



## Cuxton Parish Council CCTV Policy

### Policy Overview

The Purpose of this policy is to regulate the management, operation and use of the CCTV system (Closed Circuit Television) installed by Cuxton Parish Council.

The power for a parish council to install CCTV and other surveillance equipment is conferred under Local Government and Rating Act 1997 s.31:

“A parish council or community council may, for the detection or prevention of crime in their area – (a) install and maintain any equipment, (b) establish and maintain any scheme, or (c) assist others to install and maintain any equipment or to establish and maintain any scheme.”

The Council also has a duty to consider crime and disorder implications of their functions, under the Crime and Disorder Act 1998 s.17:

“It shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonable can to prevent, (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and (b) the misuse of drugs, alcohol, and other substances in its area; and (c) re-offending in its area.”

Under Article 8 of the European Charter on Human Rights (enshrined in Human Rights Act 1998 Sch.1), an individual has the qualified right to respect for private and family life and the rights of the individual are protected further with regard to CCTV surveillance through Section 33 of the Protection of Freedoms Act 2012, which states that a relevant authority must have regard to the surveillance camera code when exercising any functions to which the code relates. The surveillance camera code sets out 12 principles that have been thoroughly considered, and incorporated, in the creation of this policy.

The use of CCTV falls also within the scope of the General Data Protection Regulation and the Data Protection Act (DPA) 2018. This policy is therefore designed to address both the powers and obligations of the Parish Council, and the legislation protecting the rights of individuals, with particular regard to the principles of the Data Protection Act 2018, in order to ensure that the Council’s use of CCTV and other surveillance technologies is lawful, safe and reasonable.

### 1. Purpose

A CCTV system is installed externally at Cuxton Recreation Ground, Bush Road Cuxton, as the most effective, proportionate and transparent method of achieving the intended aims. The CCTV is in continual operation and is intended for the purposes of:

- Protecting Parish Council buildings and assets

- Promoting the safety of staff and visitors
- Preventing bullying and/or intimidation by individuals and/or groups
- To reduce crime & anti-social behaviour
- Supporting the police in a bid to deter and detect crime.
- Assisting in identifying, apprehending and prosecuting offenders

## **2. Data Protection Statement**

- The CCTV system is owned and maintained by the Parish Council.
- The Parish Council is both the data owner and data controller.
- The Parish Clerk is the System Manager, responsible for the development and operation of the system.
- The Data Controller / Owner shall have overall ownership for the surveillance systems in place, with the System Manager(s) having responsibility for ensuring that proper governance arrangements are in place.
- The introduction of, or changes to, CCTV monitoring arrangements will be subject consultation with members of the Parish Council.
- Access to stored images will be controlled on a strictly restricted basis.
- Use of images, including the provision of images to a third party, will be in accordance with the Council's Data Protection registration.
- CCTV may be used to monitor the movements and activities of staff and visitors whilst on the premises and may be used, where appropriate, as part of staff counselling, disciplinary or grievance procedures, code of conduct queries or parishioner complaints.
- External signage is displayed on the premises stating of the presence of CCTV and indicating the names of the Data Controllers and a contact number during office hours for enquiries.
- Cuxton Parish Council's CCTV is registered with the Information Commissioner Office (ICO) and pay an annual fee under the requirements of the Data Protection Act 2018 and the General Data Protection Regulation (GDPR) 2016/679
- The system manager and nominated Parish Councillors have received training in the operation of the system.
- The need for, and system specifications of, the CCTV system will be regularly reviewed to ensure that they remain justified in meeting the stated purposes.
- This policy will be regularly reviewed and a copy available on the Parish Council website.

## **3. Location of Cameras**

The cameras in the system are sited so that they only capture images relevant to the purposes for which they have been installed, and care will be taken to ensure that reasonable privacy expectations are not violated. The Parish Council will ensure that the location of future equipment is carefully considered to ensure that the images captured continue to comply with the legislation.

While the placement of the cameras has been selected to ensure that the system will give maximum effectiveness and efficiency, it is not guaranteed that the system will cover or detect every single incident taking place in the areas of coverage. Video monitoring of public areas for security purposes within the Parish Council is limited to uses that do not violate the individual's reasonable expectation to privacy.

In the recreation ground, there are currently nine cameras, visibly mounted on two CCTV poles, recording images of activity within Parish Council-owned land only. The system has been installed by a professional CCTV company, is regularly reviewed and is covered by a maintenance contract to ensure that it is working as expected.

#### **4. CCTV Signage**

It is a requirement of the Data Protection Act to notify people entering a CCTV protected area that the area is monitored by CCTV and that pictures are recorded. The Parish Council is to ensure that this requirement is fulfilled. The CCTV sign should include the following:

- That the area is covered by CCTV surveillance and pictures are recorded.
- The purposes of using CCTV.
- The name of the Parish Council.
- The contact telephone number or email address for enquiries.

#### **5. Storage and retention of CCTV images**

Images from cameras are recorded on a secure hard drive and held for up to thirty days.

As a default, all images captured shall be deleted without review, unless the system manager is satisfied beforehand that there is a legitimate reason, for it being accessed and viewed. Recordings which are not required are automatically overwritten.

#### **6. Access to CCTV images**

It is important that access to, and disclosure of, images recorded by CCTV and similar surveillance equipment 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.

Access to stored images is restricted to the System Manager, and the Police where appropriate. Where footage is extracted for the purposes of passing this to a third party (e.g., the Police or a school for the identification of an offender) the Council shall ensure this complies with any data protection legislation, and its Privacy Policy. The Council shall also take reasonable steps to ensure the third party has in place practices and procedures to comply with data protection regulations. (Data Protection Act 2018).

Where another third party, such as a person whose property has been damaged, requests the disclosure of images, such requests will be approached with care and in accordance with the Human Rights Act 1998, and with a view to the guidance set out in para. 4.7.4-4.7.6 of the Surveillance Camera Code of Practice 2013.

## **7. Access Requests by data subjects**

This is a right of access under the 1998 Act, the GDPR and the DPA 2018. Access to recorded images is restricted to the System Manager, who will decide whether to allow requests for access by data subjects.

Requests must be made using the CCTV Access Request Form (see below), and the data subject needs to provide enough information so that they can be identified in the footage, such as a specific date and time, proof of their identity etc. Any footage provided may be edited to protect the identities of any other people.

The CCTV Access Request Form will record:

- The name of the person removing from secure storage, or otherwise accessing, the recordings
- The date and time of removal of the recordings
- The name(s) of the person(s) viewing the images (including the names and organisations of any third parties)
- The reason for the viewing
- The outcome, if any, of the viewing
- The date and time of replacement of the recordings

## **8. Removal of Images for Use in Legal Proceedings**

In cases where recordings are removed from secure storage for use in legal proceedings, the following must be documented:

- The name of the person removing from secure storage, or otherwise accessing, the recordings
- The date and time of removal of the recordings
- The reason for removal
- Specific authorisation of removal and provision to a third party
- Any crime incident number to which the images may be relevant
- The place to which the recordings will be taken
- The signature of the collecting police officer, where appropriate
- The date and time of replacement into secure storage of the recordings

## **9. Access to Images by Third Parties**

Requests for access to images will be made using the 'Application to access to CCTV images' form (see below). The data controller will assess applications and decide whether the requested access will be permitted. Release will be specifically authorised.

Disclosure of recorded images to third parties will only be made in limited and prescribed circumstances. For example, in cases of the prevention and detection of crime, disclosure to third parties will be limited to the following:

- Law enforcement agencies where the images recorded would assist in a specific criminal enquiry
- Prosecution agencies
- Relevant legal representatives
- The press/media, where it is decided that the public's assistance is needed in order to assist in

the identification of victim, witness or perpetrator in relation to a criminal incident. As part of that decision, the wishes of the victim of an incident should be considered.

- People whose images have been recorded and retained (unless disclosure to the individual would prejudice criminal enquiries or criminal proceedings)

Where images are to be used for law enforcement and criminal proceedings, the data controller will ensure that there is an audit trail of all images used, and that such images are available in a readily exportable format without the loss of forensic integrity.

All requests for access or for disclosure should be recorded. If access or disclosure is denied, the reason should be documented as above.

### **10. Disclosure of Images to the Media**

If it is decided that images will be disclosed to the media (other than in the circumstances outlined above), the images of other individuals must be disguised or blurred so that they are not readily identifiable.

If the CCTV system does not have the facilities to carry out that type of editing, an editing company may need to be used to carry this out. If an editing company is used, then the data controller must ensure that there is a contractual relationship between the two parties and that all necessary protective measures are in place to ensure the security of the images.

### **11. Procedure for Access by Data Subjects**

All requests for access by Data Subjects will be dealt with by the System Manager, who will locate the images requested.

The system manager will determine whether disclosure to the data subject would entail disclosing images of third parties and will need to determine whether the images of third parties are held under a duty of confidence.

The System Manager will provide a written response to the data subject within 30 days of receiving the request setting out decision on the request. A copy of the request and response should be retained.

### CCTV Access Request Form

ALL Sections must be fully completed. Attach a separate sheet if needed.

Name and address of Applicant	
Name and address of "Data Subject" – i.e. the person whose image is recorded.	
If the data subject is not the person making the application, please obtain a signed consent from the data subject.	Data Subject signature:
If it is not possible to obtain the signature of the data subject, please state your reasons.	
Please state your reasons for requesting the image	
Date on which the requested image was taken.	
Time at which the requested image was taken.	
Location of the data subject at time image was taken (i.e. which camera or cameras)	
Full description of the individual, or alternatively, attach to this application a range of photographs to enable the data subject to be identified by the operator	
Please indicate whether you (the applicant) will be satisfied by viewing the image only.	

On receipt of a fully completed application, a response will be provided as soon as possible and in any event within 30 days.

<b>Council Use Only</b>			
Access Granted ? (tick)	<input type="checkbox"/>	Access not Granted? (tick)	<input type="checkbox"/>
Reason for not granting access:			
System Managers Name: Signature: Date:			