Sible Hedingham Parish Council CCTV Policy

Introduction

Sible Hedingham Parish Council recognises the importance of meeting our data protection obligations and is committed to being transparent about how it collects and uses data from the CCTV cameras at the Recreation Ground. This policy sets out the parish council's commitment to data protection, and your rights and obligations in relation to personal data in line with the Data Protection Act 2018 (DPA) and the General Data Protection Regulation (GDPR) The purpose for the retention of data comes under GDPR Article 6 - Legitimate interest and Article 9 - Public Task "Preventing or detecting unlawful acts" Sch 2 (10) DPA 2018.

Policy Overview

Under the Local Government and Rating Act 1997 s31, a 'parish council or community council may, for the detection or prevention of crime in their area:

- install and maintain any equipment,
- establish and maintain any scheme, or
- assist others to install and maintain any equipment to establish and maintain any scheme'.

Under the Crime and Disorder Act 1998 s17, a 'parish council has a duty to consider crime and disorder implications of their functions. 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 reasonably can to prevent:

- crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and
- the misuse of drugs, alcohol and other substances in its area,
- re-offending in its area'.

Under the Human Rights Act 1998 s1 (Article 8 of the European Charter on Human Rights) 'everyone has the right to respect for their private and family life. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in the interests of public safety or for the prevention of disorder or crime'.

Individual's rights are further protected with regard to CCTV surveillance through Section 33 of the Protection of Freedoms Act 2012 This states that a relevant authority must have regard to the surveillance camera code when exercising any functions to which the code relates.
www.gov.uk/government/publications/update-to-surveillance-camera-code/amended-surveillance-camera-code-of-practice-accessible-version
The code sets out twelve principles as follows:

- Have a defined purpose and legitimate aim
- Not impinge on an individual's privacy or human rights
- Be operated transparently so people know they are being monitored
- Be operated with good governance
- Have clear policies, rules and procedures in place
- Store no more images/data than strictly required
- Have safeguards in place in relation to who can view images/data
- Meet relevant and approved standards

- Ensure images/data are stored securely
- Review systems regularly (at least annually)
- Be effective in supporting law enforcement
- Databases used for matching purposes should be accurate and up to date

The use of CCTV falls also within the scope of the General Data Protection Regulation and the Data Protection Act 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 at the Recreation Ground in Sible Hedingham. 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 and anti-social behaviour
- Supporting the police in a bid to deter and detect crime
- Assisting in identifying, apprehending and prosecuting offenders

The parish council accepts the principles of data collected must be:

- Fairly and lawfully processed
- Processed for limited purposes and not in any manner incompatible with these purposes
- Adequate, relevant and not excessive
- Accurate
- Not kept longer than is necessary
- Processed in accordance with individual's rights
- Held securely

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 operation of the system.
- The Data Controller/Owner shall have overall ownership for the surveillance systems in place, with the system manager having responsibility for ensuring that proper governance arrangements are in place
- The introduction of, or changes to, CCTV monitoring arrangements will be subject to 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 parish council's Data Protection registration – Sible Hedingham Parish Council is registered with the Information Commissioner Officer (ICO) and pay an annual fee under the requirements of the Data Protection Act 2018 and the General Data Protection Regulation
- 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 the presence of CCTV and indicating the names of Data Controller and a contact number during office hours for enquiries
- The system manager and Parish Councillors have received Data Protection training
- The need for, and system specification 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 siblehedingham-pc.gov.uk

3. Location of Cameras

The cameras in the system are sited so 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 eight 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 images are recorded. The parish council is to ensure that this requirement is fulfilled. The CCTV sign should include the following:

- The area is covered by CCTV surveillance and images are recorded
- The purposes of using CCTV
- The name of the parish council
- The contact telephone number and/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 Essex Police, where appropriate. Where footage is extracted for the purposes of passing this to a third party (e.g. Essex Police or a school for the identification of an offender) the parish 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 paragraph 4.7.4-4.7.6 of the Surveillance Camera Code of Practice 2013.
assets.publishing.service.gov.uk/media/5a7b91a240f0b62826a046c0/Surveillance_Camera_Code_of_Practice_WEB.pdf

7. Access Requests by Data Subjects

Requests must be made to the Clerk of Sible Hedingham Parish Council, either verbally or in writing – clerk@siblehedingham-pc.gov.uk and requested under data protection law. The Information Commissioner's Office (ICO) has guidance about getting copies of your personal data.

When a request is made, the data subject must provide enough information so they can be identified in the footage:

- A specific date and time
- Proof of your identity
- A description of yourself

The parish council will usually provide the footage, free of charge, within one calendar month. Most CCTV footage is deleted within thirty days.

The parish council may not be allowed to share footage if:

- Other people can be seen in it
- They are not able to edit out people to protect their identity

The parish council can invite you to a viewing of the footage if:

- They are unable to provide you with the footage itself
- You agree to that arrangement

The parish council can refuse your request if sharing the footage could put an ongoing criminal investigation at risk.

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 must be made to the Clerk of Sible Hedingham Parish Council, either verbally or in writing – clerk@siblehedingham-pc.gov.uk 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 could 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 a victim, witness or perpetrator in relating 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 thirty days of receiving the request setting out the decision on the request. A copy of the request and response should be retained.