept for any other reasons.	1	2	2
3	Adequate, relevant and not excessive	Footage will be adequate, relevant and not excessive. The risk would be to misuse the cameras by using them for any purpose other than as stated in (2) above.	<p>Bailiffs will only use the recording devices when visiting customers for debt enforcement purposes. The devices will not be switched on whilst travelling to and from visits and when walking on the highway.</p> <p>The devices will be visible to customers at all times and bailiffs/enforcement agents will operate BWV's in an open and transparent way.</p> <p>The agent will always refer to the letter at the outset of the visit, getting confirmation that it has been received and then asking for consent once again to record.</p> <p>Bailiffs/enforcement agents will be thoroughly trained to Flintshire Council Data Protection standards and will be provided with written procedures on how and when to use the devices.</p>	1	3	3

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4	Accurate and up-to-date	Need to ensure that recordings are accurately dated and attributed.	<p>Procedures will be in place to ensure the footage is accurately dated and attributed. Nominated debt enforcement managers responsible for the day to day delivery of the bailiff/enforcement service will be able to review footage and ensure it is up to date and needed.</p> <p>All footage will be automatically time and date stamped and held securely.</p>	1	2	2
5	Not kept for longer than necessary	Footage will only be kept for as long as the case to which it relates is open.	<p>Recordings from BWV'S will only be held for as long as the case is open with the debt enforcement service.</p> <p>Procedures will be in place to monitor when a case has closed. Once a case is closed, the footage will be securely disposed of by the nominated manager of the debt enforcement service.</p> <p>In the case of a recorded complaint or an ongoing investigation, the footage from a BWV will be retained while the complaint is being investigated and will only be destroyed immediately after the expiry of any appeal period following a decision on the final outcome of the complaint or investigation.</p>	1	2	2
6	Processed in accordance with data subjects'	Ensuring footage that is recorded is processed in accordance with data subject rights, is managed correctly and not	When visiting customers the cameras have notices on to show when they are recording.	1	2	2

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	rights	misused.	<p>The devices will be visible to customers at all times and bailiffs/enforcement agents will operate BWV's in an open and transparent way.</p> <p>The footage will then be periodically uploaded securely on a weekly basis and only the nominated debt enforcement manager can access it.</p> <p>Bailiffs/enforcement agents will not be able to access, edit, delete or copy footage.</p>			
7	Safeguarded with appropriate technical and organisational measures	Measures must be in place to ensure that footage is safe and secure when recording and when backing up, and to ensure that only the nominated managers have access to view or delete footage.	Cameras are fully encrypted and can only be linked to one PC. Once the data is uploaded it will be kept securely on A password protected PC with a hard drive connected kept in a secure office in line with IT service recommendations this PC will be locked down to certain nominated users to ensure its safeguarding. Only nominated debt enforcement managers will be able to access the footage to view or delete recordings.	1	3	3
8	Not transferred outside the European Economic Area	Not applicable – there will be no transfer of data outside the EEA.	Not applicable	1	3	3

RISK RANKING MATRIX (RISK RANKING = IMPACT X LIKELIHOOD)

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<p>High (3) Sensitive personal data: major impact on data subjects and / or organisation</p>	Impact	3	6	9
<p>Medium (2) Less sensitive information which may still negatively affect data subjects and / or organisation</p>		2	4	6
<p>Low(1) Non-sensitive information which is not likely to affect the data subjects and / or the organisation</p>		1	2	3
		Likelihood		
		Low (1) Unlikely to occur: good controls in place	Medium (2) Some data transfer takes place infrequently: controls in place	High (3) Significant risks: frequent data transfer, data sharing, files taken out of office etc.
OUTCOME / REQUIRED ACTION (Impact x Likelihood “score”)				
		HIGH (6-9)	MEDIUM (3-4)	LOW (1-2)
		Immediate action is required to control the risk. Data should not be processed without implementation of effective control measures.	Work may proceed if additional control measures are implemented within strict timescales. These measures must be proportionate to the potential consequences.	Work can proceed – no significant action is required other than monitoring that things do not change and that existing measures are being monitored and maintained.