

## NOTICE OF MOTION – CLLR A KIRBY – EASY ACCESS TO COUNCIL RECORDINGS

### Executive Summary

At its meeting on 10 February 2022, the Council referred the following Notice of Motion to the Executive.

#### Councillor A Kirby

“Easy access to Council recordings

This Council resolves that all video recordings of public meetings of Council and its Committees will henceforth be made available for public viewing on demand, in perpetuity.

Archive recordings of all previously public meetings of Council and Council Committees will also be made available for public viewing on the same platform, wherever this is legally and technically possible.”

#### Officer Comment

“The Council began webcasting Council, Committee and Executive meetings in 2013/14 as a means of engaging a wider audience. There is no statutory requirement for an Authority to webcast their meetings; the minutes of the meetings provide the formal record of the decisions taken. The minutes of the meeting are kept in perpetuity.

Under the Council’s existing contract with the provider, the webcast of a meeting can be viewed live or as a recording for up to one year through the Council’s website. The Council has contacted other Surrey Authorities in respect of the availability of webcasts on their websites; Guildford Borough Council, Elmbridge Borough Council and Mole Valley District Council have confirmed they hold the information on their retrospective websites for a period of six months.

It should be noted that, since the adoption of webcasting, the Council has received fewer than 5 requests for recordings no longer available through the Council’s website. The Company providing the service can reinstate a recording after the year has expired, although at a cost. Since adopting the scheme, the Council has therefore retained a copy of the recordings for its own records and, in each of the cases where an old recording was requested, the Council was able to provide a copy in a DVD format. The Council has set a retention period of 4 years in respect of copies held in DVD format. The retention period accords with the period background documents to reports are held. The Council has committed to many long-term projects within the Borough and shall at the end of the 4 year retention period consider whether or not there is a need to retain the recording for a further period.

If following a meeting (or in the days / weeks following it) a complaint is received or, in the case of planning, an appeal anticipated, the recording may be downloaded and retained for the duration of that investigation.

GDPR (the General Data Protection Regulation) was enacted in 2018 and governs the way in which organisations can use, process, and store personal data (information about an identifiable, living person).

When an organisation records a video meeting, it will collect personal data and will become the data controller for that data. As such, the organisation has to comply with Article 5 of the Regulation, the principles of which apply to the recordings. The organisation must be in a position to be able to

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demonstrate that it has complied with all of the principles in order to carry out the recording lawfully. This includes ensuring that you collect only what you need, the recording is stored securely and access is limited, and that the recording is processed lawfully, fairly and in a transparent manner. All of the principles that apply to personal data will apply to the recording, and you need to be able to demonstrate that you complied with all of them in order to carry out the recording lawfully.

It has already been noted that there is no statutory requirement to webcast Council meetings. The Council must therefore consider whether the recordings represent data which the Council 'strictly' needs to retain, balancing this against the desire for transparency and compliance with GDPR. It is considered that the current arrangements are appropriate and transparent under the GDPR provisions; a permanent record of Council meetings is kept in the form of the adopted minutes.

It is clear that the data cannot be retained indefinitely under GDPR provisions and the Executive is therefore advised not to support the Motion to retain the recordings indefinitely. For the reasons, outlined above, the Executive is advised that the Motion may be supported as amended:

### *"Easy access to Council recordings*

This Council resolves that all video recordings of public meetings of Council and its Committees will continue to be made available for public viewing on demand in accordance with the Council's retention periods. The Council shall continue to keep its retention periods under review with particular regard being given to information held in respect of the Council's long-term projects.

Archive recordings of all previously public meetings of Council and Council Committees will also be made available on request wherever this is legally and technically possible. The Council shall ensure that residents are fully informed as to how they can access these recordings and that access to this information is available in a quick and simple manner."

**Background Papers:** None.

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