



## CCTV POLICY

|                           |                                                                                                                                                                                                                                                                                                                 |
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| <b>Title</b>              | CCTV Policy                                                                                                                                                                                                                                                                                                     |
| <b>Lead Officer</b>       | Data Protection Officer                                                                                                                                                                                                                                                                                         |
| <b>Version</b>            | 1.0 - Policy<br>2.0 - Amendment to Appendix 1 - Mobile (re-deployable) CCTV cameras - February 2017<br>3.0 - Update to Purpose and Objectives<br>4.0 - Review of Policy - February 2019<br>5.0 - Update to type of CCTV - September 2023<br>6.0 - Update 'Operational' section to include Police DAMS - June 24 |
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## Contents

|                                              |   |
|----------------------------------------------|---|
| 1. MANAGING THE POLICY.....                  | 3 |
| 2. INTRODUCTION.....                         | 3 |
| 3. PURPOSE AND OBJECTIVES.....               | 3 |
| 4. ROLES AND RESPONSIBILITIES.....           | 4 |
| 5. USE OF CCTV IN THE TOWN.....              | 4 |
| 6. OPERATION.....                            | 4 |
| 7. SUBJECT ACCESS REQUESTS.....              | 6 |
| 8. FREEDOM OF INFORMATION.....               | 6 |
| 9. REVIEW.....                               | 7 |
| 10.SURVEILLANCE CAMERA CODE OF PRACTICE..... | 7 |
| 11.TYPE OF CCTV.....                         | 9 |

## **MANAGING THE POLICY**

### **1.1 Compliance**

This policy applies to all staff, whether permanent or temporary, Members, Police and contractors.

### **1.2 Advice and Training**

If you do not understand anything in this policy or feel you need specific training to comply with it you should bring this to the attention of your manager.

The Responsible Officer is able to provide further advice in respect of this policy.

### **1.3 Equality and Diversity**

Every policy must consider equality and identify any potential barriers or discrimination faced by people protected by equality legislation.

## **INTRODUCTION**

2.1 This policy sets out how the council will operate and maintain CCTV across the Town

## **PURPOSE AND OBJECTIVES**

3.1 The purpose of this policy is to ensure the management, operation and use of CCTV is regulated to ensure consistency and compliance with relevant legislation.

3.2 The Policy takes into account the:

- Surveillance Camera Code of Practice and associated guidance from the Surveillance Camera Commissioner  
CCTV Code of Practice issued by the Information Commissioner's Office (ICO)
- Following documents issued by the Home Office in October 2016:
  - o Technical Guidance for Body Worn Video Devices
  - o Safeguarding body Worn Video Data
- Requirements for processing personal data as set out in the General Data Protection Regulation (GDPR) and Data Protection Act 2018
- Right to privacy as set out in Article 8 of the Human Rights Act 1998
- Regulation of Investigatory Powers Act 2000 (RIPA)
- Crime and Disorder Act 1998

- 3.3 All associated information, documents and recordings obtained by CCTV must be held and used in accordance with data protection legislation, the ICO's CCTV Code of Practice and the Surveillance Camera Code of Practice
- 3.4 Images obtained from CCTV recordings will not be used for any commercial purpose. Recordings will only be released to the media for use in an investigation of a crime provided the written consent of the Police has been given. Recordings will not be released to the media for entertainment purposes
- 3.5 Archived CCTV images will not be kept for longer than is necessary for the purpose of Police or council evidence. Images no longer required will be securely disposed of and such disposal will be recorded on the council's Disposal Log

## **ROLES AND RESPONSIBILITIES**

- 4.1 This section sets out the roles and responsibilities of staff in relation to the effective operation of CCTV.
- 4.2 The CEO is responsible for ensuring compliance with the policy in relation to all CCTV operated by or on behalf of the council
- 4.3 The CEO as Data Protection Officer is responsible for ensuring compliance with the GDPR, Data Protection Act and Regulation of Investigatory Powers Act in relation to the processing of images and the use of any covert CCTV.
- 4.4 All staff, including temporary and contractors, and Members are responsible for complying with this policy.
- 4.5 The council is a Data Controller for the purposes of data protection legislation

## **USE OF CCTV IN THE TOWN**

- 5.1 Predominantly the council will use CCTV for the purpose of reducing and detecting crime and anti-social behaviour as well as ensuring the health and safety of the public and its staff.
- 5.2 The use of CCTV in the Town should always be for a specific purpose and clear signage indicating CCTV is in operation will be provided in a prominent place.
- 5.3 CCTV on the civic site, including the Alexandra Suite and Olympic and Swanley Park, may be used for the purpose of staff training and in relation to disciplinary matters where necessary.

## **OPERATION**

- 6.1 CCTV in sites is subject to live monitoring.

- 6.2 Images at the civic centre and other council owned sites are recorded but may not monitored in real time.
- 6.3 Images are recorded and retained for up to 31 days unless they are required for an ongoing investigation. Where footage is required for an investigation a copy will be held for up to one year, or such other time period as may be necessary to progress the investigation.
- 6.4 Recorded information is held on digital recorders or in secure computer files with access restricted to nominated council staff or SIA certified contractors. Recorded images will only be viewed in secure monitoring centres or in offices with restricted access.
- 6.5 All requests to access or view recorded images from the town centre or top of to town should be made direct to [towncouncil@swanleytowncouncil.gov.uk](mailto:towncouncil@swanleytowncouncil.gov.uk) with the subject 'CCTV Request' and addressed to the CEO.
- 6.6 Requests to access or view recorded images from the council offices, yard or other sites can also be made through the CEO directly.
- 6.7 All access to CCTV images will be logged on the appropriate form in the CCTV Compliance Management and Evidence Download Manual. A copy of this manual will be made available at each CCTV location.
- 6.8 All requests for access to recorded images must be logged. This applies to requests from members of staff or third parties, for example, the Police. Requests from individuals for a copy of their personal data, including recorded images, will be considered as a subject access request under the GDPR. Section 7, below, relates to such requests.
- 6.9 In order to ensure the preservation of images for evidential purposes, the following will apply:
- CCTV requests from the police will be sent to the central email [towncouncil@swanleytowncouncil.gov.uk](mailto:towncouncil@swanleytowncouncil.gov.uk) and will include a DAMS link
  - This link will open an online portal to which CCTV files can be uploaded.
  - At the point the evidence is submitted via DAMS and received by the police they become the data controller
  - CCTV requests from the police must include the following information: date, time, location of reported incident, details of offence under investigation and any additional information that the CEO may insist upon
- 6.10 CCTV may not be used for the routine monitoring of any individual (staff or external person), or events on town council premises, unless such activity is related to a disciplinary or criminal investigation. In advance of any disciplinary action, an employee must be made aware they are being monitored for such purposes.
- 6.11 Still photographs of CCTV images must not be taken as a matter of routine. The taking of each photograph must be capable of justification (for example for the prevention or detection of crime and anti-social behaviour) and only done so

with the permission from the immediate person in charge of the CCTV system i.e the line manager or senior member of staff.

### **SUBJECT ACCESS REQUESTS**

7.1 The GDPR provides individuals with the right to access a copy of their personal data held by the council. This includes the right to access a copy of CCTV images.

7.2 Subject access requests should be forwarded to the CEO as Data Protection Officer for processing.

### **FREEDOM OF INFORMATION**

8.1 As a public authority, the council may receive requests for a copy of recorded information under the Freedom of Information Act 2000 (FOI). If a request for a copy of a CCTV recording is made the following will be considered:

- Is the information the personal data of the requester? If so disclosure is exempt under FOI, but the request will be considered as a subject access request under the GDPR.
- Is the information the personal data of individuals other than the requester? If so, it is likely to fall under the exemption for personal data unless disclosure would not breach the GDPR principles.

8.2 Requests may also be received regarding the CCTV itself – for example the siting and operation of cameras or the costs associated with using and maintaining them.

8.3 Information following such a request would be released unless a valid exemption Applied

8.4 All requests made under FOI should be referred to the Data Protection Officer.

## **REVIEW**

9.1 All uses of CCTV should be reviewed on an annual basis to ensure:

- There is still a legitimate reason to maintain the CCTV
- The CCTV cameras continue to provide images of sufficient quality
- Signage remains up to date and relevant

9.2 If it is determined additional cameras are necessary, either to supplement existing CCTV or to cover another area, a Data Protection Impact Assessment (DPIA) must be completed by the CEO and approved by Councillors

9.3 The Surveillance Camera Commissioner has provided a data protection impact assessment for surveillance camera systems <https://www.gov.uk/government/publications/data-protection-impactassessments-for-surveillance-cameras> which must be completed whenever any changes to a system are being considered, including adding or removing cameras, changes to location and system upgrades.

## **SURVEILLANCE CAMERA CODE OF PRACTICE**

10.1 The Surveillance Camera Code of Practice was issued in 2013 following the introduction of the Protection of Freedoms Act 2012 and further updated in 2014. The Code provides guidance on the appropriate and effective use of surveillance camera systems.

10.2 The council is a relevant authority as defined by Section 33 of the Protection of Freedoms Act and, therefore, must have regard to the code.

10.3 The code applies to the use of surveillance camera systems that operate in public places, regardless of whether or not there is any live viewing or recording of images or information or associated data.

10.4 The code provides 12 guiding principles which the council has adopted. These are:

1. Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need
2. The use of a surveillance camera system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified
3. There must be as much transparency in the use of a surveillance camera system as possible, including a published contact point for access to information and complaints
4. There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used
5. Clear rules, policies and procedures must be in place before a surveillance camera system is used and these must be communicated to all who need to comply with them
6. No more images and information should be stored than that which is strictly required for the stated purpose of a surveillance camera system and such images and information should be deleted once their purposes have been discharged
7. Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes
8. Surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards
9. Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use
10. There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice and regular reports should be published

11. When the use of a surveillance camera system is in pursuit of a legitimate aim and there is a pressing need for its use, it should then 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
12. Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date

### **TYPE OF CCTV**

The following types of CCTV may be used by the council:

#### **CCTV Cameras on the council's sites:**

The use of CCTV cameras on the council's sites are currently restricted to the following areas:

- Reception areas
- Bar Areas
- Splash Area
- Front Doors
- Back Doors
- Main gates
- Rear Communal Areas
- Concession Areas (railway, café)

#### **CCTV cameras at the Alexandra Suite**

CCTV cameras at the Alexandra Suite are installed for the purpose of reducing and detecting crime and anti-social behaviour and for the health and safety of staff, visitors and contractors. Images may be viewed where necessary in relation to disciplinary matters.

#### **CCTV cameras at other council owned sites:**

CCTV cameras at The Olympic and Swanley Park are for the purpose of reducing and detecting crime and anti-social behaviour and for the health and safety of staff, visitors and contractors.

#### **Body Worn Video Cameras (BWV):**

BWV cameras are currently used by the Park Rangers. Such use is intended for the safety of staff and the public as well as the reduction and detection of crime and anti-social behaviour and images may be used in evidence. Footage from these cameras may also be used for staff training and investigating complaints where necessary.

#### Mobile (re-deployable) CCTV cameras:

The council may make use of re-deployable CCTV cameras for the reduction and detection of crime and anti-social behaviour (primarily fly-tipping investigations), which can be used in various locations throughout the borough as necessary. Siting of these cameras will normally be accompanied with clear signage indicating that CCTV is in operation. However, on occasion, it may be necessary to deploy the mobile camera covertly. Further information on covert CCTV can be found below.

#### Covert CCTV monitoring:

Any use of covert CCTV monitoring will be undertaken in accordance with the requirements set out in the Regulation of Investigatory Powers Act 2000 (RIPA). RIPA requires that due consideration is given to the proportionality and necessity of any covert activity and that regard is given to the rights of individuals under Article 8 of the Human Rights Act (the right to privacy).

#### Automatic Number Plate Recognition (ANPR):

The council does operate ANPR for the purpose of parking at Swanley Park and the Alexandra Suite.

#### Remotely Operated Vehicles (Drones):

The council may use drones to gather information for flood maps and flood risk situations, emergency response, Fire and Rescue, severe weather, roads and infrastructure development.

#### Chinese CCTV brands Hikvision and Dahua

Currently, like most authorities we have installed a CCTV system which is owned by Chinese firm Hikvision. We will follow all government advice regarding this installed infrastructure and will react accordingly. When the system lease expires we will endeavour to install an alternative system which does not pose potential risks or concerns to the Council.