



Policy on use of Body Worn Cameras (Traffic Wardens)

BACKGROUND

The Local Authorities (Traffic Wardens) Act 1975 permits Waterford City & County Council (WCCC) to employ staff to act as Traffic Wardens. The role of a Traffic Warden is to enforce Parking Regulations. This is done by patrolling designated areas and checking that vehicle owners comply with parking regulations and byelaws, display appropriate paid parking discs where required, regulate use of parking permits, and check compliance regarding Motor Taxation.

In the course of their work Traffic Wardens (TW) frequently have to issue warnings and parking fines – as a result, they may be subject to verbal abuse and can be threatened with or suffer actual physical assault. Encounters with the public can become confrontational and can sometime result in a complaint being made against a Traffic Warden.

Section 8 of The Safety Health and Welfare at Work Act 2005 requires the employer to safeguard the safety health and welfare at work of its employees through ensuring, insofar as is possible, their working conditions are safe, and to supply them with protective equipment where necessary. In an effort to enhance their personal security WCCC has issued each Traffic Warden with a Body Worn Camera (BWC).

PURPOSE

This policy is intended to provide Traffic Wardens with instructions on when and how to use body-worn cameras (BWCs) to ensure compliance with the Council's data protection policies and procedures. It also sets out the role of the Traffic Warden Supervisor (TWS).

POLICY

It is the policy of WCCC that Traffic Wardens shall use their own judgement of a situation and activate the BWC when they feel it is needed- they are not to be activated for extended periods or in the normal course of work when no threat or difficulty exists. Employees are reminded that Disciplinary Procedures will be invoked if any employee is found in breach of these requirements.

WCCC has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:

- BWCs allow for accurate documentation of contentious engagements between Traffic Wardens and members of the public.
- Audio and video recordings allow WCCC to report any abusive or threatening behaviour to the Gardai.

- The BWC images may be used in prosecutions for assault or threats to Traffic Wardens.
- The primary purpose of the BWC is to act as a deterrent and to enhance the personal safety of Traffic Wardens; once a member of the public is informed that an exchange is being recorded it is far less likely that they will attempt to physically harm a Traffic Warden.

WHEN AND HOW TO USE THE BWC

1. Wardens shall activate the BWC to record any threatening incidents that may arise with members of the public in the performance of their official duties.
2. Wardens should always inform individuals that they are being recorded. The activation of the device is always accompanied by a verbal warning in advance to the member of the public from whom the Traffic Warden perceives the threat. The form of wording used by the Traffic Warden to alert the member of the public that the CCTV recording on their body worn device has been activated is as follows: **“I am informing you that I am activating my CCTV camera and it is recording.”**
3. BWC should only be used in public areas (eg. streets and public car parks). They should never be used in locations where individuals have a reasonable expectation of privacy, such as a residence.
4. The BWC shall remain activated until the event is completed in order to ensure the integrity of the recording unless the individual concerned moves into an area restricted by this policy.
5. The Warden may use their own discretion on deciding whether to use BWC - all incidents should be considered on a case by case basis.
6. BWCs do not have any functionality to allow viewing of the recordings at the scene.

PROCEDURES FOR BWC USE

1. A BWC is issued to each Traffic Warden and must be worn as part of normal uniform when on duty.
2. BWCs must be signed out/in at the start/end of each shift.
3. Traffic Wardens shall only use BWCs issued by the Council. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Council.
4. Traffic Wardens are not permitted to take cameras home and are prohibited to use their Smartphone to record or take screenshots on any other devices.
5. The PR6 cameras used are encrypted and can only be downloaded by the Traffic Warden Supervisor.
6. Traffic Wardens who are assigned BWCs will receive training to ensure proper use and operation of the equipment as well as understanding the Council’s policy in relation to use.
7. BWC equipment is the responsibility of individual Traffic wardens and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the Traffic Warden’s supervisor as soon as possible so that a replacement unit may be procured.
8. The BWC should be stored securely when not in use.
9. Traffic Wardens shall inspect and test the BWC prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems.
10. At the end of their shift (or as soon as is practicable) if any recordings have been made, Traffic Wardens must notify the Traffic Warden Supervisor that a recording has been made and it

should be downloaded by the Traffic Warden Supervisor for review in conjunction with the Traffic Warden Supervisor.

11. If footage is not required (eg. No legal proceedings/ future Court case etc) it should be deleted by the Traffic Warden Supervisor immediately.
12. If footage is to be kept for evidential backup in respect of a Garda complaint or legal proceedings it will be stored on the Traffic Warden Supervisor's PC in a secure location.
13. Where a serious incident occurs the Traffic Warden follows the **WCCC Serious Incident Procedure** and any footage taken of the incident is reviewed immediately with the TWS and reported to the Gardai.
14. If BWC footage is to be given to Gardai as evidence an encrypted USB is to be used.

RESTRICTIONS ON USING THE BWC

BWCs shall be used only in conjunction with official Traffic Warden duties. The BWC shall not be used to record:

1. Communications with other Traffic Warden personnel;
2. Encounters with members of the public unrelated to parking violations;
3. When on a break or otherwise engaged in personal activities; or
4. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.

STORAGE OF DATA

1. Any recordings shall be securely downloaded by the Traffic Warden Supervisor only at the end of each shift. Each file shall contain information related to the date, BWC identifier, and assigned Traffic Warden.
2. All images and sounds recorded by the BWC are the exclusive property of the Council. Accessing, copying, or releasing files for non-traffic related offences is strictly prohibited.
3. All access to BWC data (images, sounds, and metadata) must be specifically authorized by the Traffic Warden Supervisor, and access can be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
4. Standard retention period will be 6 months or longer if required for a specific purpose.

SUPERVISORY RESPONSIBILITIES

1. Traffic Warden Supervisor shall ensure that Traffic Wardens equipped with BWC devices utilize them in accordance with policy and procedures defined herein.
2. At least on a monthly basis, the Traffic Warden Supervisor will randomly review BWC recordings to ensure that the equipment is operating properly and that Traffic Wardens are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required.
3. Traffic Warden Supervisor will have responsibility for ensuring appropriate retention periods are complied with.

SHARING OF BWC RECORDINGS

Evidence gathered by Traffic Warden BWCs will only be shared or viewed by authorised parties such as the TWS, the Gardai, the Council's Legal Adviser or the Senior Executive Engineer for Traffic Management.

PROTOCOLS RE SHARING BWC FOOTAGE WITH AN GARDA SÍOCHÁNA

If An Garda Síochána requires access to BWC footage, the following protocols shall be followed.

1. Gardai must produce a letter per Section 41(b) Data Protection Act 2018 confirming that An Garda Síochána requires a copy of the relevant data for the purposes of detecting, investigating and prosecuting offences.
2. The Section 41(b) letter shall be reviewed by WCCC DPO. If further clarifications or queries arise, these shall be dealt with through the WCCC DPO.
3. The section 41(b) letter shall be on An Garda Síochána letter-headed notepaper and signed by a member of the Garda Síochána not below the rank of chief superintendent.
4. A copy of the Section 41(b) request letter shall be retained for audit and verification purposes.
5. It is accepted that in exceptional situations there could be extreme urgency to the Gardaí's request. For example, if the Gardaí explain that there is extreme urgency to the situation (i.e. danger to other members of the public, hot pursuit, a child protection issue etc) and that there is insufficient time to procure a section 41(b) letter (or that waiting to procure a section 41(b) letter would put the life or safety of others at risk), then the Traffic Warden Supervisor in consultation with the Council's DPO shall make a decision as to the appropriate steps to be taken. For example, whether it is appropriate to release a copy of the BWC footage, and/or permit An Garda Síochána to view the footage, on the basis of an undertaking that the section 41(b) letter will follow as soon as possible.
6. WCCC shall maintain a log detailing:
 - a. The name of the member of An Garda Síochána who requested the BWC footage.
 - b. The date of the request.
 - c. The date, time and location of the BWC footage requested.
 - d. The sign-off of the DPO.
 - e. The date on which the request was fulfilled.
 - f. The name of the member of WCCC staff who fulfilled the request.
 - g. The manner in which the request was fulfilled (i.e. released to An Garda Síochána on encrypted USB key with encryption to AES 256 bit).

DATA PROTECTION

WCCC has carried out a Data Protection Impact Assessment (DPIA) to assess the privacy impacts for the public of the use of BWC. The measures introduced as part of that process to mitigate privacy risk will be monitored on an ongoing basis by the Traffic Warden Supervisor in conjunction with the Traffic Engineer. All Traffic Wardens have received training in data protection and on correct use of the BWC device. Refresher training will take place at regular intervals. Any future hardware/software

upgrades will only be implemented following further DPIA in conjunction with the Council's Data Protection Officer.

ACCESS AND COMPLAINTS

Any subject access requests or complaints about the use of BWC should be forwarded immediately to the Council's Data Protection Officer. Contact: Data Protection Officer, Waterford City & County Council, City Hall, The Mall, Waterford. X91 PK15.

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