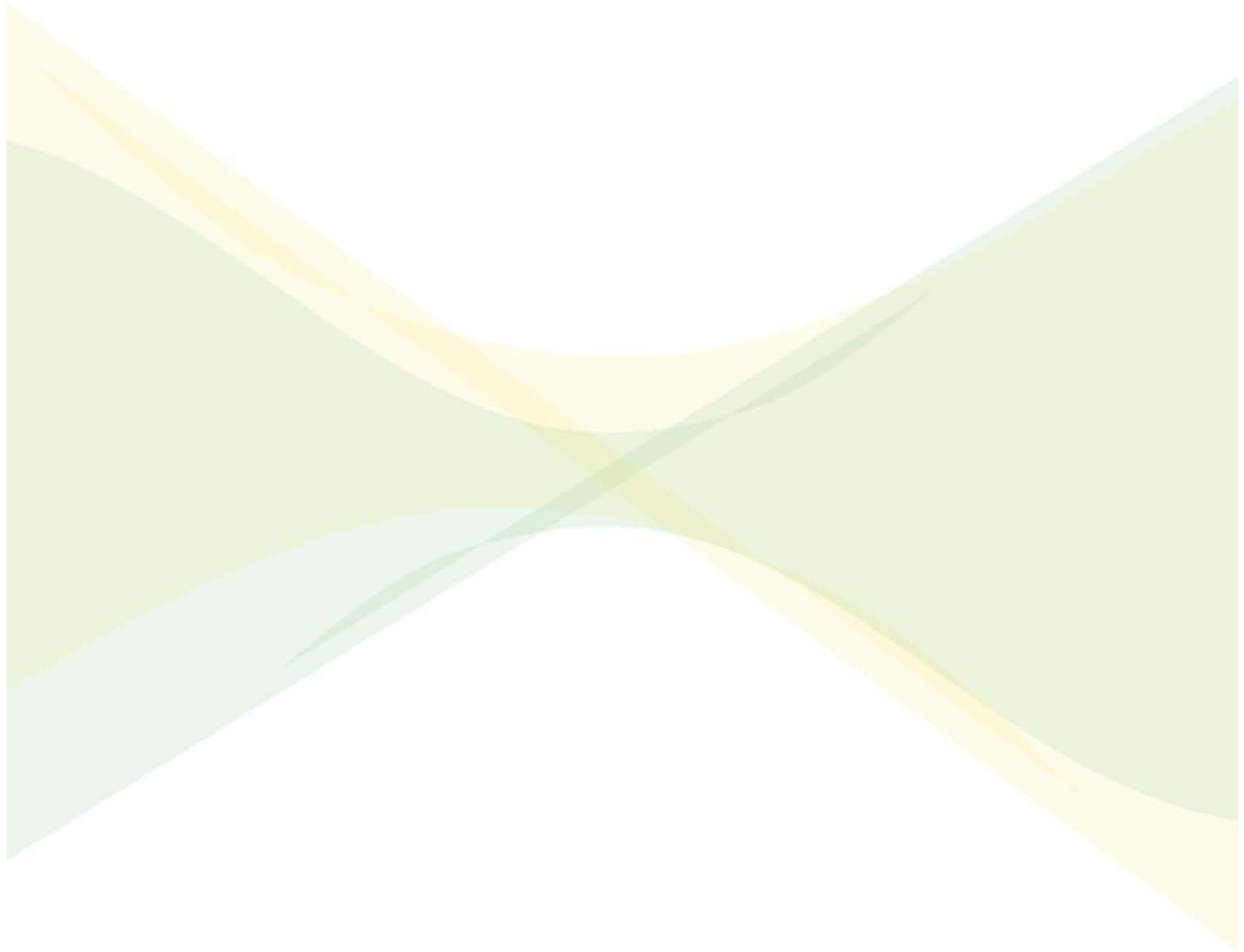


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CCTV Practices



Document control

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1. INTRODUCTION

1.1 Introduction

These Practices shall apply to the closed circuit television (CCTV) scheme used at Daventry District Council. The scheme comprises of cameras located in specific locations within Daventry District Council occupied premises such as Lodge Road and the Abbey, with control, monitoring and recording facilities.

1.2 Ownership

The scheme is owned by Daventry District Council who is responsible for the management, administration and security of the system. As such the Council will ensure the protection of individuals and the public by complying with these Practices.

1.3 Closed Circuit Television Mission Statement

The purpose of CCTV within Council premises is to provide security and offer protection to staff and to the public using Council services. Daventry District Council is committed to the recommendations contained within the Information Commissioners CCTV Code of Practice which can be found on the following website: www.ico.org.uk.

1.4 System description

These Practices shall apply to the CCTV within Daventry District Council's premises.

The system consists of static cameras which send pictures to the control, monitoring and recording facility. This is an in-house facility located at the Council premises at Lodge Road.

The physical and intellectual rights in relation to any and all material recorded shall at all times remain with Daventry District Council.

2. OBJECTIVES OF THE CCTV SCHEME

2.1 Purpose

These Practices will assist the Manager, Responsible Officer and Operators of the system to understand their legal and moral obligations in respect of the CCTV Scheme (see section 4 on accountability).

2.2 Objectives of the CCTV Scheme

The following objectives have been established for the CCTV Scheme:

- a) To enhance premises security
- b) To protect staff
- c) To deter and detect crime
- d) To assist in the identification of offenders leading to their arrest and successful prosecution
- e) To discourage aggressive or violent behaviour towards staff
- f) To reduce staff's fear of crime or aggressive behaviour

2.3 Rights of Privacy

Daventry District Council supports the individual's right to privacy.

2.4 Principles of management of the CCTV Scheme

The Council will assess the impact of the CCTV Scheme on people's privacy to ensure that the CCTV Scheme is justified.

The equipment within the CCTV System will be sited to capture images that are relevant to the specified purposes for which the CCTV Scheme has been established.

The equipment within the CCTV System will be sited to ensure that they can produce images of suitable quality, taking into account technical and environmental issues.

The CCTV Scheme will be operated fairly, within the applicable law and only for the purposes for which it is established or which are subsequently agreed in accordance with these Practices.

Operators are aware of the purpose(s) for which the CCTV Scheme has been established and that the CCTV System is only used to achieve the identified purposes.

The CCTV Scheme will be operated with due regard for the privacy of the individual.

The public interest in the operation of the CCTV Scheme will be recognised by ensuring the security and integrity of operational practices.

The CCTV system will only be operated by trained and authorised personnel and it will be the responsibility of the Operations Manager to provide appropriate training.

2.5 Sound

The CCTV System will not be used to record conversations except in interview rooms which are signed accordingly.

2.6 Signage

The CCTV Scheme aims to provide surveillance within the Council Premises in order to fulfil the stated purposes of the CCTV Scheme. The area protected by the CCTV System will be indicated by the presence of signs. The signs will be placed so that the public and employees are aware that they are entering a zone which is covered by the CCTV System. The signs will state that Daventry District Council is responsible for the CCTV Scheme, the purposes of the CCTV Scheme and a contact telephone number.

2.7 Point of contact

Should the public wish to make contact with the Council about the scheme they may write to:

The Facilities Officer
Daventry District Council
Lodge Road
Daventry
Northamptonshire
NN11 4FP

2.8 Release of information to the public

Information will only be released to third parties, itemised in Section 6, who can show legitimate reasons for access. They will be required to request any information with reasons in writing and identify themselves. Information will only be released if the data captures identifiable Individuals or information relating to individuals and the reasons are deemed acceptable, the request and release of information complies with current legislation and on the condition that the information is not used for any other purpose than that specified. Individuals may request to view and obtain a copy of information concerning themselves held on record in accordance with the Data Protection Act 2018.

2.9 Release of information to statutory prosecuting bodies

These Practices will assist the Manager, Responsible Officers and Operators in dealing with statutory prosecuting bodies such as the Police, and statutory authorities with powers to prosecute and facilitate the legitimate use of the information derived from the CCTV Scheme. Statutory bodies may have access to information permitted for disclosure on application to Daventry District Council, provided the reasons and statement of purpose, accord with the objectives of the CCTV Scheme and conditions outlined in Section 6. The Personal Data will be treated as evidential exhibits.

3. LEGISLATION

The CCTV scheme will be operated in the accordance with the following legislation:

3.1 Data Protection Act 2018

The CCTV Scheme is registered under the Data Protection Act 2018 with the Information Commissioner. The CCTV Scheme will be managed in accordance with the principles of the Data Protection Act 2018.

3.2 Human Rights Act 1998

The CCTV Scheme and those connected with it acknowledges the provisions within the Human Rights Act 1998 and its impact on issues relating to the use of CCTV.

3.3 Criminal Procedures and Investigations Act 1996

CCTV footage, which the prosecution in a criminal trial choose not to use, will be disclosed to a defendant as unused material if requested by a solicitor.

3.4 Freedom of Information Act 2000

If a request for images is received via a Freedom of Information Act application and the person requesting is the subject of the images, these will be exempt from the Freedom of Information Act and will be dealt with under the Data Protection Act. Any other requests not involving identification of individuals can be disclosed but only if it does not breach the Data Protection Act.

4. ACCOUNTABILITY

4.1 Support of Principles

The Council supports the principle that the community at large should be satisfied that CCTV systems are being used, managed and controlled in a responsible and accountable manner. It is the responsibility of all parties to maintain a continuous review of the CCTV System's integrity, security, procedural efficiency, methods of operation and retention and release of Personal Data.

4.2 Hierarchy of Responsibilities

The Council shall be responsible for these Practices and the effective management and public relations of the CCTV Scheme. The Council is responsible for dealing with complaints, and ensuring appropriate staff selection, recruitment and training is adopted for staff employed where their role includes use of equipment within the CCTV System. The Council's role also includes all statutory responsibilities including the role of "Data Controller" as prescribed by the Data Protection Act 2018.

4.3 The Manager (Property Services Manager)

The Manager should undertake regular reviews of documented practices to ensure that the provisions are being complied with.

The Manager shall ensure that Daventry District Council complies with these Practices and ICO Codes. Dealing with breaches of these Practices and/or the ICO Codes will be in accordance with the Council's Disciplinary Policy.

4.4 The Responsible Officer (Facilities Officer)

The Responsible Officer has a responsibility to ensure that at all times the CCTV System is operated in accordance with these Practices and all equipment is working correctly. The Responsible Officer shall ensure all procedural instructions relating to the CCTV System, and for bringing to the immediate attention of the Manager any matter affecting the operation of the CCTV System, including any breach or suspected breach of these Practices, security of Data or confidentially.

The Responsible Officer should ensure that at all times Operators carry out their duties in an efficient and responsible manner, in accordance with the objectives of the scheme. This will include regular checks to ensure that the documentation system in place is working effectively.

This system includes the completion of a viewing log. A copy of the viewing log is available in Appendix 3.

4.5 Operators

An operator, which includes the Responsible Officer, Technical Support Officer (TSO), Caretaking employees (and IT employees with agreed permission), will be responsible for complying with these Practices and any other relevant documentation. Operators have a responsibility to respect the privacy of the individual, understand and comply with the objectives of these Practices. Operators are required to be proficient in the control and the use of the CCTV camera equipment, recording and playback facilities, media procedures and maintenance of the viewing log. The information recorded must be accurate, adequate and relevant to the purpose of the scheme. They should bring to the attention of the Responsible Officer immediately any equipment defect that may occur.

The Responsible Officer (and in his absence) the Manager, and if both are absent, the TSO, will request IT assistance (from those IT employees with agreed permission) to make information available by accessing recorded data and removing the same for copying and evidential purposes.

4.6 Information Officer/Data Protection Officer

The Information Officer/Data Protection Officer will be responsible for dealing with all subject access requests and Freedom of Information requests for access to or disclosure of CCTV footage, and if required, help determine procedures in any unusual circumstances.

4.7 Accountability

The Manager and Responsible Officer shall be accountable to Daventry District Council and will resolve technical and operational matters.

Failure of Operators to comply with these Practices and any other relevant procedures should be dealt with by the Manager. Person(s) misusing the system may be subject to disciplinary action, in accordance with the Council's Disciplinary Policy.

4.8 Annual Assessment

An annual assessment of the CCTV Scheme will be undertaken by the Manager or Responsible Officer to ensure the effectiveness of the CCTV System.

The ICO Code stipulates that a CCTV System should be reviewed annually to determine whether the use of CCTV continues to be justified. It further states that it is necessary to establish the CCTV System's effectiveness to ensure that it is still doing what it was intended to do. If it does not achieve its purpose, it should be stopped or modified. A copy of the Information Commissioner's checklist for users of CCTV is available in Appendix 1.

4.10 Complaints

A member of the public wishing to make a complaint about the system may do so through Daventry District Council's complaint procedure. A copy of the complaints procedure is available from the Council's website.

A record of the number of complaints or enquiries received will be maintained together with an outline of the action taken.

4.12 Training

All persons employed/appointed to act as Operators of the CCTV System will be trained to ensure they comply with these Practices. Training will include details of Daventry District Council's policies for recording and retaining images, the handling of images securely, dealing with image access requests from the police and dealing with subject access requests.

5. MONITORING

5.1 Monitoring

The CCTV system is not actively monitored by Operators. Recording will take place throughout the 24 hour period and is held for a maximum of 31 days then deleted.

If an incident occurs an Operator should be notified and the footage will be reviewed.

5.2 Response to an Incident

A record of Incidents reviewed will be maintained. Information will include anything of note that may be useful for investigative or evidential purposes.

Incidents of a criminal nature will be reported to the Northamptonshire Police. The response will be made by the Police in accordance with their policies.

6. PRIVACY AND DISCLOSURE ISSUES

6.1 Privacy

CCTV cameras will not be used to monitor the progress of individuals in the ordinary course of lawful business in the area under surveillance. Individuals will only be continuously monitored if there is reasonable cause to suspect an offence has been, or may be, about to be committed.

6.2 Disclosure Policy

The following principles must be adhered to:

All employees will be aware of the restrictions set out in these Practices in relation to access to, and disclosure of, recorded images.

Images not required for the purposes of the scheme will not be retained for longer than necessary – a maximum of 31 days. However, on occasions it may be necessary to retain images for longer periods, where a law enforcement body is investigating a crime to give them the opportunity to view the images as part of an active investigation.

The Data Controller (Daventry District Council) will only disclose to third parties who intend processing the data for purposes which are deemed compatible with the objectives of the CCTV Scheme.

Recorded material will only be used for the purposes defined in the Objectives.

Access to recorded material will be in accordance with these Practices and any relevant procedures.

Data will not be disclosed for commercial purposes and entertainment purposes.

All access to the medium on which the images are recorded will be documented.

Access to recorded images will be restricted to those employees that need to have access in order to achieve the purpose(s) of using the CCTV System.

Viewing of the recorded images should take place in a restricted area.

Before data is viewed by a third party (other than the Police) the Responsible Officer or Manager or Information Officer/Data Protection Officer should be satisfied that Data is:

- a) The subject of a complaint or dispute that is unanswered
- b) The Data and the audit trail is maintained throughout
- c) Not part of a current criminal investigation by the Police, or likely to be so
- d) Not part of a civil proceeding or likely to be so
- e) Not removed or copied without proper authority
- f) The image obtained is aimed at identifying individuals or information relating to an individual.

6.3 Access to recorded images

Authorisation for access to recorded images will be restricted to the Responsible Officer, Manager or Information Officer/Data Protection Officer who will decide whether to allow requests for access to Personal Data by third parties in accordance with these Practices.

6.4 Viewing recorded images

Viewing of recorded images should take place in a restricted area. Non-authorised employees should not be allowed to have access to that area when viewing is taking place.

6.5 Operators

All Operators will be trained in their responsibilities in relation to privacy, access to recorded images and disclosure issues.

6.6 Removal of medium for viewing

The removal of medium on which images are recorded, for viewing purposes, will be documented in accordance with Data Protection principles.

6.7 Access to data by third parties

Access to relevant images by third parties will only be allowed in limited and prescribed circumstances. This will be limited to the following:-

- a) law enforcement agencies where the images recorded would assist in a specific criminal enquiry
- b) prosecution agencies
- c) legal representatives
- d) The people whose images have been recorded and retained (the Data Subject) unless disclosure to an individual would prejudice the criminal enquiries or criminal proceedings
- e) where an organisation is contracted as a third party operator
- f) occupiers of Daventry District Council premises

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

Recorded images will not be made more widely available, for example, they will not be made available to the media or placed on the internet.

Daventry District Council will not unduly obstruct a bone fide third party investigation to verify the existence of relevant Data.

Daventry District Council will not destroy Data that is relevant to a previous or pending search request which may become the subject of a subpoena (summons to attend court).

6.8 Data subject access disclosure

All employees involved in operating the CCTV System must be able to recognise a request for access to recorded images by data subjects and be aware of individual's rights under this section of the Practices.

Individuals whose images are recorded have a right to view and obtain a copy of the images of themselves and, unless they agree otherwise, to be provided with a copy of the images. This must be provided within 1 month of receiving a request.

Subject access rights are governed by Section 7 Chapter 3 (94 & 95) of the Data Protection Act 2018 and include the following provisions:

- a) a person gives sufficient and accurate information about a time and place
- b) information required as to the identification of the person making the request
- c) the Data Controller (the Council) only shows information relevant to the search

All subject access requests should be dealt with by the Information Officer, in line with the Council's Data Protection Policy. The Information Officer will ensure that all requests are logged onto Daventry District Council's Data Protection database.

A search request should provide sufficient information to locate the Data requested (e.g. within 30 minutes for a given date and place). If insufficient information is provided a Data Controller may refuse a request until sufficient information is provided.

Under certain circumstances (Schedule 2 Part 1 of the Data Protection Act 2018) the Information Officer or Data Protection Officer (Governance & HR Manager) can decide that a subject access request is not to be complied with. In such cases the refusal will be documented.

A link to the Subject Access Request form is available in Appendix 2.

6.9 Provision of data to the individual

The Information Officer having verified the validity of a request should provide requested material to the individual. Only that Personal Data specific to the search request should be provided. Other individuals should be blanked off by electronic screening or manual editing on the monitor screen if providing these images would involve an unfair intrusion into the privacy of the third party, or cause unwarranted harm or distress.

6.10 Other rights

All employees involved in operating the equipment must be able to recognise a request from an individual to prevent processing likely to cause substantial and unwarranted damage to that individual (Data Protection Act 2018).

In relation to a request to prevent processing likely to cause substantial and unwarranted damage, the Information Officer or Data Protection Officer's response should indicate whether he or she will comply with the request or not.

The Information Officer or Data Protection Officer must provide a written response to the individual within 21 days of receiving the request setting out their decision on the request.

If the Information Officer or Data Protection Officer decides that the request will not be complied with, they must set out their reasons in the response to the individual.

A copy of the request and response will be retained.

6.11 Media Disclosure

CCTV Images will not be released to the media for entertainment purposes or placed on the internet.

7. RECORDED MATERIAL MANAGEMENT

Images, which are not required for the purpose(s) for which the CCTV System is being used will not be retained for longer than is necessary (31 days). On some occasions images may need to be retained for longer periods as a requirement of an investigation into crime. Whilst images are retained, access to and security of the images will be controlled in accordance with the requirements of the Data Protection Act.

In order for recorded material to be admissible in evidence total integrity and continuity must be maintained at all times.

Security measures will be taken to prevent unauthorised access to, alteration, disclosure, destruction, accidental loss or destruction of recorded material. Data will be handled in accordance with Daventry District Council's Information Security and Information Handling policies.

7.1 Quality and Maintenance

In order to ensure that clear images are recorded at all times the CCTV equipment and recording facilities will be maintained in good working order with regular servicing in accordance with the manufacturer's instructions. In the event of a malfunction, the equipment will be repaired within specific timescales which will be scheduled within any relevant maintenance agreement. All documentation relating to the equipment and its servicing and malfunction is retained by the Responsible Officer.

7.2 Digital Recording Systems

A digital recording system will be in operation 24 hours a day.

Digital recordings will be recorded on a hard disc drive and remain there for a maximum of 31 days.

8. DOCUMENTATION

The viewing logs must be sequential, in order that pages or entries cannot be removed and full and accurate records kept.

Appendix 1

Information Commissioner’s checklist for users of CCTV. (To be amended following publication of new ICO guidance 2018)

The Manager will undertake annual checks using the ICO’s checklist below:

This CCTV system and the images produced by it are controlled by 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 1998).

We (.....) have considered the need for using CCTV and have decided it is required for the prevention and detection of crime and for protecting the safety of customers. It will not be used for other purposes. We conduct an annual review of our 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 has 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.			
Cameras have been positioned to avoid capturing the images of persons not visiting the premises.			
There are visible signs showing that CCTV is in operation. Where it is not obvious who is responsible for the system contact details are displayed on the sign(s).			
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 controller 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.			

Please keep this checklist in a safe place until the date of the next review.

Appendix 2

Link to the [Subject Access Request form](#)

Appendix 3

Viewing logs held by Facilities Officer