

# SOUTHWATER PARISH COUNCIL

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## **CCTV POLICY**



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## 1. Introduction

- 1.1. Southwater Parish Council operates a closed-circuit television (CCTV) is installed at the Council premises<sup>1</sup> for the purpose of staff and premises security. Cameras are located at various places on the premises, and images from the cameras are recorded.
- 1.2. The use of CCTV is in compliance with the General Data Protection Regulation under the Data Protection Act 2018. To comply with the requirements of the law, data must be:
  - Fairly and lawfully processed.
  - Processed for limited purposes and not in any manner incompatible with those purposes.
  - Adequate, relevant, and not excessive
  - Accurate
  - Not kept for longer than is necessary.
  - Processed in accordance with individuals' rights.
  - Secure

## 2. General Principles and Data Protection

- 2.1 Southwater Parish Council, support the individual's right to privacy, and the community at large should be satisfied that there is responsible and accountable supervision of CCTV schemes in public places.
- 2.2 The Executive Officer has responsibility for all the operational aspects of the scheme that relate to internal cameras concerning Beeson House and at the Skate and BMX Park on Ben's Field, Stakers Lane.
  - a) Southwater Parish Council are the Data Controllers under the relevant Acts.
  - b) CCTV is installed for the purpose of staff, and premises security.
  - c) Access to stored images will be controlled on a restricted basis within the Council.
  - d) Use of images, including the provision of images to a third party, will be in accordance with the Councils Data Protection registration.
  - e) CCTV may be used to monitor the movements and activities of staff and visitors whilst on the premises.
  - f) CCTV images may be used where appropriate as part of staff counselling or disciplinary procedures.

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<sup>1</sup> Southwater Parish Council, Beeson House, 26 Lintot Square, Fairbank Road, Southwater, West Sussex RH13 9LA and Bens Field Stakers Lane, Off Stakers Lane (Downs Link) Southwater Horsham West Sussex RH13 9UN.

- g) External and internal signage are displayed on the premises stating of the presence of CCTV and indicating the names of the Data Controllers and a contact number during office hours for enquiries.

### 3. Statement of Purpose

3.1 The scheme will be used for the following purposes:

- To reduce the fear of crime by persons using Council facilities so that they can enter and leave buildings and facilities without fear of intimidation by individuals and groups.
- To reduce the vandalism of property and to prevent, deter and detect crime and disorder.

3.2 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.

### 4. Camera Positioning

4.1 Maximum deterrent value will be achieved by having cameras clearly visible with signs at strategic locations within Beeson House and at the Skate & BMX Park at Ben's Field, Stakers Lane, advising of the presence of the cameras.

4.2 Cameras will be prominently situated in fixed positions, within public view. No camera will be hidden or obscured.

### 5. Monitoring

5.1 It is the responsibility of the Executive Officer to regularly check the accuracy of the time and date displayed.

5.2 The Scheme Partners cannot guarantee that all offences will be detected even when a CCTV picture of suspect(s) is available. Equally, they cannot guarantee that where an offence has occurred that CCTV pictures of that offence will be available. Consequently, Southwater Parish Council is unable to accept liability for any loss, damage or injury that occurs within the areas that are monitored.

- 5.3 The use of the CCTV system to obtain recorded evidence in relation to other non-serious offences will be guided by the Local Policing Plan, Police Priorities, guidance from the Crown Prosecution Service and other public interest considerations.
- 5.4 Except where used for training or demonstration there shall be no public viewing of the monitors. Except for wide angle or long-distance shots, views into residential premises, office accommodation, and other “private” areas will be excluded from the field of vision, unless a serious crime is being committed or there is reason to believe that a serious crime is being committed.
- 5.5 Individuals who have concerns over any potential intrusion of their privacy may request a review of camera operations by writing to the Parish Council in the first instance.

## 6. Retention of Digital Material

- 6.1 Recorded digital material will be retained for 30 days, then the material will be deleted.
- 6.2 All captions inserted onto camera images, such as camera location, time and date will be kept accurate.

## 7. Access to Images

- 7.1 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.
- 7.2 **Access to Images by Council Staff**

- 7.2.1 Access to recorded images is restricted to the Data Controllers, who will decide whether to allow requests for access by data subjects and/or third parties (see below). Viewing of images must be documented as follows:
- a) The name of the person removing from secure storage, or otherwise accessing, the recordings
  - b) The date and time of removal of the recordings

- c) The name(s) of the person(s) viewing the images (including the names and organisations of any third parties)
- d) The reason for the viewing
- e) The outcome, if any, of the viewing
- f) The date and time of replacement of the recordings

### **7.3 Removal of Images for Use in Legal Proceedings**

7.3.1 In cases where recordings are removed from secure storage for use in legal proceedings, the following must be documented:

- a) The name of the person removing from secure storage, or otherwise accessing, the recordings
- b) The date and time of removal of the recordings
- c) The reason for removal
- d) Specific authorisation of removal and provision to a third party
- e) Any crime incident number to which the images may be relevant.
- f) The place to which the recordings will be taken.
- g) The signature of the collecting police officer, where appropriate
- h) The date and time of replacement into secure storage of the recordings

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

**7.4.1** Requests for access to images will be made using the 'Application to access to CCTV images' form (which is at **Appendix 1**).

**7.4.2** 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:

- a) Law enforcement agencies where the images recorded would assist in a specific criminal enquiry.
- b) Prosecution agencies
- c) Relevant legal representatives
- d) The press/media, where it is decided that the public's assistance is needed in order to assist in the identification of victim, witness or perpetrator in relation to a criminal incident. As part of that decision, the wishes of the victim of an incident should be taken into account.
- e) People whose images have been recorded and retained (unless disclosure to the individual would prejudice criminal enquiries or criminal proceedings)
- f) All requests for access or for disclosure should be recorded. If access or disclosure is denied, the reason should be documented as above.

## 7.5 Disclosure of Images to the Media

- 7.5.1 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.
- 7.5.2 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 it out. If an editing company is used, then the data controller must ensure that there is a contractual relationship between them and the editing company, and:
- That the editing company has given appropriate guarantees regarding the security measures they take in relation to the images.
  - The written contract makes it explicit that the editing company can only use the images in accordance with the instructions of the data controllers.
  - The written contract makes the security guarantees provided by the editing company explicit.

## 8. Procedures for Dealing with an Access Request

- 8.1 All requests for access by Data Subjects will be dealt with by the Executive Officer. The data controller will locate the images requested. The data controller will determine whether disclosure to the data subject would entail disclosing images of third parties.
- 8.2 The data controller will need to determine whether the images of third parties are held under a duty of confidence. In all circumstances the Council's indemnity insurers will be asked to advise on the desirability of releasing any information.
- 8.3 If third party images are not to be disclosed, the data controllers will arrange for the third-party images to be disguised or blurred. 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 it out. If an editing company is used, then the data controller must ensure that there is a contractual relationship between them and the editing company, and:

- That the editing company has given appropriate guarantees regarding the security measures they take in relation to the images
- The written contract makes it explicit that the editing company can only use the images in accordance with the instructions of the data controllers.
- The written contract makes the security guarantees provided by the editing company explicit.

8.4 The Data Controller will provide a written response to the data subject within 30 days of receiving the request setting out the data controllers' decision on the request. A copy of the request and response should be retained.

8.5 Information will be provided outlining the information that the individual will need to provide to enable to images to be located and identified, and an Access Request Form (Appendix One) should be completed.

8.6 A fee will be charged to cover costs for searching and copying discs, which must be paid prior to viewing. Viewing of the copied recordings will take place in a separate and restricted room to ensure confidentiality. Only the individual requesting access and a designated member of staff will be present. If the applicant is under the age of 18, then a parent or guardian may also be present.

## 9. Complaints

9.1 Southwater Parish Council has an adopted complaints policy please refer to website.

9.2 Those requiring official access to the recorded material should complete an Access Request Form (Appendix one).

9.3 Only the Executive Officer is authorized to sign off access requests on behalf of the Parish Council.

9.4 A record of All access requests shall be kept by the Parish Council. It is essential that digital recordings do not pass into public circulation.



Appendix One: Data Protection Act/General Data Protection Regulation - Application for CCTV Data Access

**ALL Sections must be fully completed.**

Attach a separate sheet if needed.

Reference No.	
Name and address of Applicant	
Name and address of "Data Subject" – i.e. the person whose image is recorded	
If the data subject is not the person making the application, please obtain a signed consent from the data subject opposite	Data Subject signature.....
If it is not possible to obtain the signature of the data subject, please state your reasons.	
Please state your reasons for requesting the image	
Date on which the requested image was taken	
Time at which the requested image was taken	
Location of the data subject at time image was taken (i.e. which camera or cameras)	
Full description of the individual, or alternatively, attach to this application a range of photographs to enable the data subject to be identified by the operator	
Please indicate whether you (the applicant) will be satisfied by viewing the image only	

On receipt of a fully completed application, a response will be provided as soon as possible and in any event within **20** working days.

COUNCIL USE ONLY	COUNCIL USE ONLY
Access granted (tick)	
Access <b>not</b> granted (tick)	Reason for not granting access:
Data Controller's name:  Signature:  Date:	Reference No:

**Please complete below if necessary. The disc should be clearly marked with the Reference Number.**

I hereby confirm that I have copied onto disc and removed from the premises CCTV image data relating to the above time period.

Signed: .....