



## CRANLEIGH PARISH COUNCIL

### CCTV POLICY AND CODE OF PRACTICE

#### Objectives

- Support **excellence** to identify and address aspects we need to improve to reach & maintain excellence.
- To support **ambitions** to improve our approaches.
- To **focus** on the process of support, performance review and the planning of interventions to raise standards.
- To support an **inclusive** approach by identifying and enable the sharing of good practice across teams and individuals to improve performance.
- To maintain the **integrity** of judgements and support for improvement in raising standards or withdrawal courses

#### Applies to:

All staff and councillors

#### Monitoring and evaluation:

It will be the responsibility of the Data Controller Cranleigh Parish Council to monitor the effectiveness of this policy by:

1. assessing the nature and frequency of complaints or cases and identifying any patterns which need to be addressed.
2. monitoring individual complaints or cases to ensure that they are effectively resolved and that no victimisation occurs.

While this policy is to be followed by all employees of the Council, it does not form part of an employee's contract of employment.

#### 1. Introduction

The Council is fully committed to operating a safe environment, it therefore has in place a closed-circuit television ("CCTV") system to assist in providing a safe and secure environment for councillors, staff and visitors, as well as protect Council property.

CCTV systems are based around digital technology and therefore need to be treated as information that will be processed under the Data Protection Act 2018, the General Data Protection Regulation (UK GDPR) and any subsequent data protection legislation.

The Council will have due regard to the Data Protection Act 2018, the General Data Protection Regulation (UK GDPR) and any subsequent data protection legislation, and to the Freedom of Information Act 2000, the Protection of Freedoms Act 2012 and the Human Rights Act 1998.

Although not a relevant authority, the Council will also have due regard to the Surveillance Camera Code of Practice, issued under the Protection of Freedoms Act 2012 and in particular the 12 guiding principles contained therein. The Council has produced this policy in line with the Information Commissioner's CCTV Code of Practice.

The Council system comprises a number of fixed and dome cameras located both internally and externally around the Council sites. All cameras maybe monitored and are only available for use by approved members of staff.

The CCTV system is owned by the Council and will be subject to review on an annual basis.

The purpose of this Policy is to regulate the management, operation and use of the CCTV system with the Council's areas of responsibility.

## **2. Purpose of CCTV**

The Council has installed a CCTV system to:

- To increase the personal safety of staff and councillors and reduce the fear of physical abuse, intimidation and crime.
- Protect Council buildings and its assets to ensure they are kept free from intrusion, vandalism, damage or disruption.
- To support the Police in a bid to deter and detect crime.
- Assist in prevention and detection of crime.
- Assist with the identification, apprehension and prosecution of offenders. councillors
- Assist with the identification of actions/activities that might result in disciplinary proceedings against staff and councillors.
- Monitor security of campus buildings

The system will be provided and operated in a way that is consistent with an individual's right to privacy.

## **3. Covert Recording**

Prior to authorisation the requesting applicant must have demonstrated and documented that all reasonable procedures and practices were put in place to prevent suspected illegal or unauthorised activity from taking place.

Any such covert processing will only be carried out for a limited and reasonable period of time consistent with the objectives of making the recording and will only relate to the specific suspected illegal, inappropriate or unauthorised activity.

The decision to adopt covert recording will be fully documented and will set out how the decision to use covert recording was reached and by whom. The Council may require legal advice in approving and assessing the need for covert recording in all instances.

Covert cameras may be used under the following circumstances on the written or electronic authorisation of the Parish Clerk.

- That informing the individual(s) concerned that recording was taking place would seriously prejudice the objective of making the recording.
- That there is reasonable cause to suspect that illegal activity is taking place or is about to take place or the inappropriate or unauthorised activity is taking place; that may seriously or substantially affect the operation or reputation of the Council.

Unless required for evidential purposes or the investigation of crime or otherwise required by law, covertly recorded images will be retained for no longer than 31 days from the date of recording. A record of data destruction will be made in confirmation on the authorised request to make covert recordings.

The CCTV system will not be used to:

- Provide images to the worldwide web.
- Record sound
- Disclose to the media.

## **4. Operation**

The CCTV surveillance system is owned by the Council.

The Clerk is responsible for the day-to-day operation of the system and ensuring compliance with this policy.

The CCTV system is registered with the Information Commissioner under the terms of the Data Protection Act 2018 and will seek to comply with the requirements of the Data Protection Act 2018, the General Data Protection Regulation (UK GDPR) and the Commissioner's Code of Practice.

Cameras will be used to monitor activities within the Council buildings and other areas to identify criminal activity actually occurring, anticipated, or perceived, and for the purpose of securing the safety and wellbeing of the occupants within the Council properties, together with its visitors.

Static cameras will not focus on private homes, gardens and other areas of private property. Operators of cameras with tilt and pan and zoom capability, staff will not direct cameras at an individual, their property or a specific group of individuals, without verbal authorisation from the Clerk or deputy unless an immediate response to events is required.

Materials or knowledge secured as a result of CCTV system will not be used for any commercial purpose.

Downloads will only be released to the media for use in the investigation of a specific crime and with the written authority of the police. Downloads will never be released to the media for purposes of entertainment.

The planning and design of the existing CCTV system has endeavoured to ensure that the CCTV system will give maximum effectiveness and efficiency, but it is not possible to guarantee that the CCTV system will cover or detect every single incident taking place in the areas of coverage.

Warning signs, as required by the Code of Practice of the Information Commissioner have been placed at access routes and areas covered by the council CCTV System.

## **5. Image Viewing and Download Procedure**

### **Viewing**

Recordings may be viewed by the police in the presence of the Clerk or Grounds Manager following a specific data access formal request.

Otherwise permission to view CCTV data will depend on the subject of the potential investigation.

The Clerk is authorised to review CCTV recordings to ascertain the circumstances relating to potential incidents involving councillors, staff, contractors, visitors/public incidents.

Note: The Clerk may take action to secure footage that may relate to an incident involving staff and others until such time that it has been decided that it is required for viewing and/or download or it can be erased.

## **Download Procedure**

Should a download be required as evidence, an electronic copy may only be made by the Clerk or Grounds Manager.

Where this is to be released to the Police this will only be released to the Police on receipt of a completed Data Release Form and sight of their warrant card/proof of identity.

CCTV footage may be released for civil proceedings at the written request of a solicitor or insurance company. A CCTV Data Release Form will be completed for the Clerk.

All requests for downloads will be retained by the Clerk for 12 months or after the incident that the download relates to has been closed.

Downloads requested by other parties and for purposes outside the scope of this policy are not permitted.

## **6. Breaches of this Policy**

Any suspected breach of this Policy by Council staff will be considered under the Council's Disciplinary Policy and Procedures.

## **7. Overview of System**

The CCTV system runs 24 hours a day, 7 days a week.

The CCTV system comprises fixed position cameras; pan tilt and zoom cameras; monitors; multiplexers; digital recorders and public information signs.

CCTV cameras are located at strategic points on site, principally at the entrance and exit point for the sites and various buildings, as well as main thoroughfares and common areas throughout the sites.

CCTV signs will be prominently placed at strategic points and at entrance and exit points of the council sites to inform staff, students, visitors and members of the public that a CCTV installation is in use, its purpose and details of the operator.

Although every effort has been made to ensure maximum effectiveness of the CCTV system; it does not cover all areas and it is not possible to guarantee that the system will detect every incident taking place within the area of coverage.

## **8. Data Protection Act 2018**

For the purpose of the General Data Protection Regulation (GDPR) the Clerk is the designated data controller.

- CCTV digital images, if they show a recognisable person, are personal data and are covered by the General Data Protection Regulation (UK GDPR). This policy is associated with the Council's GDPR Policy, the provisions of which should be adhered to at all times.
- The Council has registered its processing of personal data (including CCTV) with the Information Commissioner's Office (ICO)

Where new cameras are to be installed on Council premises, Part 4 of the ICO's CCTV Code of Practice will be followed before installation:

- The appropriateness of and reasons for using CCTV will be assessed and documented.
- The purpose of the proposed CCTV system will be established and documented.
- Responsibility for day-to-day compliance with this policy will be established and documented.

## **9. Access to Images**

### **Individual Access Rights**

UK GDPR gives individuals the right to access personal information about themselves, including CCTV images.

All requests for access to view/copy CCTV footage by individuals should be made in writing to the Council's Data Controller.

Requests for access to CCTV images must include:

- The reason for the request
- The date and time the images were recorded.
- Information to identify the individual, if necessary
- The location of the CCTV camera
- Proof of Identity

The Council will respond promptly and at the latest within 30 calendar days of receiving the request processing fee, determined by the Clerk and sufficient information to identify the images requested.

If the Council cannot comply with the request, the reasons will be documented.

The requester will be advised of these in writing, where possible.

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

Unlike Data Subjects, third parties who wish to have a copy of CCTV images (i.e. images not of the person making the request) do not have a right of access to images under UK GDPR, and care must be taken when complying with such requests to ensure that neither the UK GDPR, HRA or the CCTV Policy are breached.

As noted above, requests from third parties will only be granted if the requestor satisfies the following criteria:

- Law enforcement agencies (where the images recorded would assist in a specific criminal enquiry)
- Prosecution Agencies and their Legal Representatives
- Insurance Companies and their Legal Representatives

All third-party requests for access to a copy of CCTV footage should be made in writing to the Council's Data Controller.

A law enforcement or prosecution agency is requesting access they should make a request in accordance with UK GDPR.

## **10. Retention and Disposal**

Recorded images will be retained for no longer than 31 days from the date of recording, unless required for evidential purposes or the investigation of crime or otherwise required and retained as a download with the requisite approval form.

All images on electronic storage will be erased by automated system overwriting. All downloads, still photographs and hard copy prints will be securely disposed of as confidential waste.

The date and method of destruction will be recorded on the bottom of the original approval to copy held by the Clerk.

## **11. Complaints regarding operation of system**

Complaints regarding the CCTV system and its operation should be made under the Council complaints procedure.

## **12. Associated Policies and Guidance**

- CCTV Code of Practice
- Biometrics and Surveillance Camera Commissioner: Camera Code of Practice

## **13. Forms for Use with this Policy**

- Request to Carry out Covert Recording
- Data Viewing/Release Form (Clerk)

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