

# OADBY & WIGSTON BOROUGH COUNCIL CCTV POLICY

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## PART 1: Introduction

Oadby and Wigston Borough Council (“the Council”) is committed to providing a quality service for all the residents within the Borough. As such this policy is to control the management, operation, use and confidentiality of the Closed Circuit Television (CCTV) systems that are managed by the Council.

The Council uses CCTV systems in some public buildings and a number of Council owned sites. The Community Safety Partnership uses mobile Redeployable Closed Circuit Televisions (RCCTV) throughout the Borough.

This policy, along with the CCTV procedure is designed to give clear guidance on the Council’s use of CCTV and to protect the Council and Leicestershire Police from allegations of misuse of the system, it is also intended to protect staff and the public from any abuse of the CCTV system.

## PART 2: Scope

This policy is taking due account of the following:

- The Data Protection Act 1998; (DPA)
- The CCTV Code of Practice produced by the Information Commissioner;
- The Human Rights Act 1998
- The Regulation of Investigatory Powers Act 2000 (RIPA)
- Freedom of Information Act 2000

This policy will cover all employees of the Council, persons providing a service (voluntary or paid) to the Council, Leicestershire Police Officers, visitors and all other persons whose image(s) may be captured by the system. The procedure will provide accountability and reassurance that all those connected to the CCTV systems will comply with the law and safeguard the integrity of those whose images have been taken whilst ensuring the right to privacy is not breached.

The CCTV cameras will be used to reduce the fear of crime by persons using the Borough’s facilities or Council buildings, without fear of intimidation by individuals or groups. The aim is to reduce vandalism of property and to prevent, deter and detect crime and disorder.

The Council will work with Leicestershire Police and other Law Enforcement agencies in identification, detection, apprehension and prosecution of offenders by examining and using retrievable evidence relating to crime, public order or contravention of bye-laws.

## PART 3: Roles and Responsibilities

Oadby & Wigston Borough Council	Owners of internal cameras within the Council buildings, and responsible for maintenance.
Community Safety Partnership	Owners of the RCCTV, and responsible for the maintenance.
Chief Executive , Oadby & Wigston	Data Controller who has overall responsibility for the

Borough Council	<p>control of images for example deciding what it is to be recorded; how the images should be used and to whom they may be disclosed.</p> <p>Whilst the day to day running of the operation will be allocated to Officers it is the Data Controller who is legally responsible for compliance with the DPA. The Data Controller is to ensure that clear procedures are in place and that all personnel who use CCTV are aware of and comply with the relevant legislation, Code of Practice and procedural manuals</p>
<p>Community Safety &amp; Tenancy Manager</p> <p>Compliance Officer</p>	<p>Day to day responsibility for the CCTV cameras on behalf of the Community Safety Partnership to ensure procedures and standards are followed.</p> <p>Ensure that all officers have access to a copy of the Policy and Procedure and make necessary arrangements to ensure all staff are fully trained.</p>
<p>Licensing Officer , Oadby &amp; Wigston Borough Council</p> <p>Leicestershire Police</p>	<p>Ensure both organisations are registered with the Information Commissioner under the terms of the Data Protection Act 1998.</p>
Chief Finance Officer	<p>Ensuring that all cameras are covered with adequate insurance policies.</p>
<p>Officers within the Council and Leicestershire Police who have involvement in the operations of the camera.</p>	<p>Required to undertake appropriate training /refresher training if significant updates/changes are made.</p> <p>Officers must ensure that they understand the content of the policy and adhere fully to the procedures.</p>

## PART 4: REVIEW OF LOCATION OF THE CAMERAS

The CCTV systems within the Council buildings will be operated with full regard to the right to respect for tenants and residents privacy.

The RCCTV will be deployed around the Borough of Oadby and Wigston as necessary to target trouble hotspots. Identification of sites will be through the Joint Action Group (JAG) held between representatives of the Council, Leicestershire Police and other statutory and non statutory partners to see whether continued use is justified. Factual information on the location of cameras and statistical findings of their effectiveness will form part of the evaluation process. Proactive checks need to be carried out on a regular basis to ensure procedures are being complied with.

The Community Safety & Tenancy Manager will be responsible for the keeping of a log of redeployment of the RCCTV.

The Council and Leicestershire Police will ensure:

- All operators of cameras associated with this CCTV System will act with the utmost honesty at all times
- Every use of the cameras will accord with the purposes and key objectives of the system and shall comply with the Code of Guidance and the procedure manual
- Cameras will be cited and image capture restricted to ensure they do not view areas that are not of interest and are not intended to be the subject of surveillance eg to look into private residential property.
- The over-riding principle is that camera operators are responsible for the day to day use of the cameras, which must be justifiable.
- None of the cameras will be installed in a covert manner. The use of covert surveillance will need to be considered under the Regulation of Investigatory Powers Act 2000.

The procedure manual contains a checklist of points to consider when deploying the cameras and factors to bear in mind to achieve the purposes for which the CCTV is being used.

## PART 5: USING THE EQUIPMENT

CCTV must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified. Equipment with a sound recording facility should be turned off or disabled. There are limited circumstances when audio recording may be justified as set out in the Information Commissioner's Office CCTV Code of Practice.

The procedure manual will contain a checklist of points to consider to ensure that the images produced are of a suitable quality for the purpose for which the system was installed otherwise if images cannot be used this may undermine the purpose for undertaking CCTV surveillance

## PART 6: STORING AND VIEW IMAGES

Recorded images will be viewed in a restricted area such as a designated secure office. The monitoring or viewing of images from areas where an individual would have an expectation of privacy will be restricted to authorised persons

A portable receiving and recording device which is a laptop, provides a means of operating and recording images from the remote RCCTV cameras. The laptop will only be issued to authorised persons and procedures are to be in place for the booking out of equipment.

Authorised personnel will have been properly trained in the use of monitoring equipment and will be required to sign a declaration of confidentiality

Access to and the use of recorded material will be strictly for the purposes defined in the procedure. When not in use RCCTV equipment will be stored in a safe environment and responsibility for its security will be with a designated person.

Customer information will not normally be passed onto any third parties without the customer's prior written consent, *or* in exceptional circumstances where disclosure without consent is warranted. These circumstances are defined as follows:

- Where there are over-riding legal, social or public interest considerations, e.g. there is a risk of serious harm to the person themselves or others if the information is not disclosed.

- Where information is required by the police as part of a criminal investigation.
- Where information is required by an authority for the assessment or collection of any tax or duty of a similar nature.
- Where, because the Council is under a duty to protect the public funds it receives, it may need to use the information provided by customers, to prevent and detect fraud. The information may also be shared for the same purposes with other organisations that receive public funds.
- The information may also be used for statistical purposes, which means we may pass this information, in confidence, to the relevant government department.

## PART 7: SIGNAGE

It is a requirement of the DPA that the public must be warned of all areas where CCTV surveillance is being carried out. This is to warn people that they are about to enter an area covered by CCTV cameras or to remind them that they are still in an area covered by CCTV. Signage should:

- Be prominently placed at the entrance to a CCTV zone and reinforced with further signs inside the area to indicate the presence of CCTV monitoring.
- Be particularly prominent and frequent in areas where it would be less obvious to people they are on CCTV
- Be clearly visible, readable and of an appropriate size, taking into account the location
- Display the name and contact details of the authority responsible.

## PART 8: SUBJECT ACCESS REQUEST

Those who request access must provide details which allow them to be identified as the subject of the images and also to be able to locate the images on the system:

It will be the responsibility of the Data Controller to make available to the individual following information:

- Given a subject access request form – which sets out what information is required.
- Advised of a minimum of £10.00 charge
- Confirm that information will be provided within 40 calendar days from the receipt of the completed form.
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The principles of Section 7, 10 and 12 of the DPA (Rights of Data Subjects and Others) should be followed in respect of every request. If the request cannot be complied with without identifying another individual, permission from all parties must be obtained in accordance with the requirements of the legislation

If third party images are not to be disclosed arrangements are to be made for the third party images to be disguised or blurred. If it is necessary to contract this work out, a written contract with the processor which specifies exactly how the information is to be used, is required and explicit security guarantees have been given by the processor.

## Exemptions to the Provision of Information

In considering a request made under the provisions of Section 7 of the Data Protection Act 1998 reference may also be made to Section 29 of the Act which enables the Police to view images for;

- i) the prevention or detection of crime
- ii) the apprehension or prosecution of offenders

### Note

Each and every application will be assessed on its own merits and general blanket exemptions must and will not be applied.

## PART 9: RETENTION

The Data Protection Act 1998 (DPA) does not specify a minimum or maximum retention period of recorded images.

A retention policy will be dependent upon what is necessary to meet the purposes for recording images.

The procedure manual will include the minimum and maximum periods images are to be retained as well as the methods for permanent deletion

## PART 10: DISCLOSURE

Care needs to be taken and operators need to be fully aware of the circumstances in which it is appropriate to make disclosure

- Requests for disclosure are to be made to the Data Protection Officer for each authority for judgement on disclosure
- A system of log of disclosures with details of the disclosure and the procedure for a secure method of disclosure is to be part of the procedure manual. The log must record the reason why disclosure is consistent with the overall purpose of the scheme or why disclosure is refused
- Disclosure is to made to law enforcement agencies regardless of whether the system is for that purpose otherwise disclosure to third parties are in very limited circumstances.
- Disguise or blur images of individuals where appropriate as discussed in Part 8, subject access request.
- Release to the media should not be for entertainment purposes and only through a law enforcement agency
- Once disclosure is made to to a third party body then they become the Data Controller and are therefore responsible for compliance with the DPA
- If an outside contractor is used the same principle as set out in paragraph 9 will apply.

## PART 11: USE OF THE POLICY

This Policy will be read in conjunction with the Code of Practice and is part of the Procedure manual.

The content of this document must be well known, understood and applied by authorised officers operating the CCTV system. Application of this policy may be monitored through audits carried out by the Head of Community or external auditors.

This policy will be reviewed biennially or when there have been significant changes in regulatory legislation.

This document will be available on the Council is website [Oadby-wigston.gov.uk](http://Oadby-wigston.gov.uk)