

Belfast City Council

Data Protection Impact Assessment (DPIA)

Amazing Spaces

Involving the following companies:-

SparroWatch

Locations – City Cemetery

CS Lewis Square

Project Title:	SBRI Amazing Spaces Smart Places
Council Department / Service:	City & Neighbourhoods
Other parties involved in project:	Department of Justice
Officer completing DPIA:	

The completed DPIA should be forwarded to the Information Governance Unit at records@belfastcity.gov.uk.

For any queries about completing Data Protection Impact Assessments, please contact the Information Governance Unit – see Interlink for details.

Guidance to completing the DPIA

If there is a chance that a new type of processing (especially when using new technologies) may cause a high risk to the rights and freedoms of natural persons, then you may need to carry out a Data Protection Impact Assessment (DPIA).

What is a Data Protection Impact Assessment?

Data protection impact assessments (also known as privacy impact assessments or PIAs) are a tool which can help organisations identify the most effective way to comply with their data protection obligations and meet individuals' expectations of privacy. An effective DPIA will allow organisations to identify and fix problems at an early stage, reducing the associated costs and damage to reputation, which might otherwise occur.

DPIAs are part of the Council's accountability obligations under the GDPR and an integral part of the 'data protection by default and by design' approach advocated by the Information Commissioner's Office.

What are the key elements of a DPIA process?

A DPIA should begin early in the life of a project, before you start your processing, and run alongside the planning and development process. It should include these steps:

Step 1: identify the need for a DPIA

Step 2: describe the processing:

- Nature
- Scope
- Context
- Purposes

Step 3: consider consultation

Step 4: assess necessity and proportionality

Step 5: identify and assess risks

Step 6: identify measures to mitigate the risks

Step 7: sign off and record outcomes

Step 8: integrate outcomes into project plan

Step 9: keep your DPIA under review

You should consult with individuals and other stakeholders as needed throughout this process.

Screening Questions

These questions are intended to help decide whether a DPIA is necessary. If the answer to any question between 1-12 is “yes” a DPIA **must** be carried out. If the answer to any question between 13-19 is “yes” a DPIA should be considered. (See Appendix A for ICO examples of processing “likely to result in high risk”.)

	Will the project:	Yes	No
1	Use systematic and extensive profiling or automated decision-making to make significant decisions about people?	x	
2	Process special category data or criminal offence data on a large scale?	x	
3	Systematically monitor a publicly accessible place on a large scale?	x	
4	Use new technologies?	x	
5	Use profiling, automated decision-making or special category data to help make decisions on someone’s access to a service, opportunity or benefit?		x
6	Carry out profiling on a large scale?		x
7	Process biometric or genetic data?		x
8	Combine, compare or match data from multiple sources?		x
9	Process personal data without providing a privacy notice directly to the individual?		x
10	Process personal data in a way which involves tracking individuals’ online or offline location or behaviour?		x
11	Process children’s personal data for profiling or automated decision-making or for marketing purposes, or offer online services directly to them?		x
12	Process personal data which could result in a risk of physical harm in the event of a security breach?		x

	Will the project:	Yes	No
13	Involve evaluation or scoring?		x
14	Involve automated decision-making with significant effects?		x
15	Involve systematic processing of sensitive data or data of a highly personal nature?	x	
16	Involve processing on a large scale?		x
17	Involve processing of data concerning vulnerable data subjects?	x	
18	Use innovative technological or organisational solutions?	x	
19	Prevent data subjects from exercising a right or using a service or contract?		x

Any comments:

The proposed project will involve the use (via a pilot scoping exercise) of new technologies to enhance the use of Council Parks and open spaces with focus on Falls Park and CS Lewis Square. It will also focus on anti-social behaviour and provide information to the Council that will assist on reducing and preventing this behaviour.

A DPIA is required

Data Protection Screening completed by:

Name:	Deirdre Ferguson
Job title:	City Innovation Broker
Date:	20 March 2019
Signature:	

Decision approved by Head of Service/Director:

Name:	
Job title:	
Date:	
Signature:	

Data Protection Impact Assessment Template

Step 1: Identify the need for a DPIA

1.1 Explain broadly what project aims to achieve and what type of processing it involves. You may find it helpful to refer or link to other documents, such as a project proposal. Summarise why you identified the need for a DPIA.

What project aims to achieve:

- 1) To enhance the use of Council owned Parks and open spaces:-
- 2) To encourage the public to use the Parks and open spaces in a better way;
- 3) To reduce anti-social behaviour within Parks and open spaces;
- 4) To prevent attacks from Falls Park on buses and passing cars; and
- 5) To make parks a safe place for the public to visit and for BCC staff to work.

What type of processing it involves (brief description only): operating a number of technologies –

SparrowWcam is a battery powered camera system that operates on the edge. This means that the camera will be trained (using artificial intelligence and computer vision) to pick up events of interest in parks and open spaces and it will send a message alert in real time via a secure cellular network to the end user along with an image, which is related to the alert.

Why have you identified the need for a DPIA (i.e. which screening questions did you answer “yes”):

During the screening yes was the response to questions 1, 2, 3, 4, 15, 17, 18.

During the project data processing will involve message and/or image alerts regarding the number of people gathering in parks. Alerts include human detection of groups, loitering, vehicles and animals.

Step 2: Describe the processing

2.1 Describe the nature of the processing:

How will you collect, use, store and delete data?

SparrowWatch will install a low cost overt alternative to a full CCTV system. The system uses artificial intelligence and computer vision to determine events of interest, without the need of human intervention. It is battery-powered camera system that provides provides BCC with real-time notifications when particular activity is detected. The system is designed for deployment in problematic areas that do not have access to an existing Internet connection and/or power supply. It is a flexible, low-cost, solution that provides BCC with new technology to improve safety in parks and open spaces.

The alerts and images will be sent directly to the Community Safety Officer via secure email. BCC will monitor and have control over the information sent to it. BCC will store the data via an agreed format and it will be retained in line with the Information Commissioners CCTV code of practice unless required for evidential purposes.

What is the source of the data?

Sparrowwatch overt alternative to full CCTV system cameras to be installed initially at Falls Park and C S Lewis Square – others to be determined if successful at phase 2.

Will you be sharing data with anyone?

Alerts/images may be shared with the PSNI for the prevention and detection of crime purposes if requests are made directly to BCC. The 'exemptions etc from the GDPR' found within Schedule 2 of the DPA 2018 will be applied and each request will be managed separately and judged on its merits. Full details and records of any sharing will be recorded by BCC with a documented audit trail retained.

What types of processing identified as likely high risk are involved?

Alerts/images covered by the SparroWatch system and may be of:

- Persons who frequent the parks and are potentially involved in anti-social and criminal behaviour;
- Children and young persons who frequent the parks and are potentially involved in anti-social and criminal behaviour; and
- Defined locations of people using the parks.

2.2 Describe the scope of the processing:

What is the nature of the data, and does it include special category or criminal offence data?

Message alerts will be generated with the alerts trained to identify gathering of people but no personal data is gathered at this point. An image is then captured, which relates to the alert and this will include personal data, which can include gender, race, ethnic origin and those individuals who may be committing anti-social and criminal behaviour.

How much data will you be collecting and using?

In phase 1 - message alerts/visual images relating to individuals who enter the parks or become involved in a gathering. This information will be collected when the Falls park City cemetery is closed or at key times as agreed by Belfast City Council community safety/ parks team.

C.S Lewis Square is an open space and SparroWcam will only collected data when active.

In phase 2 - algorithms trained to identify suspect ASB behavior will capture and relay specific images related to individuals who enter the park and become involved in a gathering.

This information will be collected when the park is closed or at key times as agreed by Belfast City Council Community safety/ Parks team.

How often?

SparrowWcam will operate when the Falls park is closed or at key times as agreed by Belfast City Council Community safety/ Parks team.

SparrowWcam will operate in C.S Lewis Square at key times as agreed by Belfast City Council Community safety/ Parks team.

How long will you keep it?

Alerts and related image data will be held for 31 days unless required for evidential purposes.

How many individuals are affected? What geographical area does it cover?

Not know exactly and this will depend on the number of people who use the parks, however, it may involve large numbers who gather at particular times and days of the week. Obviously this will change during spring and summer time with larger numbers anticipated. The geographical area initially will be the Falls Park and C S Lewis Square with slight overspill outside the main entrance and exit areas of both. Phase 2 parks to be determined after the phase 1 pilot. This overspill will be examined carefully by BCC and reduced if deemed too wide.

2.3 Describe the context of the processing:

What is the nature of your relationship with the individuals?

Members of the public who use the parks who no direct relationship with BCC.

How much control will they have? Would they expect you to use their data in this way?

The public who use the park will not have any control over the data captured by SparrowWcam camera. The public will be informed of the pilot project by signage placed at the entrances to the parks and at various obvious locations throughout. Notices will also be placed on the BCC public facing website.

Do they include children or other vulnerable groups?

SparrowWcam alerts and images may relate to children and young persons or disabled groups or individuals with disabilities who use the parks. The system is trained to detect suspect movements/gathering of people, particularly outside of normal opening hours. The system cannot specifically identify or separate data relating to children or vulnerable individuals.

Are there prior concerns over this type of processing or security flaws? Is it novel in any way? What is the current state of technology in this area? Are there any current issues of public concern that you should factor in?

Recent reports from BCC staff and the PSNI confirm the majority of anti –social behavior is carried out by children and young persons. Alert systems and ‘edge’ camera monitoring using machine learning and machine vision has never been carried out before and none currently exists in city parks.

On most weekends, large groups of young people gather in the Falls Park after closing time and consume alcohol and engage in acts of anti-social behaviour, criminal damage. This activity has attracted large media and public attention and poses a risk to those involved and others.

C.S Lewis Square is an open area and has a Belfast Bikes facility available, which has attracted criminal damage. The square is used for concerts and families to use and SparrowCam can enhance BCC ability to intervene early when any problems arise.

2.4 Describe the purposes of the processing:

What do you want to achieve?

To reduce anti-social behavior in Falls Park to ensure it can be used for families and other persons without fear of facing large crowds of young persons at particular times and days who are under the influence of alcohol who are engaged in anti-social behavior.

Reduce criminal damage to BCC property within the park and stop attacks on buses and vehicles travelling on the public roads close to the park.

Make the park a safer place for BCC staff to work.

To ensure C.S Lewis Square is a safe, open and shared space for all to use.

What is the intended effect on individuals?

Make those who visit the Falls Park and C.S Lewis Square aware that an overt alternative to CCTV is operating and therefore this will moderate their behaviour. Use SparrowCam alerts and images in phase 1 to prosecute (if required) and create a feeling of safety and security for all other persons using both areas.

What are the benefits of the processing – for you, and more broadly?

1. Reduce anti-social behaviour and crime.
2. Encourage other members of the public to use both areas by making them a safer place to visit.
3. Reduce criminal damage and the need to use rate payers money to repair damage caused.
4. Create a safe and secure environment within the parks for BCC staff to work.
5. Reduce the time and attendance by PSNI to allow officers to patrol and police other areas.

Step 3: Consultation Process

3.1 Consider how to consult with relevant stakeholders:

Describe when and how you will seek individuals' views – or justify why it's not appropriate to do so.

Senior BCC Directors and Officers have engaged with all Elected Members on the proposed projects extensively and what they hoped to achieve. Given the nature of the project and anticipated high levels of political and community interest that engagement will continue right through to completion.

Community safety partners and representatives who live close by Falls Park and C.S Lewis Square were also consulted to establish if they have any concerns or issues regarding the use of this technical solution. BCC liaised with the PSNI who have responsibility to police both areas to seek their views on the usefulness of CCTV.

Views of the BCC Staff who work in the park and attend incidents and damage where taken on board. This consultation is carried out by the project team via arranged meetings in BCC premises and at outside locations.

Who else do you need to involve within your organisation?

- BCC Information Governance Unit
- BCC Community Safety Unit
- BCC Senior Management responsible for the park
- BCC Coms Team
- BCC City Innovation Team

Do you need to ask your processors to assist?

SparrowWcam will act in the capacity of a Data Processor for BCC under a documented agreement.

Do you plan to consult information security experts, or any other experts?

PSNI only.

Step 4: Access necessity and proportionality

4.1 Describe compliance and proportionality measures, in particular:

What is your lawful basis for processing?

Article 6, 1 (d) and (e) provides for the processing of personal data under the General Data Protection Regulation (GDPR)

Vital interests: processing is necessary in order to protect the vital interests of the data subject or of another natural person.

Public task: processing is necessary for the performance of a task carried out in the public interest or in the exercise of an official authority vested in the controller.

Article 9, (2) (c) will apply for the processing of special category data.

Processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent.

Part 3 of the Data Protection Act 2018, addresses the processing of personal data for law enforcement and Section 30 (1) (a) or (b) applies to competent authorities who process personal data for this reason. A competent authority for the purposes of law enforcement means a person specified in (Schedule 7) and any other person if, and to the extent that, the person has statutory functions to exercise public authority or public powers for any of the law enforcement purposes.

- i) Part 3, Chapter 2 Section 35 (1) -The processing of personal data for any of the law enforcement purposes must be lawful and fair.
- ii) Section 35 (2) (b) - The processing is necessary for the performance of a task carried out for the performance of a task carried out for that purpose by a competent authority.
- iii) Section 35 (5) (a) – The processing is strictly for the law enforcement purpose; and
- iv) Section 35 (5) (b) – The processing meets at least one of the conditions in Schedule 8 (conditions for sensitive processing) as follows:-

Statutory etc purposes

Schedule 8 - 1 (a) - is necessary for the exercise of a function conferred on a person by an enactment or rule of law; and

Schedule 8 - 1 (b) – is necessary for reasons of substantial public interest.

Protecting individuals vital interests

Schedule 8 - 3 – the processing is necessary to protect the vital interests of the data subject or another individual.

Safeguarding of children and individuals at risk

Schedule 8 - 4 (1)

(a) (i) – protecting an individual from neglect or physical, mental or emotional harm, or (ii) – protecting the physical, mental or emotional wellbeing of an individual,

(b) (i) – the individual is aged under 18, or (ii) – aged over 18 and at risk

(c) the processing is carried out without the consent of the data subject and

(d) the processing is necessary for reasons of substantial public interest.

The SparroWcam system will only be used when BCC deems it absolutely necessary and this can be gauged by ongoing issues identified within the parks and to ensure the use is proportionate to the problem.

Does the processing actually achieve your purpose?

Not know until a pilot study is conducted. Reviews will be conducted throughout to establish if this is achieving its purpose.

Is there another way to achieve the same outcome?

Not identified at this point and other enforcement and policing methods have failed and cannot be sustained in the long term.

How will you prevent function creep?

Regular monthly review of the pilot study and consultation with elected representatives and the PSNI

How will you ensure data quality and data minimisation?

Review of the pilot study on a monthly basis to ensure the data gathered is not excessive. To review the times and days that the SparroWcam system is live and recording.

What information will you give individuals?

Comprehensive privacy information will be displayed to inform those persons using the parks to update them of the use of SparroWcam. BCC will also update its website to inform the public and may use the media to promote this project. This has not been decided at present and will be confirmed before the pilot goes live.

How will you help to support their rights?

All individuals have a right to request access to any personal data gathered as part of this process under the rights of a data subject under GDPR. Privacy notices displayed and a proportionate response to the use of SparroWcam technology.

What measures do you take to ensure processors comply?

A Data Processor agreement must be signed and regular reviews of the project conducted. BCC will stipulate how the system must be used and Sparrowwatch cannot deviate from this.

How do you safeguard any international transfers?

No data processed during this process is transferred overseas.

Describe the Data Flow for this project.

1. Overt Sparrowcam system installed at various locations throughout Falls Park & C.S Lewis Square (others to be determined for phase 2 if successful)



2. Decision taken by BCC on the time periods and days that it will be live and switched on



3. Once the system is switched on, alerts will be sent to a community safety officer via secure email Alert received (with photo) if multiple individuals are gathering in monitored area outside park opening hours.



4. Alerts/images are retained by BCC for a period of 31 days before overwritten.

Step 5: Identify and assess risks

Risk number	Describe source of risk and nature of potential impact on individuals. Include associated compliance and corporate risks as necessary.	Likelihood of harm Remote, possible or probable	Severity of harm Minimal, significant or severe	Overall risk Low, medium or high
1.	<p>The potential photographing of children and young persons who may be under the influence of alcohol or drugs. Their behaviour may pose a risk to their safeguarding and wellbeing. Any photography of children and young persons by BCC should be considered a risk, however, this risk is reduced as it is being carried out to protect their personal safety.</p> <p>No risk to the processing of their personal data under GDPR and DPA 2018.</p>	Probable	Significant	Medium
2.	<p>The potential photographing of children and young persons who may be committing anti-social behaviour or criminal offences. Their behaviour may pose a risk to their safeguarding and wellbeing, which may lead to children and young person's being brought before a Court and the criminal justice system.</p> <p>Any photography of children and young persons by BCC should be considered a risk, however, this risk is reduced as it is being carried out for a prevention and detection of crime purpose.</p> <p>No risk to the processing of their personal data under GDPR and DPA 2018.</p>	Probable	Significant	Medium
3.	Equipment could be removed or stolen by persons using the park.	Possible	Significant	High
4.	Complaints raised by members of the public who use the park and may indicate that the system is impacting on their privacy by sending alerts and images to BCC.	Possible	Significant	Medium

5.	Server breach and personal data unlawfully accessed.	Remote	Minimal	Low
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Step 6: Identify measures to reduce risk

Identify additional measures you could take to reduce or eliminate risks identified as medium or high risk in step 5				
Risk number	Options to reduce or eliminate risk	Effect on risk Eliminated reduced accepted	Residual risk Low medium high	Measure approved Yes/no
1.	<p>It is accepted that a large number of people who use Falls Park outside opening times are children and young persons who maybe involved in anti-social behaviour. The use of SparroWcam may help BCC to better manage the Park.</p> <p>C.S Lewis Square does not pose the same problem and the use of SparroWcam may help BCC to better manage the Square in preventing anti-social behaviour and make it a safe place for all to use.</p>	Accepted	Medium	Yes
2.	<p>It is accepted that a large number of people who use Falls Park outside opening times are children and young persons who maybe involved in criminal behaviour. The use of SparroWcam may help BCC to better manage the Park.</p> <p>C.S Lewis Square does not pose the same problem and the use of SparroWcam may help BCC to better manage the Square in preventing criminal damage and make it a safe place for all to use.</p>	Accepted	Medium	Yes

3.	If equipment is removed and / or stolen, it is designed to be useless to the user.	Accepted	Low	Yes
4.	Obvious signage and information will be provided and available to persons using both areas as to the reason for installing SparroWcan. This will endeavor to allay any fears that members of the public may have regarding their personal privacy.	Accepted	Low	Yes
5.	Server Breach and unlawful access to personal data. SparroWatch have applied a high level of information security to the protection of the system and the data held therein. There is always a risk but proper security measures will reduce this.	Accepted	Low	Yes

Step 7: Sign-off and record outcomes

Item	Name/date	Notes
Measures approved by:	Alison Allen	Integrate actions back into project plan, with date and responsibility for completion
Residual risks approved by:	Paul Cleland – 8/5/19	If accepting any residual high risk, consult the ICO before going ahead
DPO advice provided:	Paul Cleland – 8/5/19	DPO should advise on compliance, step 6 measures and whether processing can proceed
<p>Summary of DPO advice:</p> <p>The project is designed for a short trial period to test the installed technology and evaluate the subsequent results and findings. This will establish if the findings and results meet the overall purposes of the project as set out by BCC, which will then be reviewed and considered for any future development and / or use.</p> <p>Data initially activates an alert from individuals who enter the park and activities that occur and fall within an alert message setting, which is sent to a community safety officer. The system will additionally take an image of the activity that activated the alert and this may include an image of individuals. SparroWatch and BCC may wish to identify individuals from the image data and this will be processed for a lawful purpose in line with the Information Commissioners guidance on CCTV. This data may have an impact on the rights and freedoms of an individual.</p> <p>Appropriate signage will be displayed informing individuals of the technology in place and BCC Corporate Communications are assisting by providing information to the general public about the project.</p> <p>The project will be carefully managed by BCC throughout the test period and any new privacy issues or concerns identified can be considered as additional matters and recorded and addressed within the DPIA. These can be examined and entered into Step 5: Identify and Assess risks and then addressed by BCC staff to reduce the risks or change the way the project proceeds.</p> <p>Consultation has taken place with elected members and other statutory organisations.</p>		
DPO advice accepted or overruled by:	Nigel Grimshaw	If overruled, you must explain your reasons

Comments:		
Consultation responses reviewed by:	Alison Allen	If your decision departs from individuals' views, you must explain your reasons
Comments:		
This DPIA will kept under review by:	Alison Allen	The DPO should also review ongoing compliance with DPIA

Appendix A – ICO examples of processing “likely to result in high risk”

Screening question	Type of processing operation requiring a DPIA	Non-exhaustive examples of existing areas of application
1	Systematic evaluation based on automated processing or profiling resulting in legal/other significant effects	<ul style="list-style-type: none"> • Credit checks • Mortgage / loan applications • Fraud prevention • Insurance underwriting • Application of AI
2	Large scale processing of Article 9/10 data	<ul style="list-style-type: none"> • Political parties membership data • Trade Union membership data • Health records processed by Hospitals/health clinics/gym chains • Social care records • Research (including medical research) • Fraud prevention • Application of AI • Dating websites/applications
3	Systematic monitoring of a publically available area on a large scale	<ul style="list-style-type: none"> • Automatic number plate recognition. • Intelligent transport systems • Traffic management systems involving monitoring of vehicle/driver behaviour • Wi-Fi/Bluetooth/RFID tracking • Audio/video surveillance of public areas • Application of AI
4	New technologies	<ul style="list-style-type: none"> • Artificial intelligence, machine learning and deep learning • Connected and autonomous vehicles • Intelligent transport systems • Smart technologies (including wearables) • Market research involving neuro-measurement (i.e. emotional response analysis and brain activity)
5	Denial of service	<ul style="list-style-type: none"> • Credit checks • Mortgage or insurance applications • Other pre-check processes related to contracts (i.e. smartphones)
6	Large-scale profiling	<ul style="list-style-type: none"> • Data processed by Smart meters or IoT applications • Hardware/software offering fitness/lifestyle monitoring • Social media networks • Application of AI to existing process

Screening question	Type of processing operation requiring a DPIA	Non-exhaustive examples of existing areas of application
7	Biometric data	<ul style="list-style-type: none"> • Facial recognition systems • Workplace access systems/identity verification • Access control/identity verification for hardware/applications (including voice recognition/fingerprint/facial recognition)
7	Genetic data	<ul style="list-style-type: none"> • Medical diagnosis • DNA testing • Medical research
8	Data matching	<ul style="list-style-type: none"> • Fraud prevention • Direct marketing • Monitoring personal use/uptake of statutory services or benefits • Federated identity assurance services
9	Invisible processing	<ul style="list-style-type: none"> • List brokering • Direct marketing • Online tracking by third parties • Online advertising • Data aggregation / data aggregation platforms • Re-use of publically available data
10	Tracking	<ul style="list-style-type: none"> • Social networks, software applications • Hardware/software offering fitness/lifestyle/health monitoring • IoT devices, applications and platforms • Online advertising • Web and cross-device tracking • Data aggregation / data aggregation platforms • Eye tracking • Data processing at the workplace • Data processing in the context of home and remote working • Processing location data of employees • Loyalty schemes • Tracing services (tele-matching, tele-appending) • Wealth profiling – identification of high net-worth individuals for the purposes of direct marketing
11	Targeting of children/other vulnerable individuals for marketing, profiling for auto decision making or the offer of online services	<ul style="list-style-type: none"> • Connected toys • Social networks
12	Risk of physical harm	<ul style="list-style-type: none"> • Whistleblowing/complaint procedures

Screening question	Type of processing operation requiring a DPIA	Non-exhaustive examples of existing areas of application
		<ul style="list-style-type: none"> • Social care records