



SOUTH
KESTEVEN
DISTRICT
COUNCIL

South Kesteven District Council

CCTV Code of Practice

Amended: March 2022

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Authorised Version Control

Date	Version	Comments	Authorised by
03/08/2020		Body Worn CCTV Update	Community Resilience Lead
20/08/2021			Community Safety Lead
29/10/2021		Role Change Updates	Community Safety Lead
22/03/2022		Role Change Updates	Community Safety Lead

1.0 System Overview and Management

1.1 Introduction

This Code of Practice aims to introduce measures to ensure accountability, high standards, good quality information and effective partnerships between the Police and the System owners/users. It is available to the public via the South Kesteven District Council website.

The purpose of this document is to state the intention of the owners and the managers, on behalf of South Kesteven District Council CCTV as a whole and as far as is reasonably practicable, to support the objectives of the system and to outline how it is intended to do so.

All sections of the Code of Practice are subject to continuous review and reference should be made to the issue date shown on the front of the document. The Code of Practice is intended to reflect the spirit and guidance issued by the Information Commissioner's Office - In the picture: A data protection code of practice for surveillance cameras and personal information.

<https://ico.org.uk/media/1542/cctv-code-of-practice.pdf>

The most up to date version of this guide is kept with this Code of Practice.

This Scheme is accredited full certification, Surveillance Camera Commission CoP and to BS 7958. The British Standard provides good practice and takes due regard of the 12 guiding principles of the Surveillance Code of Practice, the Information Commissioners CCTV Code of Practice and the principles of the Data Protection Act 1998.

All recorded material is owned by South Kesteven District Council and will be subject to statutory conditions of the General Data Protection Regulations, Human Rights Act, Regulation of Investigatory Powers Act and in accordance with this Code of Practice.

The CCTV system will only be used to achieve the aims and objectives as set out in the Code of Practice. Cameras will at no time, without authority, be used to view inside private residences/premises. No sound recording will be used in public places.

The Community Safety Lead will oversee compliance of this Code and recommend any changes necessary. Minor changes (no significant impact upon the Code or the Scheme) can be made by The Community Safety Lead. Any changes will be fully documented and communicated to all relevant staff and partner agencies where appropriate.

Major changes (significant impact upon the Code or Scheme) to this Code will require formal approval by the Portfolio Holder/Cabinet Member with responsibility for CCTV and will only take place after relevant consultation.

The single point of contact for the Scheme is the Community Safety Lead. The single responsible officer is the Deputy Chief Executive.

1.2 Location

This Code of Practice relates to the Closed Circuit Television System (CCTV) installed in the areas of Grantham, Bourne, Stamford and The Deepings which are operated by South Kesteven District Council.

The Control Room is owned and staffed by employees of the Council who will monitor and control the cameras 24 hours every day. The control room is in Grantham however the exact location is not disclosed to the general public.

1.3 Signage

In accordance with the General Data Protection Regulation, signage is in place informing the Public that they are entering a zone covered by surveillance equipment. Annual review of signage is undertaken.

1.4 Purpose of CCTV

The system provides coverage of retail, commercial, residential, recreational, car parks and open space areas located in the District of South Kesteven.

The purpose of the scheme is to help provide a safe public environment for the benefit of those people who live, work, trade, visit, service and enjoy the facilities of the town centres.

The system will be used for the provision of recordings for evidential purposes to the police and other bodies having prosecuting powers and, in some cases, insurance companies dealing with road traffic accidents.

This Code of Practice is supplemented by a separate Procedures Manual which is stored securely within the control room, and also accessible electronically, for use by Operators.

1.5 Aims

CCTV will play a major role in making the District safer helping to provide evidence where a crime or anti-social behaviour has been committed and ultimately to reduce crime where cameras are operational. CCTV will help reduce the fear of crime.

The CCTV facility assists the Council in delivering the following Corporate Priorities;

1. Priority 1 - Grow the Economy
-
2. Priority 2 - Keep SK Clean, Green and Healthy
3. Priority 3 - Support Good Housing For All
4. Priority 4 - Promote Leisure, Arts and Culture

Parts of our District relies upon tourism for its income. Residents and visitors to the region need to be reassured that it is a safe place to live and visit. CCTV is seen as a vital component in the Council's efforts to reduce the actual incidence of crime and to alleviate the perception of crime in the minds of the local and transient population.

The Objectives of the scheme are:-

- To assist in the detection and prevention of crime;
- To help provide evidential material for court proceedings;
- To deter those having criminal intent;
- To reduce the fear of crime and give confidence to the public that they are in a secure environment;
- To provide safer communities;
- To assist in improving the environment of the areas monitored;
- To maintain and enhance the commercial viability of the area and to encourage continued investment;
- To reduce acts of vandalism;
- To assist in the prevention and detection of antisocial behaviour that would deter members of the public from using the regions facilities;
- To reduce vehicle related crime and anti-social behaviour in car parks;
- To assist with traffic management.

1.6 Management

The beneficial owner of the system is:- South Kesteven District Council (“The Council”) :St Peter’s Hill, Grantham, Lincolnshire, NG31 6PZ

The Data Controller is:- South Kesteven District Council

Control Room General Enquiries:- Control Room Operational Supervisor – 01476 406080

1.7 Control Room Personnel

South Kesteven District Council will be responsible for selecting and employing personnel to staff the control room. They are selected using the criteria of standard job descriptions and person specification. Employees are required to have qualities of personal integrity and each has to pass enhanced Police Vetting procedures (NPPV2).

All new employees undertake a minimum of 40 hours of intensive in-house training on the operation and use of the system. Further training is given for operators to familiarise themselves with camera locations and local streets.

Only personnel who are fully trained or under supervised training in the use of the systems monitoring equipment, communication system and the operational and management procedures required under this Code of Practice will be permitted to undertake permanent duties on CCTV monitoring.

Employees work shifts covering 24 hours a day, 365/6 days per year. The minimum staff complement will be sufficient to allow the control room to function.

All personnel working within the control room will complete an electronic duty log book showing the date and the start and finish times of their duty within the control room.

2.0 The System

2.1 Introduction & Purpose

The system provides CCTV surveillance in and around Grantham, Stamford, Bourne and The Deepings. Most images are transmitted via British Telecom's (BT) fibre optic network and some are IP cameras which transmit their images via Local Area Network.

2.2 CCTV Coverage

The level of coverage in each of the areas with the Pan, Tilt and Zoom (PTZ) cameras is generally monitor and detection. Active patrols of vulnerable areas recognition or identification can be achieved. Coverage with the static cameras is monitoring and detection.

Total privacy within the surveillance area cannot be guaranteed however the cameras will not be used to unduly monitor persons going about their lawful business. Persons will only be specifically monitored if there is suspicion or knowledge that an offence has or may be about to occur.

2.3 Operational Details

The CCTV system operates 24 hours a day, 365 days a year and is staffed by fully trained Council personnel.

There is a direct radio link to the communications room at Lincolnshire Police Headquarters. This allows access to Police Officers on the ground (through Control) and is sited on the main control desk in the CCTV control room. The CCTV service will comply with the Airwave Service Code of Practice and holds the necessary TEA2 User Sub Licence.

The CCTV control room also has a direct link with local retail premises via Zello. This assists with responding to the problems of shoplifting, pickpockets etc. We assist in the apprehension and prosecution of shoplifters and other criminal offenders active in the Districts town centres.

2.4 Access to Network

The CCTV cameras can only be controlled and recorded by authorised personnel in the control room. A limited number of camera feeds are available to Lincolnshire Police for operational purposes.

2.5 Assessment of the System

The Council (The Owner) is responsible for ensuring that the system is evaluated periodically, on a minimum of a once per annum basis.

Evaluation will include statistical reports on the number of:-

- incidents monitored
- incidents reviewed
- evidence provided

- camera location reviews

3.0 Legislative Framework

3.1 Background

The system is registered with the Information Commissioner under the General Data Protection Regulation. The latest certificate is available on the website of the Information Commissioner. South Kesteven District Council recognises that the use of CCTV could potentially impact on a member of the public's right to respect for private and family life afforded by Article 8 of the European convention on Human Rights and the Human Rights Act 1998. CCTV will therefore only be used for the prevention and detection of crime or disorder, to ensure public safety or to maintain safety within and around the district. CCTV for covert or targeted surveillance purposes will be carried out in accordance with the Regulations of Investigatory Powers Act 2000 (RIPA) and will be subject to the appropriate authority levels.

3.2 Human Rights Act 1998

This code will observe Articles 6 and 8 of the Human Rights Act 1998 and will incorporate those safeguards necessary to protect the rights of privacy, except where the law permits specific surveillance activities.

3.3 General Data Protection Regulation

All Closed Circuit Television (CCTV) schemes that receive, hold or process data about a known person are obliged to conform to the General Data Protection Regulation. The Act covers CCTV systems used in areas where the public would have a "right to visit" and requires that personal data must be:-

- (a) "Processed lawfully and fairly and in a transparent manner in relation to an Individual;
- (b) Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes. Further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.
- (c) Adequate, relevant, and limited to what is necessary in relation to the purposes for which they are processed.
- (d) Accurate and, where necessary, kept up to date. Every reasonable step must be taken to ensure that personal data that are inaccurate, having regards to the purposes for which they are processed, are erased or rectified without delay.
- (e) Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in

the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and

- (f) Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.”

Article 5(2) requires that “The controller shall be responsible for, and be able to demonstrate, compliance with the principles.”

3.4 Regulation of Investigatory Powers Act 2000 (RIPA)

When it is necessary to carry out 'DIRECTED OR COVERT SURVEILLANCE' the appropriate authority will be obtained from the relevant authority.

3.5 Right of Access

(Subject Access Request)

Under GDPR individuals will have the right to obtain:-

- Confirmation that their data is being processed.
- Access to their personal data.
- Other supplementary information – this largely corresponds to the information that should be provided in a privacy notice (see article 15 of the GDPR).

Who receives the initial enquiry?

Subject Access Requests should be sent to the Data Protection Officer and information is available on the Council's website.

www.southkesteven.gov.uk

Charges

A copy must be provided free of charge however a “reasonable fee” may be charged if the request is manifestly unfounded or excessive or particularly repetitive.

Response times

The information must be provided without delay and at the latest within one month of receipt.

3.6 Freedom of Information Requests

- Freedom of information requests should be addressed to the Data Protection Officer and details of this is available on the council's website; www.southkesteven.gov.uk
- The information must be provided without delay and at the latest within 20 working days of receipt.

- A copy of the response must be sent to the FOI officer.

3.7 Access to and Disclosure of Images

General Policy

All requests for the release of data shall be processed. All such requests shall be channelled through the CCTV Manager, although day to day responsibility may be devolved to the Control Room Supervisor.

Request to View Data

a) Primary requests to view data generated by a CCTV System are likely to be made by third parties for any one or more of the following purposes:

Providing evidence in criminal investigations or proceedings (Police and Criminal Evidence Act 1984 (9), Criminal Procedure and Investigation Act 1996 (7)).

- Providing evidence in civil proceedings.
- The prevention of crime and disorder
- The investigation and detection of crime (may include identification of offenders)
- Identification of witnesses
- Public Interest

b) Third parties, which are required to show adequate grounds for disclosure of data within the above criteria, may include, but are not limited to:

- Law Enforcement Agencies
- Statutory authorities with powers to prosecute, (e.g. Customs and Excise; Environmental Services; Trading Standards, etc.)
- Solicitors
- Plaintiffs in civil proceedings
- Accused persons or defendants in criminal proceedings
- Insurance companies in connection with road traffic incidents
- Other agencies, as specified in the Code of Practice according to purpose and legal status.

c) Media disclosure - There is generally no release of data to the media in the event of a request from the media for access to recorded material. Data may be released to the media, to educate the public on certain offences, to promote public safety, to protect staff and contractors, where it is decided that it is in the public's interest or that the public's assistance is required to identify a victim or perpetrator in relation to a criminal or anti-social behavioural incident.

d) Viewing of Images - As the scheme is registered with the Information Commissioner it is necessary to provide a viewing station away from the Control room, or in an area to protect the images of other individuals on the recordings being disclosed.

e) Disclosure of images - Where images are disclosed to a third party, they become the data controller for their copy/ ie of the image/s and are responsible for compliance with GDPR.

4.0 Camera Siting, Image Quality and Data Access

4.1 Siting the Cameras

Cameras have been sited to provide surveillance of the town centres, selected car parks, civic offices and other Council public buildings. The system comprises of a mixture of Pan Tilt Zoom (PTZ) and Static functionality.

Static camera installations provide a fixed field of view of a particular scene e.g. an area of a car park or stairwell. Fully functional installations provide (PTZ) functionality and can be utilised to monitor a range of scenes under operator / automatic tour or preset control.

A number of PTZ installations are situated within residential areas. However these cameras will be controlled in accordance with the Operational Procedures Manual and all operators will be fully aware that they are only able to use the equipment in order to achieve the purpose(s) for which it has been installed. In certain circumstances or upon approved request, it is a function of the equipment that parts of specific scenes may be electronically “blanked” from providing a view of an area.

4.2 Processing of the images

All new installations and upgrade of existing cameras will be commissioned in line with a privacy impact statement to ensure that the cameras deliver the correct field of view and are of adequate quality for their requirement.

Images will not be retained for longer than is necessary. They are stored in digital format on hard drives for a period of 30 days. After this time the images are erased.

Only authorised personnel in the control room can access the data stored on the hard drives.

All data will be handled in accordance with this Code Of Practice (COP) and reference should be made to the Operational Procedures Manual. All operators of the system will be fully trained in handling and processing data.

Evidential images will be provided on DVDs or Hard drives which are referenced and recorded on Request For CCTV Recorded Material Form, located in control room. This is to prevent the unlawful release of footage.

5.0 Control Room Use

5.1 Key Personnel

CCTV Manager

The control room is managed locally by a manager (Community Safety Lead) with direct control of the scheme. The manager retains responsibility for the implementation of procedures to ensure that the system operates according to the purpose for which it was installed and in accordance with the objectives identified for the system.

Control Room Operational Supervisor

The Supervisor has a responsibility to always ensure that the system is operated in accordance with the policy and all procedural instructions relating to the system, and for bringing to the immediate attention of the manager any matter affecting the operation of the system, including any breach or suspected breach of the policy, procedural instructions, security of data or confidentiality.

5.2 Control Room Access

Only visitors with a valid reason will be allowed access to the control room and monitored areas. Public access to the monitoring and/or recording facility will be prohibited except for lawful, proper, and sufficient reasons and only then with the personal authority of the Manager or Supervisor. Any such visits will be fully supervised by the Manager or the Operational Supervisor.

Police Access

Police Officers are routinely granted 24 hours access to the control room and monitoring area for the purpose of retrieving evidence, advising on criminal intelligence, operational, liaison and security purposes. These times may be adjusted subject to operational requirements.

Contractor Access

Only trained and authorised personnel will be granted access to the control room or monitoring areas for the purpose of system maintenance.

Inspectors/Auditors Access

The Control Room Operational Supervisor will carry out a monthly audit of the CCTV room ensuring that procedures are followed. The Council's auditors carry out an audit on the CCTV Service every 3 years. These visits may take place at any time without warning.

5.3 Visitors' Book / Declaration of Confidentiality

ALL visitors will be required to sign a visitors' book located in the CCTV Control Room. Visitors are required to make an undertaking that all information witnessed during their visit will be held as confidential.

5.4 Control Room Physical Security

Authorised personnel will normally be always present when the equipment is in use. If the monitoring facility is to be left unattended for any reason (i.e. bomb threats/fire drills/staffing etc) the room must be secured.

5.5 Communications

Several separate communication systems will be in operation within the control centre. All systems are to be used strictly in accordance with operating procedures laid down by the suppliers/users. For AIRWAVE the Council has been added to the Police Airwave Sharers List and holds a TEA2 licence. Any misuse of Police Systems within local authority/partnered control centres may lead to the removal of that system and/or disciplinary measures.

In the event of an incident being observed by a CCTV operator, contact will be made as per the procedures laid down by radio/telephone.

5.6 Council Complaints Procedure

Full details of the Council's complaints procedure is available through the website – www.southkesteven.gov.uk

6.0 Body Worn Video (BWV)

6.1 Introduction

This section sets out the Council's Policy and Procedural Guidelines for the use of Body worn CCTV cameras by Civil Enforcement Officers (Parking and when utilised for the issuing of fixed penalty notices for littering and dog fouling offences.) It enables employees to comply with the relevant legislation relating to video recording and outline the associated benefits to Civil Enforcement Officers (Parking) and the public. It also documents best practice procedures about integrity of data, images and video as well as its security and use.

The use of Body worn CCTV can provide several benefits which include a deterrent to acts of aggression or verbal and physical abuse towards Enforcement Teams and provides evidence to support Police/Environmental Crime investigations. Body worn CCTV will be used in an overt manner and emphasised by any Enforcement Officer wearing clear identification that it is a CCTV device. Prior to commencement of any recording, where possible, officers will give a clear verbal instruction that recording is taking place.

Body worn CCTV will not be used to gather evidence for Parking Enforcement purposes.

6.2 Legislation

The integrity of any video data recorded will be considered in accordance with the following legislation:

Data Protection Act 1998
Freedom of Information Act 2000
Human Rights Act 1998
CCTV Code of practice 2014

Data Protection Act 1998

The Information Commissioner's Office is the regulator for the Act and has given guidance about use of Body worn CCTV equipment. This legislation regulates the processing of 'personal data' or 'sensitive personal data' whether processed on computer, CCTV, still camera or any other media. Any recorded image that is aimed at or may identify a particular person is described as 'personal data' and covered by this Act and will include images and audio captured using Body worn equipment. The use of Body worn CCTV in this guidance is 'overt use' meaning that equipment is not to be worn or used in a hidden or covert manner.

Where an individual asks to view footage, this is called a 'Subject Access Request' (see 6.4)

Human Rights Act 1998

Article 6 provides for the right to a fair trial. All images captured using a Body worn device have the potential to be used in court proceedings and must be safeguarded by an audit trail in the same way as any other evidence. Article 8 of the Human Rights Act 1998 concerns the right for private and family life, home, and correspondence. Recordings of persons in a public place are only public for those present at the time and can still be regarded as potentially private. Any recorded conversation between members of the public should always be considered private and users of Body worn equipment should not record beyond what is necessary when recording a confrontational situation.

The Council ensures that the use of Body worn CCTV is emphasised by officers wearing it in a prominent position (normally on their chest) and that its forward facing display is visible to anyone being recorded. Additionally, officers will wear identification that it is a CCTV device and make a verbal announcement, where practicable, prior to commencement of any recording. The Council will adhere to the CCTV code of practice 2014 in all aspects referring to Body Worn Cameras.

Recording

Recording must be incident specific. officers must not indiscriminately record entire duties or patrols and must only use recording to capture video & audio of specific incidents.

Playback

Any recordings made can only be played back by an authorised officer. Any request to view captured video by a member of the public, will need to be made in line with the 'subject access procedure'.

Storage of Data

All recorded footage will be uploaded to the Body worn camera software system (DEMS) on the dedicated and secure computer located in the Enforcement office. Any footage to be retained will be correctly bookmarked.

All retained data will be kept until all investigations have been completed or a prosecution has taken place. Any other data not required for evidential purposes will be deleted as soon as practicable.

Authorised Personnel

Public Protection Manager
Community Safety Lead

6.4 Requests to View Footage

Subject Access Request

All data not required for evidential purposes will be deleted upon download. However, the Data Protection Act gives individuals the right to be told what personal information we hold about them and to receive a copy of that information.

Any application to view footage is covered by South Kesteven District Councils 'Subject Access Request' procedure.

Details can be found on the website – www.southkesteven.gov.uk

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Major changes (significant impact upon the Code or Scheme) to this Code will require formal approval by the Portfolio Holder/Cabinet Member with responsibility for CCTV and will only take place after relevant consultation.