



GUIDANCE ON BODY WORN VIDEO CAMERAS

Background

Body Worn Video (BWV), CCTV and other forms of camera recordings are technologies that are being used in many workplaces. There are many uses and benefits such as evidence/record of events, deterrence, training and staff development.

Body Worn Video is covered by very little specific legislation and guidance associated with its use but in general it can be regarded as being similar to CCTV.

RMT expects employers to have policies and procedures, agreed with the trade union, detailing how BWV will be allocated to staff and detailed statements on how the equipment is to be used and in what circumstances. (See draft policy)

BWV must not be used to record conversations between members of the public or conversations between staff and other individuals unless a specific threat is triggered and a reliable record is needed of what was said. **BWV technology should not be used for spying on workers during the undertaking of their duties. It should be an enhancement for personal safety and protection and not as a means for extension to lone working.**

What is the current legislation on BWV in the UK? The Data Protection Act 2018

Although there is no specific piece of legislation or regulation concerning the use of body worn cameras, the use of BWV must comply with strict regulations regarding privacy and data management, as set out in the [Data Protection Act 2018 \(legislation.gov.uk\)](https://legislation.gov.uk) - which incorporates the requirements of the EU General Data Protection Regulation, or GDPR.

Here is some useful guidance on the appropriate and effective use of surveillance camera systems: [Surveillance Camera Code of Practice \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Part 2 of the Protection of Freedoms Act 2012 describes the code of practice for CCTV and other surveillance systems: [Protection of Freedoms Act 2012 \(legislation.gov.uk\)](https://legislation.gov.uk)

Use of monitoring and surveillance information in a disciplinary case

In some workplace investigations and disciplinary cases, emails, CCTV and other surveillance data have been used as part of the case evidence.

ACAS guidance on conducting workplace investigations for disciplinary and grievances at work makes reference to the use of monitoring and surveillance methods in cases, but does also state: "Policies and employee contracts should clarify whether or not an employer may use CCTV recordings and/or personal employee data as evidence in disciplinary and grievance matters. Where this is not the case, an employer should only use such evidence where it is not practicable to establish the facts of the matter through the collection of other evidence only."

For further information see the [Acas guide to conducting workplace investigations | Acas](https://www.acas.gov.uk/guidance/condicting-workplace-investigations)

What are the basics of BWV Privacy Compliance?

If you wear a body worn camera, you must inform people before you start filming. You can only collect footage for legitimate reasons. For example, it would not be appropriate to film a member of the public or a customer who approaches security staff to ask for directions, unless the camera is already recording, in which case the person must be informed.

Wearability

As with all work equipment, there needs to be a risk assessment of its suitability for the staff who will be using it.

There are other specific duties in relation to the provision of PPE under [The Personal Protective Equipment at Work Regulations 1992 \(legislation.gov.uk\)](https://www.legislation.gov.uk). A wide range of equipment potentially falls within the Regulations. The general definition is contained in reg 2(1) which states:

“Personal protective equipment” means all equipment (including clothing affording protection against the weather) which is intended to be worn or held by a person at work and which protects him against one or more risks to his health and safety, and any addition or accessory designed to meet that objective.”

The overriding duty is contained in reg 4(1), by which every employer must ensure that ‘suitable’ PPE is provided to its employees who may be exposed to a risk to their health and safety while at work except where and to the extent that such risk has been adequately controlled by other means which are equally or more effective.

Further, reg 4(4) provides that where there is a need for the PPE to fit correctly and/or there is a need for hygiene, an employer shall supply each individual employee with his own PPE. If items are used by more than one person, the Directive requires that appropriate measures are taken to ensure this does not give rise to health or hygiene problems (reg 4(4)).

Training

Staff time must be given for training to use the equipment and fully understand how to use it. Staff using BWV will often be working in challenging circumstances and need to develop new skills to cover many scenarios.

Objectives for training should include legislation and its implications, understanding the technology, using practical exercises, uploading and continuity of evidence, unique requirements of the organisation and training on how to conduct a dynamic risk assessment.

Conclusion

RMT’s view is that the wearing of Body Worn Video Cameras should be voluntary.

We believe, however, that BWV is a useful tool in the prevention of violence against our members and members of the public. It acts as a visible deterrent and recent improvements in technology mean that once a button has been pressed to start recording, the previous 30 seconds are also captured on film, giving a fuller context to the incident being recorded.

In conjunction with this document, please also see *RMT’s guidance on the use of CCTV Cameras in Disciplinary Cases* and *Model CCTV Policy*.