

# NEWTON UPON DERWENT PARISH COUNCIL

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## CCTV POLICY

This document is to be adhered to, in conjunction with the Surveillance Camera Commissioners Code of Practice for Councillors, which can be viewed at the end of the document.

### 1. Introduction

1.1 This Policy is to control the management, operation, use and confidentiality of the CCTV system at unfixed locations around the parish of Newton upon Derwent.

### 2. Legislation

2.1 The Protection of Freedoms Act 2012 introduced legislation governing the use of surveillance camera systems that monitor public space. This included:

- The Surveillance Camera Code of Practice (2013) and The Surveillance Camera Commissioner whose role it is to encourage compliance, review operations and provide advice about the code.
- Section 33(5) places Local Authorities on a list of 'relevant authorities' who MUST pay due regard to the code.

The requirement to comply with the code applies to all surveillance camera systems used by the authority.

The code sets out 12 principles for the operation of surveillance camera systems. Each system should:

1. Have a defined purpose and legitimate aim
2. Not impinge on an individual's privacy or human rights
3. Be operated transparently so people know they are being monitored
4. Be operated with good governance
5. Have clear policies, rules and procedures in place
6. Store no more images/data than strictly required
7. Have safeguards in place in relation to who can view images/data
8. Meet relevant and approved standards
9. Ensure images/data are stored securely
10. Review systems regularly (at least annually)
11. Be effective in supporting law enforcement
12. Databases used for matching purposes should be accurate and up to date

2.2 The Information Commissioner's Office CCTV Code of Practice Version 1.2 20170609 aims to ensure that good practice standards are adopted by those who operate CCTV. The provisions as set out within the Code remain within the current legislation as well as promoting public confidence by demonstrating that the Parish Council takes their responsibility seriously.

2.3 All authorised operators and council members with access to images are aware of the procedures that must to be followed when accessing the recorded images. All council members are aware of the restrictions in relation to access to, and disclosure of, recorded images.

2.4 The CCTV Scheme is registered with the Information Commissioner under the terms of the General Data Protection Regulation (GDPR) 2018. The use of CCTV and the associated images is covered by the Data Protection Act 2018 (DPA18) which replaced the Data Protection Act 1998 (following royal assent). This policy outlines the Council's use of CCTV and how it complies with the Act.

### 3. Statement of Purpose

3.1 To provide a safe and secure environment for the benefit of those who might visit, work or live in the area. The system will not be used to invade the privacy of any individual, except when carried out in accordance with the law.

3.2 The scheme will be used for the following purposes:

- to reduce the vandalism of property and to prevent, deter and detect crime and disorder;
- to deter potential dog fouling around the village and other open spaces;
- to assist the police, the Parish Council and other Law Enforcement Agencies with identification, detection, apprehension and prosecution of offenders by examining and using retrievable evidence relating to crime, public order or contravention of bye-laws;
- to deter potential offenders by publicly displaying the existence of CCTV, having cameras clearly sited that are not hidden and signs on display .
- to assist all “emergency services” to carry out their lawful duties.

It is not the intention of the Council to continuously monitor the CCTV images.

### 4. Responsibilities of the owners of the CCTV system

4.1 Newton upon Derwent Parish Council retains overall responsibility for the scheme. Details of responsibilities of the Nominated Councillor in the operation of the CCTV system are detailed below.

### 5. Management of the System

5.1 Copies of the CCTV Policy are available in accordance with the Freedom of Information Act, as will any reports that are submitted to the Parish Council providing it does not breach security needs.

5.2 Any written concerns or complaints regarding the use of the system should be submitted to the Parish Clerk and will be considered by the Parish Council.

5.3 Day to day operational responsibility rests with the Nominated Councillor or in his/her absence the Chairman on the Council.

5.4 The position of cameras will be determined by the observation of breaches in bylaws or occurrences of public disturbance, vandalism, dog fouling etc and agreed by the Parish Council.

5.6 Digital records should be securely stored to comply with the Data Protection Act. Only the Nominated Councillor or in his/her absence the Chairman of the Council or an authorised Police Officer will have access to the video images. The Nominated Councillor is to keep a record of when the video storage system is accessed and at whose request.

5.7 Access to the stored images will only be made for law enforcement purposes or as part of a Subject Access Request (SAR). Details of how to make a SAR can be found in section 5.9 of this policy.

5.8 Storage of the digital images will be kept available for no more than 31 days. While retained, the integrity of the recordings will be maintained to ensure their evidential value and to protect the rights of the people whose images have been recorded. It is expected that any images required by law enforcement agencies will have been provided before the erasure of the images from the system. The Nominated Councillor should on a regular basis check the accuracy of the date/time displayed on the images and ensure correctly timed erasure of images.

5.9 Individuals have the right to request access to CCTV footage relating to themselves under the Data Protection Act. Any request from a member of the public to view their own recorded images must be made in writing as a Subject Access Request to the Parish Clerk (Appendix B). Individuals submitting requests for access will be asked to provide sufficient information to enable the footage relating to them to be identified. For example, date, time and location.

5.10 The Nominated Councillor is to confirm the identity of the applicant by means of a valid passport, driving licence or similar government produced identity document. A standard fee for retrieving the images is payable, currently ten pounds. The images will normally be provided within 31 days of making the request. The council will use appropriate image editing software to protect the identity of those persons shown in the image, but not covered within the Subject Access Request themselves.

5.11 The Council reserves the right to refuse access to CCTV footage where this would prejudice the legal rights of other individuals or jeopardise an on-going investigation.

5.12 Any event that requires checking of recorded data should be clearly detailed in the log book of incidents, including Crime Nos. if appropriate, and the Council notified at the next available opportunity.

5.13 Any requests pertaining to Newton upon Derwent Council's CCTV system should be made in writing to the Parish Clerk.

5.14 Breaches of this policy should be reported to the Parish Council in writing and will be investigated by the Parish Clerk. Where it is considered that it is the Parish Clerk or Chair of the Council who has breached the policy, at least two members of the Council will investigate any complaint of this nature.

Adopted by Full Council

**Date:**

**Authorised operatives of the Parish Council CCTV system:**

1. Vikki Houlston, Parish Councillor/Nominated Councillor
2. Trevor Horsley, Chairman of the Parish Council
3. Michael Readman, Parish Councillor
4. Matt Robinson, Parish Councillor
5. Peter Wheeler, Parish Councillor
6. Lynn Hill, Clerk to Newton Upon Derwent Parish Council

<b>Version History</b>	<b>Last Reviewed</b>	<b>Review Due</b>	<b>Review Completed By</b>
v0.1 May 2018			

## Appendix A

### Checklist

This CCTV system and the images produced by it are controlled by the Nominated Councilor who is responsible for how the system is used and for notifying the Information Commissioner about the CCTV system and its purpose (which is a legal requirement of the Data Protection Act 2018).

Newton upon Derwent Parish Council has considered the need for using CCTV and has decided that it is required for the prevention and detection of crime and to deter dog fouling. It will not be used for other purposes. The Council conducts an annual review of its use of CCTV.

	Checked (Date)	By	Date of Next review
Notification has been submitted to the Information Commissioner and the next renewal date recorded.			
There is a named individual who is responsible for the operation of the system.			
A system had been chosen which produces clear images which the law enforcement bodies (usually the police) can use to investigate crime and these can easily be taken from the system when required.			
Cameras have been sited so that they provide clear images.			
There are visible signs showing that CCTV is in operation, including who is responsible for the system and contact details			
Images from this CCTV system are securely stored, where only a limited number of authorised persons may have access to them.			
The recorded images will only be retained long enough for any incident to come to light (e.g. for a theft to be noticed) and the incident to be investigated.			
Except for law enforcement bodies, images will not be provided to third parties.			
The organisation knows how to respond to Individuals making requests for copies of their own images. If unsure the Parish Clerk knows to seek advice from the Information Commissioner as soon as such a request is made.			
Regular checks are carried out to ensure that the system is working properly and produces high quality images.			

## Appendix B

### CCTV Access Request Form

Date of Recording:	Place of Recording:	Time of Recording:	
Applicants Name and Address  Post Code:                      Tel.No:		Description of Applicant and any distinguishing features (e.g. clothing)	
Signature of Applicant  (or parent/guardian if under 18)		A recent photograph may be necessary to aid identification.	
Reason for request - to be submitted to the Parish Council.			
Continue overleaf if necessary			
Received by:	Clerk's Signature	Date Received	Time Received
Fee Charged / N.A.	Fee Paid:	Request Approved  YES/NO	Date Applicant Informed:

## Appendix C

### Surveillance Camera Code of Practice A Guide for Councillors



SCC\_Councillors\_Guide\_-\_February\_2016.