

Biddulph Town Council



CCTV POLICY

WRITTEN BY:

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INTRODUCTION

1.1 Closed Circuit Television (CCTV) is now a well-established and accepted practice in our lives. It is widely used and is generally supported by the public, but it does intrude into people's lives as they carry out their daily activities. This therefore means that responsible use, under guidelines, must be maintained to ensure that this 'intrusion' is legitimately carried out.

1.2 CCTV is installed around the Town Hall building, (both internally and externally) and the Bus Hub:

- for the prevention, investigation and/or detection of vandalism, crime and disorder;
- apprehension and/or prosecution of offenders;
- to discourage anti-social behaviour;
- to monitor the buildings in order to provide a safe and secure environment for staff, tenants, volunteers, contractors and visitors;
- to prevent the loss of or damage to contents, vehicles and property.

1.2 The CCTV installations are owned and maintained by the Town Council.

The Town Council's use of cameras is also informed by the data codes of practice for surveillance cameras and personal information published by the

Information Commissioner's Office and the Surveillance Camera Commissioner.

Recognisable images captured by CCTV systems are 'personal data'.

Biddulph Town Council is the Data Controller under the Data Protection Act 2018 and has designated authority to the Chief Officer for the day to day running of the system.

OBJECTIVES OF THE POLICY

2.1 To detail the operation, use and management of the CCTV system and the procedure to be followed in order to ensure that Biddulph Town Council complies with relevant legislation and Codes of Practice where necessary.

2.2 This policy must be followed by all staff and councillors. Failure to comply could result in disciplinary action, including dismissal. This policy also applies to the council's consultants, contractors and volunteers.

2.3 All Town Council employees and councillors with access to images will be made aware of this policy and of the procedures that need to be followed when accessing the recorded images. All council employees will be made aware of their responsibilities in following the CCTV Code of Practice. All will be made aware of the restrictions in relation to access to, and disclosure of recorded images.

LOCATION AND SIGNAGE

3.1 Cameras are sited so that they only capture images relevant to the purposes for which they have been installed; care will be taken to ensure that reasonable privacy expectations are not violated. The location of equipment is carefully considered to ensure that images captured comply with legislation.

3.2 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 pictures are recorded. The Town Council ensures this requirement is fulfilled.

MONITORING AND RECORDING

4.1 Access to CCTV images is restricted to the Chief Officer and other persons as required and authorised by the Chief Officer. Viewings shall only be undertaken for a specific, legitimate purpose. Casual viewing of recorded images is not permitted. Viewings should only be undertaken at the specific request of the Chief Officer. Failure to comply could result in disciplinary action, including dismissal.

4.2 Viewings may be undertaken only by authorised users and enforcement agencies such as the Police. Viewings are granted at the discretion of the Chief Officer.

4.3 Ownership of recorded material remains at all times the property of Biddulph Town Council.

4.4 Employees using the CCTV must be aware of this policy statement, the Data Protection Act 1998, the CCTV Code of Practice 2008 and the guidance developed by Biddulph Town Council.

SUBJECT ACCESS REQUESTS

5.1 Individuals have the right to request CCTV footage relating to themselves under the Data Protection Act 2018 /General Data Protection Regulation (GDPR) or the Freedom of Information Act 2000.

5.2 All requests should be made in writing to the Town Council's Chief Officer. Individuals submitting requests for access will be asked to provide sufficient information to enable footage relating to them to be identified; such as time, date and location. See '**Data Protection (GDPR) and Retention Policy**'.

5.3 The Town Council reserves the right to refuse access to CCTV footage where this would prejudice the legal rights of other individuals or jeopardise an on-going investigation.

THIRD PARTY DISCLOSURES

6.1 Access to, and the disclosure of, CCTV images and the disclosure of images to third parties, such as the Police, will be carefully controlled to ensure the rights of individuals are protected. All disclosure will be made at the discretion of the Council's Chief Officer.

6.2 The Police will apply for access, where the Police reasonably believe that access to the recorded images is necessary for the investigation and detection of a particular offence or offences or the prevention of crime.

6.3 The Police may obtain access under the provisions of the Police and Criminal Evidence Act 1984.

RETENTION

7.1 CCTV images will be retained for no longer than 31 calendar days from the date of recording, unless they are required to be used as evidence in any legal proceedings. Images will be automatically overwritten or destroyed after this time. The Data Protection Act and GDPR does not prescribe any specific minimum or maximum retention periods that apply to all systems or footage. The data will be stored securely at all times.

RESPONSIBILITIES

8.1 The Town Council retains overall responsibility and will:

- Ensure the use of CCTV is implemented in accordance with this policy.
- Oversee and co-ordinate the use of CCTV monitoring for safety and security purposes within the Town Council premises.
- Ensure the CCTV monitoring is consistent with the highest standards and protections.
- Ensure suitable signage is displayed prominently.
- Be responsible for the release of any information or recorded CCTV materials stored in compliance with this policy.
- Give consideration to both Town Council members and employees feedback/complaints regarding possible invasion of privacy or confidentiality due to the location of a particular CCTV camera.
- Ensure all areas being monitored are not in breach of an enhanced expectation of the privacy of individuals within the Town Council and be mindful that no such infringement is likely to take place.
- Ensure that external cameras are non-intrusive in terms of their positions and views of neighbouring residential housing and comply with the principle of 'Reasonable Expectation of Privacy.'
- Ensure that digital recordings are stored for a period not longer than 31 days and are then erased.
- Ensure that camera control is solely to monitor suspicious behaviour, criminal damage etc and not to monitor individual characteristics.
- Ensure that camera control is not infringing an individual's reasonable expectation of privacy in public areas.

COMPLAINTS PROCEDURE

9.1 Complaints concerning the council's use of its CCTV systems or the disclosure of CCTV images should be made in the first instance to the council's Chief Officer. Depending on the nature of the complaint, it will either be processed under the council's complaints process, or (more likely) treated as a data protection concern.

RELEVANT LEGISLATION

10.1 In its administration of its CCTV systems, the Town Council will have due regard to:

- The General Data Protection Regulation (GDPR) 2018
- The Data Protection Act 2018
- Crime and Disorder Act 1998
- Freedom of Information Act 2000

- The Regulation of Investigatory Powers Act 2000
- Protection of Freedoms Act 2012
- The Human Rights Act 1998
- Information Commissioner's Office CCTV Code of Practice
- Surveillance Camera Code of Practice