

COMMITTEE	Finance, Policy and Resources
DATE	15 th September 2015
ACTING DIRECTOR	Angela Scott
TITLE OF REPORT	Revised Use of Locating Systems in Vehicles and Devices Policy
REPORT NUMBER	CG/15/102
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

This report proposes the introduction of a revised Use of Locating Systems in Vehicles and Devices policy.

2. RECOMMENDATION(S)

The Committee is requested to:

- a) Approve the revised Use of Locating Systems in Vehicles and Devices policy, as attached, to replace the existing policy.
- b) Approve that the policy be changed from being a corporate policy to an employment policy located within the suite of HR and Customer Service policies.

3. FINANCIAL IMPLICATIONS

None.

4. OTHER IMPLICATIONS

The revised policy continues to adhere to the principles of good information handling within the Data Protection Act 1998 and the provisions of the Human Rights Act 1998.

5. BACKGROUND/MAIN ISSUES

The Use of Locating Systems in Vehicles and Devices Policy was originally approved at the Corporate Policy and Performance Committee on 27th January 2011 and was implemented thereafter, following a Collective Agreement between the Council and the trade

unions (July 2011). Therefore, as the policy has been in place for over 4 years it was due a review.

Locating systems, through the use of Global Positioning Systems (GPS) make it possible to identify the location of a vehicle, device (eg, handheld device, telephone or tablet) and in turn an individual, in real-time or retrospectively.

One of the main reasons for the review was that the technology around locating systems has developed over the past few years and more Council services are looking at using such systems. For example the use of 'real time' systems enables Services to look at the live data from the system and divert resources to complete a task or to respond to a customer in 'real time'.

Another reason for the review was that some of the existing technology within the Council such as mobile telephones or tablets, has the function of GPS that could be 'switched on' and that the policy required to take account of this.

Finally, another main reason for the review was to help ensure the maintenance of trust and to protect the interests of both employees and the Council. The revised policy provides clarity over when the information recorded from such systems will or may be used.

As part of the review the various Services in the Council making use of locating systems were contacted to elicit views on the content of the existing policy and what changes might be required going forward to ensure that it was 'fit for purpose' and reflected the current situation in the organisation. It was clear from this contact that the systems and information requirements across Services are different and that the policy should reflect this.

From the review the key changes made to the policy are as follows:

- i. The policy now sets out 6 core principles.
- ii. The provisions of the policy have been split into:
Informing employees – this section specifies the requirement on Services to ensure that all relevant employees are informed about the scope and usage of any locating system(s) and of the policy and its provisions.

What the information may be used for – this section makes it clear that the primary uses of information recorded by any form of locating system are:

- Employee **health and safety**, eg lone working.
- Managing **service performance**, eg monitoring utilisation and efficiency or measuring legislative compliance.

- In connection with any **complaints** received from the public.

This section now also specifies that there may be occasions where the Council requires to access specific information concerning a **performance or conduct issue in relation to an employee** (not minor) as part of a performance or conduct investigation. This new section will provide clarity to managers and employees on when such information may be accessed and assurance that locating systems will **not** be used to monitor the general whereabouts of employees.

- iii. The access, storage and retention of data and records sections have also been revised to ensure legal compliance. This section now also reflects that locating systems will differ across Services and as a result different access requirements and information needs will exist and it now specifies Service responsibilities. A proforma has also been created for Officers to complete in order to access data in relation to an issue or concern which falls within the provisions of the policy. The completed proforma requires authorisation from a 3rd Tier Officer or Head of Service or Director.
- iv. The opportunity has also been taken to make other necessary minor updates to terminology etc.

Finally, the current policy is a corporate policy. However, it is considered that it sits more appropriately under the HR and Customer Service suite of policies, as it is employment related, and it is therefore a recommendation of the report that it be moved.

6. IMPACT

An Equality and Human Rights Impact Assessment has been undertaken in respect of this proposal with no adverse equality impacts identified.

7. MANAGEMENT OF RISK

Due to locating systems and GPS identifying the location of a vehicle, device and in turn an individual, this policy has potential employee relations risks.

If the revised policy was not put in place reflecting the up-to-date uses of information from locating systems and current practice, managers might not be fully clear on what the data gleaned from a locating system can be used for. Any confusion around this could potentially result in an error being made and an employee relations difficulty arising.

The implementation of the revised policy will help to ensure consistent practice in relation to the use of locating systems making it fully clear who has access to the information and for what purpose, which should mitigate any risk to employee relations.

8. BACKGROUND PAPERS

None.

9. REPORT AUTHOR DETAILS

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ABERDEEN
CITY COUNCIL

**Use of Locating
Systems in Vehicles
and Devices Policy**

CONTENTS

1. Policy Statement

2. Scope

3. Core Principles

4. Policy Provisions

4.1 Informing Employees

4.2 What will the Information be used for?

4.3 Access to the Information

4.4 Storage of Data and Records

4.5 Retention of Data and Records

5. Review of the Policy

Appendix 1: Request to Access Recorded Data from a Locating System or Device

1. Policy Statement

As a responsible employer the Council seeks to use the most up-to-date technology to deliver high quality services to customers whilst supporting and protecting employees in respect of their health and safety. More employees are working 'smarter' through the application of flexible working options and many Services are adopting a mobile approach to service delivery with employees visiting sites or clients using handheld devices to complete their work, without having to return to the office. The Council is committed to making best use of resources and improving the customer and staff experience.

The ongoing development of technology means that it is possible to identify the location of a vehicle, device and in turn an individual through the use of Global Positioning Systems (GPS) in real time or retrospectively. GPS units may be fitted to vehicles and devices such as radios and mobile devices (eg, handhelds, telephones, tablets).

Various Services in the Council use locating systems and it is anticipated that more Services in the Council may introduce other similar technology in the future or 'switch on' this capability in existing electronic devices.

This policy sets out the reasons the Council uses locating systems and when and how the data from those systems will or could be used. It aims to make this a transparent process in order to maintain trust and protect the interests of employees and the Council in the course of delivering services.

2. Scope

This policy applies to all employees and workers of the Council (including Agency Workers).

3. Core Principles

- The primary uses of any locating system used by the Council are for employee health and safety, to manage service performance and in connection with any complaints received.
- Locating systems will not be used for monitoring the general whereabouts of employees aside for operational purposes as outlined in this policy. Before checking the location of an employee(s), the Manager must have due cause within the reasons identified in this policy.

- Where a performance or conduct issue arises with an employee (i.e. not minor), a 3rd Tier Officer or above may give authority to access a locating system and use specific GPS data in respect of the particular issue.
- Services must ensure that all relevant employees are informed about the scope and usage of any locating systems.
- In the event of any major functional changes to an existing system or plans to use a new locating system, the trades unions and relevant employees will be consulted prior to it being introduced.
- The Council undertakes at all times to adhere to the principles of good information handling within the Data Protection Act 1998, and the provisions of the Human Rights Act 1998.

4. Policy Provisions

4.1 Informing Employees

Where a locating system is in operation, or is to be introduced, there is a requirement on Services to ensure that all relevant employees are informed about the scope and usage of the system(s). This includes whether key fobs or tachographs (these provide links between GPS data and the personal information of an employee) are included in the equipment or vehicle the employee may use. Employees shall be informed of the existence of this policy and its provisions in respect of how it applies to their role and of how to access it.

New employees will be informed of the above as part of the induction process.

4.2 What will the Information be used for?

The primary uses of information recorded by any form of locating system is in relation to the **health and safety** (eg Lone Workers or Out of Hours Workers) to help ensure a safe and healthy work environment for employees, in relation to **managing service performance** (eg monitoring utilisation and efficiency or measuring compliance with legislation requirements) and in **connection with any complaints from the public**.

In addition, there may be occasions where the Council requires to access specific information concerning the performance and/or conduct of an employee where a management concern has arisen. Although this is not one of the main uses of the information recorded by a locating system it may be used for such a purpose. Where a specific check(s) is to be carried out, employees shall be directly informed of this unless to do so would be likely to prejudice the prevention or detection of crime or the apprehension or prosecution of offenders.

The table below shows the purpose of the information recorded by a locating system and what this information will/could be used for.

<i>Purpose - Type of Information</i>	<i>How this information may be used</i>
Health and Safety <ul style="list-style-type: none"> ○ Lone working ○ Locating employees when other forms of communication are lost ○ Breakdowns ○ Vehicle or equipment theft ○ Risk assessments ○ Accidents/Incidents 	<p>Enables a service to track the location of a vehicle and/or employee(s) where they have become un-contactable during the course of their duties during working hours, which could involve using real time information. Some devices may also have the function of a 'panic button' that can be used for health and safety purposes.</p> <p>Enables the location of the vehicle to be tracked in the event of a Council vehicle or equipment being stolen.</p>
Service Performance Management Information <ul style="list-style-type: none"> ○ Historic record of service performance ○ Vehicle usage and efficient routing ○ Target and divert resources to meet customer need ○ Operational constraints ○ Cost reduction ○ Carbon management planning ○ Vehicle usage /carbon footprint information. 	<p>Enables a service to review management information reports retrospectively or real time technical, financial and administrative data such as distances travelled, driving speeds, driving times, lost time (due to traffic) etc. This management information can be used to aid and improve service performance.</p> <p>Enables a service to manage and divert resources to meet customer needs and complete daily tasks, which could involve using real time information.</p>
Resolving Complaints <ul style="list-style-type: none"> ○ Details/information relating to a complaint received 	<p>Enables a service to review factual information relating to a complaint from a service user/member of the public, to assist in the provision of a response to the individual and in the resolution of the particular issue.</p>
Employee Information <ul style="list-style-type: none"> ○ As part of an investigation in relation to a specific performance and/or conduct issue. 	<p>Enables the Council to review factual information relating to an employee's location at a date(s) and/or time(s) (or an approximate timeframe). This would be in relation to a performance or conduct investigation.</p>
Tax Requirement <ul style="list-style-type: none"> ○ Record of vehicle use 	<p>Enables a service to provide factual information to demonstrate that a vehicle has not been used for personal purposes in connection with personal tax liabilities.</p>

4.3 Access to the Information

4.3.1 Service Management

Locating systems will differ across Services and as a result each Service will have different access requirements and information and reporting needs. Therefore, it is the responsibility of each Service to have local data management arrangements in place, including details of authorised users of the system in the particular Service. Some Services will access data on a 'real time' basis for health and safety purposes or in order to ensure that resources are effectively deployed on a daily basis. In addition, retrospective information may be used for monitoring and analytical purposes over a longer time period.

Where information is extracted from a system for the purpose of improving service delivery, it will be anonymised to ensure that there is no link to an employee in relation to specific records.

Where an issue or concern within the principles and provisions of this policy is raised and the system has the recorded data that relates to the issue or concern, access to the data will be via a written request (on the proforma detailed at Appendix 1) from the Officer seeking to access the data. This request must be submitted for authorisation by a 3rd Tier Officer or Head of Service or Director giving an explanation of the reasons the data is required which must be consistent with the principles and provisions of this policy. This authority will only be given in relation to information that pertains to the area of concern and the information request must be in relation to a date(s) and/or time(s) (or an approximate timeframe) and within the principles and provisions of this policy.

4.3.2 By an Investigating Officer

In the event of information being required from any locating system as part of an investigation concerning the performance or conduct of an employee, the Investigating Officer must have written authority from a 3rd Tier Officer or Head of Service or Director to access the requested information. This authority will only be given in relation to information that pertains to the investigation and the information request must be in relation to a date(s) and/or time(s) (or an approximate timeframe) and within the principles and provisions of this policy.

Each Service will retain records of the date upon which information was provided from a locating system in relation to an employee's performance or conduct and details of the person who accessed the system.

4.3.3 Subject Access Requests for Information

In accordance with the Corporate Data Protection Policy (available on the Zone or from Line Managers), and the Data Protection Act 1998, an employee can make a subject access request for the personal data which the Council holds about them.

4.3.4 Third Parties

Information obtained through any locating system, in relation to an employee, will not generally be released to a third party (this includes other employees, any freedom of information requests or requests from other public authorities), without the prior knowledge and consent of the employee concerned, except where such release is permitted or required by law.

4.4 Storage of Data and Records

In the event that information is extracted from a system and produced in an alternative format (e.g. paper, digital file) the records will be stored securely and will only be accessible to those with authority to access the data, in the particular Service.

4.5 Retention of Data and Records

Information obtained by any locating systems may be held on a readily accessible format for as long as is required (but will be reviewed after 6 months). Unless there is a legal or regulatory obligation, information is not normally retained for more than 6 months. Arrangements will be Service specific depending on local data requirements and how the locating system itself stores records.

Any records pertaining to an investigation will be stored in accordance with normal practices and the principles of the Data Protection Act 1998.

In the event that a record is, or seems likely to be, required in connection with court or legal proceedings, then approval should be sought from the Council's Data Controller to retain the records for an extended period of time as appropriate.

All records will be disposed of in accordance with the Council's Corporate Data Protection Policy and Procedure. Following an investigation, when the matter is concluded, all associated data will be destroyed and the employee concerned notified accordingly.

5. Review of the Policy

HR and Customer Service will review this policy every 3 years. However, it will be subject to continual review and amendment in light of experience of its operation. Changes will be made following the normal consultation arrangements with recognised trades unions.

Appendix 1
Request to Access Recorded Data from a Locating System or Device

Please ensure this request is within the principles and provisions of the Use of Locating Systems in Vehicles and Devices Policy.

This completed form should be submitted to a 3rd Tier Officer or Head of Service or Director for authorisation.

Name of Officer making request:

Service/Directorate:

Please provide details of the reasons of the request:

Please provide details of what specific information is requested including relevant date(s) and/or time(s) (or an approximate timeframe) and locating system or device:

Signed: Date:

Authorised? Yes/No	
If No, provide explanation:	

Signed: Date:

Job Title: