



51. Closed Circuit Television (CCTV) Policy and Code of Practice April 2015 - Amended May 2019

1. INTRODUCTION

1.1. The purpose of this policy is to regulate the management and use of the closed-circuit television (CCTV) system in Whitchurch town centre, Jubilee Park and the Civic Centre.

1.2. The system comprises of a number of fixed cameras located around the Town, Jubilee Park and the Civic Centre. All cameras are monitored from within the Civic Centre or a room at the rear of the Civic Centre, which is jointly used by West Mercia Police.

1.3. This CCTV scheme and policy is operated within the Information Commissioner's Code of Practice for CCTV 2008 and Surveillance Camera Code of Practice 2013 published by the Home Office.

1.4. This policy will be subject to annual review, which will include a review in respect of the effectiveness and necessity of the system.

1.5. The CCTV system is a digital system which is owned wholly by the Council, the town centre and Civic Centre systems are entirely closed systems with no wireless capability, but the Jubilee Park CCTV system has a wireless connection so that it can be viewed in the Civic Centre. The systems do not make audio recordings.

2. OBJECTIVES OF THE CCTV SCHEME

The CCTV system will be used to:

2.1. Help maintain an environment that supports the safety and welfare of persons living and visiting Whitchurch

2.2. Deter crime against persons and property.

2.3. Assist in the identification and prosecution of persons having committed an offence

3. STATEMENT OF INTENT

3.1. The CCTV Scheme will be registered with the Information Commissioner under the terms of the Data Protection Act 2018 and will seek to comply with the requirements both of the Data Protection

Act and the Commissioner's Code of Practice, as well as the Surveillance Camera Code of Practice 2013 published by the Home Office.

3.2. The Council will treat as data all CCTV recordings and relevant information.

3.3. Cameras will be used to monitor activities within the Town, Jubilee Park and the Civic Centre in line with the objectives of the scheme.

3.4. Static cameras are set as to not focus on private homes, gardens and other areas of private property.

3.5. Materials or knowledge secured as a result of CCTV will not be released to the media, or used for any commercial purpose, or for the purpose of entertainment. Recordings will only be released under the written authority from the Police, or in respect of a subject access request. The Police have access to the CCTV room at the rear of the Civic Centre and can download CCTV images as needed for their investigations.

3.6. The planning and design has endeavoured to ensure that the scheme will give maximum effectiveness and efficiency. It is not possible, however, to guarantee that the system will cover or detect every single incident taking place in the areas of coverage.

3.7. Warning signs, as required by the Code of Practice of the Information Commissioner have been placed at all access routes to areas covered by the school's CCTV.

4. OPERATION OF THE SYSTEM

4.1. The system will be administered by the Town Council and Council Staff in accordance with the principles and objectives expressed in the code.

4.2. The CCTV system will be in operation 24 hours each day, for every day of the year.

4.3. The Facilities Manager is to check, on a weekly basis, that the system is operating effectively and in particular that the equipment is properly recording and that cameras are functional. The system is to be regularly serviced and maintained. Defects are to be reported to the servicing company at the earliest convenient opportunity.

5. CONTROL OF SOFTWARE & ACCESS TO THE SYSTEM

5.1. Access to the CCTV software is to be strictly limited to authorised operators with a password.

5.2. Operators must satisfy themselves that all persons viewing CCTV material have a right to do so.

5.4. The CCTV Control Room must be kept secure.

5.5. Other administrative functions may include controlling and maintaining downloaded digital materials, and maintenance and system access logs.

6. MONITORING PROCEDURES

6.1. Camera surveillance may be maintained at all times.

6.2. Monitors are installed in the CCTV control room, reception desk and Facilities Manager's office.

7. DIGITAL IMAGES: PROCEDURES

7.1. Live and recorded materials may be viewed by authorised operators in investigating an incident and recorded material may be downloaded from the system in line with the objectives of the scheme.

7.2. Images (stills and footage) may be viewed by the Police for the detection of crime.

7.3. A record will be maintained of the release of images to the Police or other authorised applicants. A register will be available for this purpose

7.4. Viewing of images by the Police must be recorded in writing and in the log book. Requests by the Police can allowable under DPA 2018 section ???

7.5. Should images be required as evidence, the Police will be able to download the images required for Police use only. The Council retains the right to refuse permission for the Police to pass the images to any other person.

7.6. The Police may download images and retain them for possible use as evidence in the future.

7.7. Applications received from outside bodies (e.g. solicitors) to view or release images is to be referred to the Clerk. In these circumstances, images will normally be released where satisfactory documentary evidence is produced showing that they are required for legal proceedings, a subject access request, or in response to a Court Order. A fee may be charged at £10 in such circumstances, which is appropriate for subject access requests or the cost of a contractor extracting the information from the source.

7.8. Retention: Images will be retained for only as long as these are required. The system will automatically delete all recordings held on the main control units after approximately one month.

8. BREACHES OF THE CODE (including breaches of security)

8.1. Any breach of the CCTV Code of Practice by Council staff will be investigated by the Clerk, in order for him/her to take any appropriate disciplinary action

9. ASSESSMENT OF THE SCHEME AND CODE OF PRACTICE

9.1. Performance monitoring, including random operating checks, may be carried out by the Clerk or Facilities manager.

10. COMPLAINTS

10.1. Any complaints about the Council's CCTV system should be addressed to the Clerk

11. SUBJECT ACCESS AND FREEDOM OF INFORMATION

11.1. The Data Protection Act provides Data Subjects (individuals to whom "personal data" relates) with a right to data held about themselves, including those obtained by CCTV

11.2. Requests for Data Subject Access should be made in writing to the Clerk.

11.3. A request for Subject Access is to be charged at £10, which is the maximum allowable under the DPA

11.4. A request under the Freedom of Information Act 2000 will be accepted, when such a request is appropriate

CCTV Code of Practice

1. Introduction and Accountability

The Whitchurch Town Council has comprehensive closed-circuit television (CCTV) surveillance systems (the 'systems') for the purpose of the prevention and detection of crime and the promotion of health, safety and welfare of residents and visitors to Whitchurch.

The systems are owned by the Council and images from the system are strictly controlled and monitored by authorised personnel.

This policy has been prepared from the standards set out in the Information Commissioner's CCTV Code of Practice???? and the Surveillance Camera Code of Practice 2013 published by the Home Office. Its purpose is to ensure that the CCTV system is used to create a safer environment in Whitchurch and to ensure that its operation is consistent with the obligations on the Council imposed by the Data Protection Act 2018.

In line with the Home Office Code of Practice: A guide to the 12 principles the use of the system will:

1. always be for the purpose specified which is in pursuit of a legitimate aim and necessary to meet an identified pressing need
2. take into account its effect on individuals and their privacy
3. have as much transparency as possible, including a published contact point for access to information and complaints
4. have clear roles, responsibility and accountability for all surveillance activities including images and information collected, held and used
5. have clear rules, policies and procedures in place and these must be communicated to all users
6. have no more images and information stored than that which is strictly required
7. restrict access to retained images and information with clear rules on who can gain access
8. consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards
9. be subject to appropriate security measures to safeguard against unauthorised access and use
10. have effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with
11. be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value, when used in pursuit of a legitimate aim
12. be accurate and kept up to date when any information is used to support a surveillance camera system which compares against a reference database for matching purposes

The primary purpose of the system is to:

- help maintain an environment for residents and visitors to Whitchurch that supports their safety and welfare
- deter crime against persons, and property

- assist in the identification and prosecution of persons having committed an offence

2. Operation

The clerk is responsible for the operation of the CCTV system and for ensuring compliance with this policy. Breaches of the policy by staff monitoring the system may constitute matters of discipline under the relevant conditions of employment.

Any concerns in respect of the system's use or regarding compliance with this policy should be addressed to the clerk.

3. System

This code of conduct applies to the Civic Centre, Jubilee Park and town centre sites. It will also encompass all other CCTV images that, in due course, are added to the system.

The system is operational and images are capable of being monitored for 24 hours a day throughout the whole year.

Visitors and the general public are made aware of the presence of the system and its ownership by appropriate signage and the publication of this policy on the Council's website. Whitchurch Town Council is responsible for the management and processing of images.

To ensure privacy, wherever practicable the cameras are prevented from focusing or dwelling on domestic accommodation and this will be demonstrated on request to local residents. When installing new cameras or updating an existing system, Whitchurch Town Council will work with the professional CCTV installation company to make sure that cameras are not focussed or dwelling on domestic accommodation.

Images captured on camera will be recorded on the main CCTV servers which are held in a secure location. Although every effort has been made in the planning and design of the CCTV system to give it maximum effectiveness, it is not possible to guarantee that the system will detect every incident taking place within the area of coverage.

For the purposes of the Data Protection Act 2018, the Data Controller is Whitchurch Town Council and the Council is legally responsible for the management and maintenance of the CCTV system. No unauthorised access to the system is allowed at any time. Normal access is strictly limited to authorised staff and Police officer only.

In an emergency and where it is not reasonably practicable to secure prior authorisation, access may be granted to persons with a legitimate reason to access the CCTV system. Who would this be???

Before granting access to the CCTV system, controllers must satisfy themselves of the identity of any visitor and ensure that the visitor has the appropriate authorisation. All visitors will be required to complete and sign the visitors' log, which shall include their name, department or the organisation they represent, the person who granted authorisation for their visit (if applicable) and the start and finish times of their access to the CCTV system. Delete this paragraph???

It is recognised that the images obtained comprise personal data and are subject to the law on Data Protection. All copies will be handled in accordance with the procedures. The Clerk will be responsible for the development of, and compliance with, the working procedures of the system.

Copies of

digital images will only be made for the purposes of crime detection, evidence in relation to matters affecting safety, evidence for prosecutions, or where otherwise required by law.

All staff involved in the operation of the CCTV system will, by training and access to this policy, be made aware of the sensitivity of handling CCTV images and recordings.

Staff who are requested to access CCTV footage will be given training on how to use the systems and download information securely. No other member of staff will have access to CCTV.

4. Recordings

The system is supported by digital recording facilities which will function throughout operations in real time.

As the images are recorded digitally, the process of identifying retrieval dates and times will be computerised. Images will be cleared automatically after a set time, usually one month.

Unless required for evidential purposes or the investigation of crime, recorded images will be retained for no longer than 30 days from the date of recording. However, the Council recognises that, in accordance with the requirements of the Data Protection Act, no images should be retained for longer than is necessary. Accordingly, some recorded images may be erased after a shorter period, for example where it can be determined more quickly that there has been no incident giving rise to the need to retain the recorded images. Digital images will be automatically erased after a set period, which will be no longer than 30 days.

In the event of the digitally recorded image being required for evidence or the investigation of crime it will be retained for a period of time until it is no longer required for evidential purposes or any investigation into a crime has been completed.

5. Digital Recording and Access Procedures

All disks containing images having been downloaded by either Whitchurch Town Council staff or the Police. The images remain the property of Whitchurch Town Council but can be used by the Police for investigation and prosecution.

Requests by persons outside the Council for viewing or copying of disks or obtaining digital recordings will be assessed on a case by case basis.

Requests from the police will arise in a number of ways, including:

- requests for a review of recordings in order to trace incidents that have been reported
- immediate action relating to live incidents, eg immediate pursuit
- for major incidents that occur when images may have been recorded continuously
- individual police officers seeking to review recorded images on the monitor

Requests for access to recorded images from persons other than the police or the data subject (that is, the person whose image has been captured by the CCTV system) will be considered on a case by case basis. Access to recorded images in these circumstances will only be granted where it is consistent with the obligations placed on the Council by the Data Protection Act 2018 (DPA) and, in particular, with the purposes set out in Section [check section] of the DPA.

It is important that access to, and disclosure of, the images recorded by CCTV is restricted and carefully controlled, not only to ensure that the rights of individuals are preserved but also to ensure that the chain of evidence remains intact should the images be required for evidential purposes. Users of CCTV will also have to ensure that the reasons for which they may disclose copies of the images are compatible with the reasons or purposes for which they originally obtained those images. These aspects of the policy reflect the Second and Seventh Data Protection Principles of the Data Protection Act 1998.

All staff should be aware of the restrictions set out in this policy in relation to access to, and disclosure of, recorded images.

Access to recorded images will be restricted to staff who need to have access in order to achieve the purposes of using the equipment.

All access to the disks on which images are recorded will be documented. Whitchurch Town Council staff will only need to download images when requested by the Clerk, for use as evidence against anti-social behaviour and/or any civil offence, ie, damage to property.

Disclosure of the recorded images to third parties will be made only in the following limited and prescribed circumstances and to the extent required or permitted by law:

- law enforcement agencies where the images recorded would assist in a specific criminal inquiry
- prosecution agencies
- relevant legal representatives
- people whose images have been recorded and retained and disclosure is required by virtue of the Data Protection Act 1998

All requests for access or disclosure will be recorded. The Clerk will make decisions on access to recorded images by persons other than police officers. Requests by the police for access to images will not normally be denied and can be made without the above authority, provided they are accompanied by a written request signed by a police officer who must indicate that the images are required for the purposes of a specific crime enquiry.

If access or disclosure is denied, the reasons will be documented.

If access to or disclosure of the images is allowed then the following will be documented:

- the date and time at which access was allowed or the date on which disclosure was made
- the reason for allowing access or disclosure
- the extent of the information to which access was allowed or which was disclosed

Appropriate forms are to be used to document routine disclosure to the Police. OR A SLA will be signed between West Mercia Police and Whitchurch Town Council for the access to CCTV images and the need for the Police to download images. This will alleviate the need to provide a written request on every occasion that the Police need to access CCTV images.

Requests for non-Police disclosures are to be forwarded to the Clerk.

All staff involved in monitoring or handling image data are to proceed in accordance with the following protocol in respect of data subject access requests.

Data subjects are to be asked to put in writing to the Clerk any requests for access. Individuals should provide:

- dates and times when they visited the Town and their location; for example which specific area or building
- either a cheque or cash to the sum of £10.00 for which a receipt will be issued.

The data subject will be asked whether they would be satisfied with merely viewing the images recorded.

A written decision on their request is to be sent to the data subject within 21 days and, if access to the images is to be provided (see below for circumstances when it may be refused), such access will be provided within 40 days of the Council receiving the request or, if later, the date when the Council receives the identification evidence from the data subject.

The procedure outlined above and the use of the subject access request form complies with Section 7 [check section] of the Data Protection Act 2018, enabling the Clerk to inform individuals as to whether or not images have been processed by the CCTV system. The Council is not obliged to comply with a request under this section unless it is supplied with such information as it may reasonably require in order to satisfy itself as to the identity of the person making the request and to locate the information which that person seeks.

Where the Council cannot comply with the request without disclosing information relating to another individual who can be identified from that information it is not obliged to comply with the request, unless:

- the other individual has consented to the disclosure of the information to the person making the request, or
- it is reasonable in all the circumstances, including having consideration to child protection, to comply with the request without the consent of the other individual

6. Photographs and hard copy prints

Photographs and hard copy prints taken from digital images are subject to the same controls and principles of Data Protection as other data collected. They will be treated in the same way as digital images.

At the end of their useful life all computer disks, still photographs and hard copy prints will be disposed of as confidential waste.

This code of practice will be reviewed annually to assess its implementation and effectiveness and it will be promoted and implemented throughout the Council.

Date of Next Review: May 2020