

Merthyr Tydfil County Borough Council FLEET VEHICLES AND THE USE OF CCTV AND GPS TRACKING DEVICES

This notice has been written in accordance with the General Data Protection Regulations and relevant legislation.

Information Governance Team

Lisa Richards - Data Protection Officer

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Civic Centre, Castle Street, Merthyr Tydfil, CF47 8AN

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Cyngor Bwrdeistref Sirol
MERTHYR TUDFUL
MERTHYR TYDFIL
County Borough Council

Date Created: 25 May 2018
Responsible Department: Neighbourhood Services
Responsible Manager: Cheryllee Evans
Address: MTCBC, Civic Centre, Castle Street, Merthyr Tydfil, CF47 8AN

This privacy notice provides information on how Merthyr Tydfil County Borough Council collects and processes your personal data when you are responsible for driving a Council owned vehicle from our Fleet Management Department. Merthyr Tydfil County Borough Council is responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice does not form part of your employment contract. We may update this notice at any time if we do we will ensure that an updated copy of this notice is made available to you as soon as reasonably practical.

It is important that you read this privacy notice together with our Privacy Standards Policy and full privacy notice which contains more detailed information about our data processing and can be accessed on our website.

This notice relates specifically to the monitoring and use of geospatial data that is collected from the GPS trackers and the images captured from the CCTV footage from the cameras installed within our fleet vehicles.

1. IMPORTANT INFORMATION AND WHO WE ARE

Merthyr Tydfil County Borough Council is the controller and responsible for your personal data. The Council is made up of different departments, details of which can be found on our website. When we mention the Department, we are referring to the Fleet Management Department who is responsible for processing your data which will be clear to you when you access this service.

This notice applies to Council employees who drive a Council owned vehicle that is under the management of the Fleet Manager. The fleet is made up of the following types of vehicles:

- Cars
- Small vans
- Large vans
- Pickups

- Cage back vans
- Tipper vans
- Recycling trucks
- Waste trucks
- Highways maintenance vehicles
- Agricultural vehicles and gritters

Drivers of our vehicles will include employees, agency workers, contractors, volunteers and other individuals who have received relevant authorisation from the Fleet Manager.

Merthyr Tydfil County Borough Council has appointed a Data Protection Officer who can be contacted using the following details:

Mrs. Lisa Richards (Data Protection Officer)

Address: Information Governance Team, Merthyr Tydfil County Borough Council, Civic Centre, Castle Street, Merthyr Tydfil, CF47 8AN

Email: data.protection@merthyr.gov.uk

Tel: 01685 725000

2. THE DATA WE COLLECT ABOUT YOU

The main purpose of the GPS Tracking System and the CCTV footage that is collected from the vehicles is to monitor the performance of our vehicles and to be used as evidence in any civil and criminal proceedings which may include insurance claims. In most instances the data will relate to the vehicle or service delivery and as such will not become personally identifiable.

However there may be occasions when the information collected from these systems will identify you. We may collect, use, store and transfer different kinds of personal data about you as follows:

- Identity and contact data which will include your name and telephone number. We will also hold copies of your driver's licence which will include your date of birth, address and the vehicles you can lawfully drive and your photograph. We will also capture CCTV images of you when the vehicle cameras are in operation.
- Employment data which will include your job title and hours of work.
- Geospatial data which relates to the location data provided by the GPS tracking devices that have been installed on the Council's Fleet. GPS tracking uses a vehicle tracking system, which is an electronic device installed in a vehicle to enable the Council to track the vehicle's location. This will only relate to an individual for specified purposes set out in section 3 below.
- Health data including medical conditions that relate to your ability to drive, these may include physical and mental health conditions.
- Criminal offenses data in the event that you have a conviction listed against your driving licence.

We explain the different methods used to collect this data about you and the reasons when we would use this data in section 3 below.

3. HOW WE USE YOUR PERSONAL DATA

We will only use your personal data where the law allows us too. These will include the provisions set out under the General Data Protection Regulations and where relevant the Data Protection Act 2018. We will use your personal information in the following circumstances:

1. Where we need to discharge our responsibilities as imposed by your employment contract and the relevant policies and codes of conduct implemented by the Council which relate to your employment.
2. Where we need to comply with a legal obligation, for the purposes of GPS and CCTV monitoring we will process your personal data under the following laws
The Environment (Wales) Act 2016
Health and Safety at Work etc. Act 1974
The Management of Health and Safety at Work Regulations 1999
Road Traffic Act 1988
Road Traffic Act 1991
Corporate Manslaughter and Corporate Homicide Act 2007
The Surveillance Camera Code of Practice 2013
The Protection of Freedoms Act 2012
Police and Criminal Evidence Act 1984
Criminal Procedure and Investigation Act 1996
3. Where we have a duty to protect your interests in the event of an emergency or other situation which may place you in serious danger such as a road traffic accident or injury caused whilst operating our vehicles.
4. Where it is needed in the public interest or for official purposes such as providing statistical returns to the Welsh Government, and to enable us to contribute to the commitments made by the Welsh Government in its Energy Efficiency in Wales Strategy and to remain compliant with the Committee on Climate Change Welsh Carbon Targets. We will also process data in accordance with the terms of our Vehicle Operators Licence and the Vehicle & Operator Services Agency's Guidance titled Public Service Vehicle Operator Licensing - Guide for Operators.
5. Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

There may be instances where we are obligated to use the data obtained from our tracking devices for reasons that are not listed above such as assistance with insurance claims, for the prevention and detection of crime, to prevent and detect fraud and other purposes which we are legal obligated to act upon.

The geospatial data is captured in a pseudonymised format against an individual fob, the list of drivers recorded against each fob is held by the Fleet Manager. The fob numbers will only be

matched against a driver when we are legally able to do so. The Council has put in place technical and organisational measures to ensure that this information is held separately. No Council officer is authorised to hold or create a new drivers list without the authorisation of the Fleet Manager.

Where geospatial data is collected but not recorded against the driver, for the purposes of calculating journey times or allocating route resources the above rules will not apply as this data will not be classed as personal data under the definition provided under the data protection legislation.

The main purposes of the vehicle CCTV system is protect our staff from public misconduct, to be used as evidence against fraudulent insurance claims, and to provide the Police with assistance to detect deter and prevent crime and disorder. The footage may also be used to help identify, apprehend and prosecute offenders. The footage may be used as evidence in the following examples:

- Providing evidence in criminal proceedings
- Providing evidence in civil proceedings
- Providing evidence for fraudulent insurance claims
- The prevention and reduction of crime and disorder
- The investigation and detection of crime
- Identification of witnesses
- For the safety of our vehicle operatives and staff members
- For the safety of the public.

The data captured from the GPS devices will be stored on the Council servers within the UK Telematics operating system.

4. HOW WE SHARE YOUR PERSONAL DATA

We may share your personal data internally across other Council Departments and also with external third parties which include:

- The Legal Department
- The Human Resources Department
- Information Governance Team
- Neighbourhood Services which includes:
 - Environmental Services
 - Highways
 - Waste Services
 - Grounds maintenance
 - Bereavement Services
- Internal Audit
- ICT Department
- Insurance Section
- The Corporate Management Team
- South Wales Police Force
- Welsh Audit Office
- Welsh Government or other government bodies

- Trade Unions such as Unison, GMB and Unite

We may also be required to share data with external legal advisors, the Court Service which includes the Employment Tribunal and other third parties in accordance with the law.

We will share anonymised, statistical and complete sets of personal data on an annual basis regarding this activity with the Welsh Government for research and statistical analysis performed in order to demonstrate our compliance with the relevant codes, strategies and guidance. We will also report mileage and calculate the emissions of each vehicle internally on a quarterly basis as it will be used as a measurable performance indicator for efficiencies.

We will not transfer your data to any countries outside of the European Economic Area. If we do we will inform you as soon as possible and you can expect a similar degree of protection in respect of your personal information.

5. HOW LONG WILL YOU USE YOUR PERSONAL DATA

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

Under the terms of our Operator's Licence we will keep vehicle records for a minimum of two years, if the data is used for employment reasons it is retained in accordance with our Human Resource Departments retention periods. Further details relating to how we use employee data is detailed in our Employee Privacy Notice which is available on our website.

Details of retention periods for different aspects of your personal information are available in our Records Management Policy which is available on our website (www.merthyr.gov.uk).

6. HOW WILL WE KEEP YOUR PERSONAL DATA SAFE AND SECURE

We have implemented appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. All staff accessing our computer systems must also complete mandatory training in data protection and information security. This training is included in our Bobs Business online training programme and must be completed on an annual basis.

In addition, we limit access to your personal information to those employees who have a business need to know. Our systems require a username and are password protected. The authorised officers will only process your personal information on our instructions and they are subject to a duty of confidentiality. All members of staff are expected to handle personal data in accordance with the data protection legislation. Any officer who does not comply with these requirements may be criminally liable for inappropriately processing personal data.

We have put in place policies and procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

The Councils Information Security Officer is responsible for investigating any non-compliance or

misuse of our Council systems and will ensure that any employee falling below our security standards is dealt with accordingly.

Breaches of the Councils Data Protection and Information Security Policies will be considered under the Disciplinary Policies and Procedures.

7. YOUR LEGAL RIGHTS

Under certain circumstances, you have rights under data protection laws in relation to your personal data including the right to receive a copy of the personal data we hold about you these rights are detailed in the full privacy notice. You also have the right to make a complaint at any time to the Information Commissioner's Office, the UK supervisory authority for data protection issues:

Address: Information Commissioner's Office (Wales), 2nd Floor, Churchill House, Churchill Way, Cardiff, CF10 2HH
Email: casework@ico.org.uk
Tel: 029 2067 8400

8. FURTHER DETAILS

If you are looking for more information on how we process your personal data including data security, data retention, individual rights please access our full privacy policy. You can also obtain information directly from Information Commissioners Office website, www.ico.org.uk.