



WSPC CCTV and Surveillance Policy

West Swindon Parish Council
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Contents

1. Introduction	3
2. Policy Objectives	3
3. Legislation	3
4. Surveillance Camera Commissioner: Code of Practice	4
5. Responsibility	5
6. Purpose and Installation	6
7. Code of Practice for Surveillance Cameras & Personal Information	7
8. Covert Cameras	7
9. Purchase and Deployment of CCTV Cameras	7
10. Deployable Mobile CCTV Cameras	8
11. Body Worn Video	8
12. Fleet Video Devices	9
13. Noise Monitoring Equipment	10
14. Quality of System	10
15. Signage	10
16. Requesting Footage / Provision of evidence	10
17. Security	11
18. Data Retention	12
19. Statistics	12
20. Health and Safety	12
21. Complaints	12
22. Useful Links	12
Appendix A - Alternative Sites	13
Appendix B – Background papers	14

1. Introduction

West Swindon Parish Council (“the Council”) utilises Closed Circuit Television (“CCTV”) on its premises at Unit 25 Westmead Industrial Estate, SN5 7YT.

2. Policy objectives

The three objectives of this policy are as follows:

1. To outline the responsibilities of those involved in the Council’s CCTV system.
2. To clearly state the purposes for which the CCTV system was installed and should be used, including temporary and mobile CCTV.
3. To set out the process of how images can be obtained and used.

3. Legislation

In addition to Council policies and procedures, guidelines and Codes of Practice for CCTV and BWV, the operation of CCTV systems is subject to legislation under:

- The Data Protection Act 2018 (“DPA 2018”) (as amended)
- UK General Data Protection Regulation Privacy and Electronic Communications (Amendments etc)(EU Exit) Regulations 2019 made on 28th February 2019 (as amended by the Data Protection, Privacy and Electronic communications (amendments etc) (EU Exit) Regulations 2020 Laid on 14th October 2020)
- The Human Rights Act 1998 (HRA).
- The Freedom of Information Act 2000 (FOIA).
- The Regulation of Investigatory Powers Act 2000 (RIPA).
- The Protection of Freedoms Act 2012 (POFA).
- Criminal Procedures and Investigations Act 1996 (CPIA)

The Human Rights Act 1998 gives effect in the UK to the rights set out in the European Convention on Human Rights (ECHR) Article 8 provides for a person’s right to respect for their private and family life, home and correspondence, and is one of the qualified rights within the Act. Surveillance that may interfere with such a right should only be carried out where it is necessary and proportionate to do so.

The purpose of this policy is to ensure that the above legislation is complied with at all times when operating the CCTV.

4. Surveillance Camera Commissioner: Code of Practice Legislation

West Swindon Parish Council recognises that it must have regard to the Surveillance Camera Commissioner's Code of Practice when exercising any of the functions to which the code relates. This policy recognises the importance of the 10 guiding principles of the Code (outlined below). All employees must adhere to these principles.

1. Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.
2. The use of a surveillance camera system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified.
3. There must be as much transparency in the use of a surveillance camera system as possible, including a published contact point for access to information and complaints.
4. There must be clear responsibility and accountability for all surveillance camera activities including images and information collected, held and used.
5. Clear rules, policies and procedures must be in place before a surveillance camera system is used, and these must be communicated to all who need to comply with them.
6. No more images and information should be stored than that which is strictly required for the stated purpose of a surveillance camera system, and such images and information should be securely deleted once their purposes have been discharged.
7. Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes.
8. Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.
9. There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published.
10. When the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value.

5. Responsibility

- **Responsible Officers** – The Operations Supervisor is the responsible officer for the Westmead Depot.

6. Purpose and Installation

The CCTV system has been installed for the following purposes:

- Protecting areas and premises used by Council employees and the public;
- Protecting Council property and assets; from theft, damage, or acts of vandalism

The areas to be covered must be clearly identified, and the way in which images are recorded must comply with Data Protection Principles as follows:

- Cameras must only monitor those spaces intended to be covered.
- Cameras must be sited to ensure that they comply with purpose.

The system will not be used for any other purpose than those set out in this document.

Employees or those working on behalf of the Council will only be monitored if there is a reasonable cause relating to the purposes set out in 6. above.

7. Data Protection Code of Practice for Surveillance Cameras and Personal Information

This code provides good practice for those involved in the operation of CCTV and the code of practice advises how best to comply with the seven principles outlined in the UK GDPR and the six principles outlined in the DPA part 3 (criminal processing). The code also provides guidance as to when CCTV and BWV devices should be used and the governance arrangements around them.

8. Fleet Video Devices

The Council may utilise CCTV camera systems fitted to a number of vehicles for the reasons outlined throughout this policy. None are deployed at present. The Council may also use vehicles who have CCTV / Dash Cams fitted and where this is the case, there will be clear signage so that any occupants of the vehicles will be aware of any CCTV.

9. Signage

The Council has signage where CCTV is in operation and will use signage to advise individuals that they are about to enter or are in an area covered by CCTV cameras.

10. Requesting footage / Provision of Evidence

Members of the public and external agencies outside of shared service provisions are not permitted to review the Councils' CCTV systems without making a formal subject access request ("SAR"), DPA 2018 Schedule 2, FOIA or other appropriate disclosure requests. If matters are relating to a recent incident it is anticipated the request or submits this promptly as it may be deleted after 30 days in line with the Council's retention policies.

It is paramount that a full and accurate record is kept of SAR requests and viewings of the systems and all instances when images are issued. This information must include:

- Date, time, camera number and location of the incident.
- The name of the lead officer,
- The date, time, name and contact details of the person viewing or removing images.
- The reason for the viewing/issue of images.
- Signatures of the person who released and received the images.

Employees who are subject to performance matters or disciplinary, complaints or grievance procedures have the right to request that footage be retained if they believe it will assist their case. For disciplinary or grievance matters, the request must come from the officer / investigator (the authorised officer) who has been nominated to establish the facts / investigate the matter. Viewings will be permitted and images will only be released to the authorised officer in line with the Council's HR Policy.

Council recorded material will not be sold or used for commercial purposes or for the provision of entertainment. Images provided to the police or other enforcement agencies or for internal investigations shall at no time be used for anything other than the purposes for which they were originally released.

11. Security

Recording equipment is only be accessible to those who have a genuine need to access them. The Operations Supervisor is the designated officer to review or capture any CCTV recordings. Tampering with or misuse of cameras, monitoring or recording equipment, images or recorded data by employees may be regarded as misconduct and could lead to disciplinary action, which may result in dismissal or prosecution.

Any breach of this Policy Document or the CCTV Code of Practice may be dealt with according to the Councils' disciplinary procedures.

12. Data Retention

CCTV is kept only the recording function of the equipment. It is not stored. Any information captured and used in evidence as part of an investigation or prosecution maybe kept for a maximum of 7 years.

13. Health and Safety

All Council employees are required to comply with the Council's Health and Safety policy and provisions.

14. Complaints

Complaints about the operation of a CCTV system should be addressed initially to the Clerk, or the responsible officer. Complaints will be dealt with in accordance with the Councils' formal complaints procedure.

15. Useful Links

Data Protection Act 2018

<https://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>

Regulation of Investigatory Powers Act, 2000

<http://www.legislation.gov.uk/ukpga/2000/23/contents>

Protection of Freedoms Act, 2012

<http://www.legislation.gov.uk/ukpga/2012/9/contents>

'Surveillance Camera Code of Practice'

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/204775/Surveillance_Camera_Code_of_Practice_WEB.pdf

'In the picture: A data protection code of practice for surveillance cameras and personal information', ICO, May 2015

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