CCTV
Code of Practice
CCTV Code of Practice Contents

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Executive Summary

1. **Introduction and Objectives**
   Outlines the type of CCTV system in operation, the systems objectives and some of the definitions used. It includes a Human Rights Partnership statement and makes mention of the Procedural Manual.

2. **Statement of Purpose and Principles**
   Outlines under what principles the system will be operated, Human Rights Act and RIPA etc. It explains copyright, camera coverage, how and where monitoring will take place, how recorded material will be handled and processed and deals with how changes can take place to the Procedural Manual.

3. **Privacy and Data Protection**
   This section deals with public concerns and the Data Protection legislation. It outlines how data can be accessed and exemptions to the provision of information.

4. **Accountability and Public Information**
   Explains how public access can be made to the control room, the role of the system co-ordinator and where the Codes of Practice can be found. It also deals with the Annual Report and signage.

5. **Assessment of the CCTV System and Code of Practice**
   This section deals with how the system will be evaluated, the audit, and the role of the Co-ordinator in monitoring the system and the recruitment of staff.

6. **Human Resources**
   This section deals with the staffing of the control room, discipline and training.

7. **Control and Operation of Cameras**
   This section details the guiding principles under which the cameras will be operated. It deals with primary and secondary control and the mechanism needed for the police to assume control of the system. It also outlines how the system will be maintained.

8. **Security Arrangements**
   This section details the staff vetting and control room security measures. It explains public access, visits to the control room and confidentiality.

9. **Management of Recorded Material**

10. **Video Prints**
    Definition: Terms of release records to be kept.

**Appendix 1**
Key Personnel/Organisation and responsibilities.

**Appendix 2**
Details of where cameras are sited and who owns them.
Appendix 3
Introduction to the National Standards of release of data to third parties: Primary and secondary requests to view data: Individuals access under the Data Protection Act: Process of disclosure: Media disclosure.

Appendix 4
Restricted access notices.

Appendix 5
Declaration of confidentiality.

Appendix 6
Regulation of Investigatory Powers Guiding principles.
CCTV Code of Practice

Acknowledgements

This Code of Practice has been based on *The CCTV User Group Model Code of Practice* which was compiled using elements of good practice across the country and existing guidance notes from the Information Commissioners CCTV Code of Practice 2015 (version 1.1- 21/5/15), the Data Protection Act 1998, the Home Office Surveillance Camera Code of Practice 2013, the Surveillance Camera Commissioner’s Self-Assessment Tool and other recent legislation that affects the use of CCTV. This document replaces all previous editions of the Code of Practice.

1. **Introduction and Objectives**

   1.1 **Introduction**

   In June 2011, the Council implemented a centralised CCTV system relocating the town centre CCTV equipment based in local police stations to the Civic Centre. The centralisation of this equipment provided greater opportunities to increase the level of monitoring undertaken, improving overall efficiency and control of the system. The Police and Crime Commissioner for Lancashire envisions that the Lancashire West Division CCTV town centre system will be combined in the future and in this process Fylde and Wyre Councils have merged their CCTV systems to be managed in partnership.

   The Wyre town centre cameras are located at strategic locations in Wyre at Fleetwood, Garstang, Poulton and Cleveleys. They are fully operational with pan, tilt and zoom facilities and images captured are recorded digitally. The cameras in Wyre are referred to as the CCTV System and as a Public Space Surveillance System, have been registered with the Information Commissioner.

   1.1.2 Fylde Borough Council produce and comply with their own Code of Practice for the use of the cameras situated in Fylde.

   1.2 **Definitions**

   Council means Wyre Borough Council
   Data Controller means Wyre Borough Council
   Owner means Wyre Borough Council.
   Systems Manager means Wyre Borough Council.
   DPA means the Data Protection Act 1998
   HRA means the Human Rights Act 1998
   CJA means the Criminal Justice and Public Order Act 1994
   CDA means the Crime and Disorder Act 1998
   The Code refers to the Code of Practice
   The Partnership refers to Wyre Community Safety Partnership
   Town Centres means the town centres of Fleetwood, Garstang, Poulton and Cleveleys
   Wyre Borough Council Town Centre CCTV system is referred to as the CCTV System and the System/system.
   Procedure Manual refers to the Wyre Councils Procedure Manual for the operation
of the CCTV System.
Details of key personnel, their responsibilities and contact points are shown at Appendix A.1 to this Code.

1.3 Partnership Statement in respect of The Human Rights Act 1998

1.3.1 The Wyre Community Safety Partnership recognises that public authorities and those organisations carrying out the functions of a public service nature are required to observe the obligations imposed by the Human Rights Act 1998. The Partnership considers that the use of CCTV in Fleetwood, Garstang, Poulton and Cleveleys is a necessary, proportionate and suitable tool to help reduce crime, reduce the fear of crime and improve public safety.

1.3.2 Section 163 of the Criminal Justice and Public Order Act 1994 creates the power for local authorities to provide closed circuit television coverage of any land within their area for the purposes of crime prevention or victim welfare. Wyre Borough Council and Lancashire Police also consider it a necessary initiative towards their duty under the Crime and Disorder Act 1998. The Wyre Borough CCTV Systems shall be operated with respect for all individuals, recognising the right to be free from inhuman or degrading treatment and avoiding discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. Further, the Wyre Borough Council Town Centre CCTV System shall be operated in such a way as to avoid infringement of individual privacy.

1.3.3 Wyre Borough Council recognises that it is their responsibility to ensure that the CCTV System should always comply with all relevant legislation, to ensure its legality and legitimacy. The CCTV System will only be used as a proportional response to identified problems and be used only insofar as it is necessary in a democratic society, in the interests of national security, public safety, the economic well being of the area, for the prevention and detection of crime or disorder, for the protection of health and morals, or for the protection of the rights and freedoms of others.

1.3.4 The CCTV Code of Practice and observance of the Operational Procedures contained in the Procedure Manual shall ensure that evidence is secured, retained and made available as required so that there is absolute respect for everyone's right to a fair trial.

1.3.5 The system will be operated with respect for all individuals, recognising the right to be free from inhuman or degrading treatment and avoiding discrimination on any ground such as sex, race, colour language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

1.4 Objectives of the System

1.4.1 The objectives of the CCTV System, as determined by the Data Controller and which form the lawful basis for the processing of data are:

a) To help reduce the fear of crime.
b) To help deter and detect crime and provide evidential material for court proceedings, either civil or criminal.

c) To assist in the overall management of the Town Centres.

d) To enhance community safety, assist in developing the economic well being of the Wyre area and encourage greater use of the Town Centres.

e) To assist Wyre Borough Council in their enforcement and regulatory functions within the Fleetwood, Garstang, Poulton and Cleveleys areas.

f) To assist in the event of a major civil emergency in the areas covered by the system.

Within this broad outline, the Data Controller may draw up specific key objectives (which will be reviewed annually) based on local concerns.

1.5 Procedural Manual

1.5.1 This Code of Practice (hereafter referred to as ‘the Code’) is supplemented by a separate ‘Procedure Manual’ which offers instructions on all aspects of the day to day operation of the System. To ensure the purpose and principles (see Section 2) of the CCTV System are realised, the Procedure Manual is based and expands upon the contents of this Code of Practice.

2. Statement of Purpose and Principles

2.1 Purpose

2.1.1 The purpose of the CCTV System is to help provide a safe and secure environment for the benefit of those who visit, work or live in the area. Subject to this Code of Practice, the system will not be used to unlawfully invade the privacy of any individual in residential, business or other private premises, buildings or land.

2.2 General Principles of Operation

2.2.1 The System will be operated in accordance with all the requirements and the principles of the Human Rights Act 1998.

2.2.2 The operation of the System will also recognise the need for formal authorisation of surveillance as required by the Regulation of Investigatory Powers Act 2000 (RIPA) and surveillance will be conducted in accordance with the Council’s and Police policy on RIPA.

2.2.3 The System will be operated in accordance with the Data Protection Act 1998 at all times.
2.2.4 The System will be operated fairly, within the law, and only for the purposes for which it was established and are identified within this Code, or which are subsequently agreed in accordance with this Code of Practice.

2.2.5 The System will be operated with due regard to the principle that everyone has the right to respect for his or her private and family life and their home.

2.2.6 The public interest in the operation of the System will be safeguarded by ensuring the security and integrity of operational procedures.

2.2.7 Throughout this Code of Practice it is intended, as far as reasonably possible, to balance the objectives of the CCTV System with the need to safeguard the individual's rights.

2.2.8 Every effort has been made throughout the Code to indicate that a formal structure has been put in place, including a complaints procedure, by which it can be identified that the System is not only accountable, but is seen to be accountable.

2.2.9 Participation in the System by any organisation, individual or authority assumes an agreement by all such participants to comply fully with this Code and to be accountable under the Code of Practice.

2.3 Copyright

2.2.1 Copyright and ownership of all material recorded by virtue of the System will remain with the Data Controller.

2.4 Cameras and Area Coverage

2.4.1 The areas covered by CCTV to which this Code of Practice refers are the public areas within the responsibility of the operating partners and cover Fleetwood, Garstang, Poulton and Cleveleys Town Centres and their environs. From time to time, transportable or mobile cameras may be temporarily sited within the area of Wyre Borough. The use of such cameras and the data produced by virtue of their use, will always accord with the objectives of the CCTV System and be governed by this Code of Practice and any procedures ancillary to it.

2.4.2 All of the cameras offer full colour, pan tilt and zoom capability, some of which may automatically switch to monochrome in low light conditions.

2.4.3 None of the cameras forming part of the System will be installed in a covert manner. All cameras are enclosed within 'all weather domes' for aesthetic or operational reasons but appropriate signs will identify the presence of all cameras.

2.4.4 Details of the location of all fixed cameras are attached as Appendix A.2 to this Code.

2.5 Monitoring and Recording Facilities

2.5.1 A staffed monitoring room is located in the Civic Centre, Poulton-le-Fylde. The
CCTV equipment has the capability of recording all cameras simultaneously throughout every 24 hour period.

2.5.2 CCTV operators are able to record images from selected cameras, produce hard copies of recorded images, replay or copy any pre-recorded data in their discretion and in accordance with this Code of Practice. All viewing and recording equipment shall only be operated by trained and authorised users.

2.6 Processing and Handling of Recorded Material

2.6.1 All recorded material, whether recorded digitally, in analogue format or as a hard copy video print, will be processed and handled strictly in accordance with this Code of Practice and the Procedure Manual.

2.7 Operators Instructions

2.7.1 Technical instructions on the use of equipment housed within the monitoring room are contained in a separate manual provided by the equipment suppliers.

2.8 Changes to the Code or the Procedure Manual

2.8.1 Any major changes to either the Code of Practice or the Procedure Manual, will take place only after consultation between Wyre Borough Council and Lancashire Constabulary.

2.8.2 A minor change (ie. such as may be required for clarification and will not have such a significant impact) may be agreed by the System Manager.

3. Privacy and Data Protection

3.1 Public Concern

3.1.1 Although the majority of the public at large may have become accustomed to ‘being watched’, those who do express concern do so mainly over matters pertaining to the processing of the information (or data), ie. what happens to the material that is obtained.

3.1.2 All personal data obtained by virtue of the CCTV System, shall be processed fairly and lawfully and, in particular, shall only be processed in the exercise of achieving the stated objectives of the System. In processing personal data a person’s right to respect for his or her private and family life and their home will be respected. The processing, storage and security of the data will be strictly in accordance with the requirements of the Data Protection Act 1998.

3.1.3 Where the equipment permits it ‘privacy zones’ will be programmed into the System as required in order to ensure that the interior of any private residential property, within range of the System, is not surveyed by the cameras. If such ‘zones’ cannot be programmed the operators will be specifically trained in privacy issues.
3.2 **Data Protection Legislation**

3.2.1 The operation of the CCTV System has been notified to the Office of the Information Commissioner in accordance with current Data Protection legislation. The Data Controller for the CCTV System is Wyre Borough Council and day-to-day responsibility for the data will be devolved to the CCTV Manager. All data will be processed in accordance with the principles of the Data Protection Act 1998 which can be summarised as follows:-

- All personal data will be processed fairly and lawfully.
- Personal data will be obtained only for the purposes specified.
- Personal data held will be adequate, relevant and not excessive in relation to the purpose for which the data is processed.
- Steps will be taken to ensure that personal data is accurate and where necessary, kept up to date.
- Personal data will be held for no longer than is necessary. Individuals will be allowed access to personal data, in accordance with individual’s rights.
- Procedures will be implemented to ensure security measures to prevent unauthorised or accidental access to, alteration, disclosure or loss and destruction of, information.
- Information shall not be transferred outside the European Economic Area unless the rights of individuals are protected.

3.3 **Request for Information (subject access)**

3.3.1 Any request from an individual for the disclosure of personal data under section 7 of the Data Protection Act 1998 which he/she believes is recorded by virtue of the System will be directed in the first instance to the CCTV Manager.

3.3.2 The principles of the Data Protection Act 1998 shall be followed in respect of every request.

3.3.3 If the request cannot be complied with without identifying another individual, permission from that individual must be obtained unless it is reasonable in all the circumstances to comply with the request without the consent of that individual.

3.3.4 Any person making a request must be able to satisfactorily prove their identity and provide sufficient information to enable the data to be located.

3.4 **Exemptions to the Provision of Information**

3.4.1 In considering a request made under the provisions of Section 7 of the Data Protection Act 1998, reference may be made to Section 29 of the Act which states that personal data processed for the following purposes in:-

- the prevention or detection or crime,
- the apprehension or prosecution of offenders, or
- the assessment or collection of any tax or duty or of any imposition of a similar nature

are exempt from the subject access rights in any case to the extent to which the application of those rights to the data would be likely to prejudice one or both of the purposes referred to above.
4. **Accountability and Public Information**

4.1 **The Public**

4.1.1 For reasons of security and confidentiality, access to the CCTV monitoring room is restricted in accordance with this Code of Practice. However, in the interest of openness and accountability, anyone wishing to visit the room may be permitted to do so, subject to the approval of, and after making prior arrangements with, the CCTV Manager. A record of such visitors will be maintained (as per Section 8.2). A member of the public wishing to register a complaint with regard to any aspect of the CCTV System may do so by contacting the CCTV Manager’s office. All complaints shall be dealt with in accordance with the Wyre Borough Council complaints procedure (as appropriate), a copy of which may be obtained from Wyre Borough Council offices or website. Any performance issues identified will be considered under the relevant organisation’s disciplinary procedures to which all employees, including CCTV personnel are subject.

4.2 **System Manager**

4.2.1 The nominated CCTV Manager named at Appendix A.1 will have day-to-day responsibility for the System as a whole.

4.2.2 The CCTV Manager will provide routine reports on the operation of the CCTV System to designated representatives of Wyre Borough Council. The CCTV System will be subject to annual audit by an approved auditor.

4.2.3 The CCTV Manager will ensure that every complaint is acknowledged within ten working days, which will include advice to the complainant of the enquiry procedure to be undertaken. A record of all complaints will be kept and routinely reported to the Partnership.

4.2.4 Statistical and other relevant information, including any complaints made, will be included in the Annual Report for Town Centre CCTV, which will be made publicly available.

4.3 **Public Information**

4.3.1 **Code of Practice**
A copy of this Code of Practice shall be published on the Wyre Borough Council website and a copy will be made available to anyone on request.

4.3.2 **Annual Report**
The annual report and that for subsequent years shall be published by the end of November in the year following the reporting year. A copy of the annual report will also be made available to anyone requesting it.

4.3.3 **Signs**
Signs will be placed in the locality of the cameras and at main entrance points to the relevant areas. The signs will indicate:
• The presence of CCTV monitoring;
• The 'ownership' of the CCTV System;
• Contact telephone number for the System.

5. **Assessment of the System and Code of Practice**

5.1 Evaluation

5.1.1 The System will, periodically, be independently evaluated to establish whether the purposes of the System are being complied with and whether objectives are being achieved. The format of the evaluation shall comply with that laid down by current good practice and be based on the twelve guiding principles set out in the Home Office Surveillance Camera Code of Practice as follows:-

5.1.2 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.

5.1.3 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.

5.1.4 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.

5.1.5 There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.

5.1.6 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.

5.1.7 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 deleted once their purposes have been discharged.

5.1.8 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.

5.1.9 Surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards.
5.1.10 Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.

5.1.11 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.

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.

5.1.13 Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date.

5.2 Monitoring

5.2.1 The CCTV Manager will accept day-to-day responsibility for the monitoring and operation of the System and the implementation of this Code of Practice.

5.2.2 The CCTV Manager shall also be responsible for maintaining full management information as to the incidents dealt with by the monitoring room, for use in the management of the System and in future evaluations.

5.2.3 The CCTV Manager will also be responsible for the recruitment, training and supervision of properly vetted volunteer staff.

6 Human Resources

6.1 Staffing of the Monitoring Room

6.1.2 The CCTV Monitoring Room will be staffed in accordance with the Procedure Manual. Authorised personnel who will have been properly trained in its use and all monitoring room procedures will only operate equipment associated with the System.

6.1.3 Every person involved in the management and operation of the System will be personally issued with a copy of both the Code of Practice and the Procedure Manual. They will be required to sign confirming that they fully understand their obligations to adhere to these documents. They will be fully conversant with the contents of both documents, which may be updated from time to time, and with which he/she will be expected to comply.

6.1.4 Arrangements may be made for a police liaison officer to be present in the monitoring room at certain times, or indeed at all times, subject to locally agreed protocols. Any such person must also be conversant and comply with this Code of Practice and associated Procedural Manual.
6.1.5 Unauthorised persons will not have access to the monitoring room without an authorised member of staff being present.

6.1.6 All operators shall receive training relevant to their role in the requirements of the Human Rights Act 1998, Data Protection Act 1998, Regulation of Investigatory Power Act 2000 and the Codes of Practice and Procedures. Training will be ongoing and provided as necessary.

6.2 Discipline

6.2.1 Every individual with any responsibility under the terms of this Code of Practice and who has any involvement with the System to which they refer, will be subject to the Wyre Borough Council disciplinary code. Any breach of this Code of Practice or of any aspect of confidentiality will be dealt with in accordance with the relevant disciplinary procedure.

6.2.2 The CCTV Manager will accept primary responsibility for ensuring there is no breach of security and that the Code of Practice is complied with. He/she has day-to-day responsibility for the management of the room and for ensuring compliance with the Code of Practice and Procedural Manual.

7 Control and Operation of Cameras

7.1 Guiding Principles

7.1.1 Any person operating the cameras will act with utmost probity at all times. The cameras, control equipment, recording and reviewing equipment shall at all times only be operated by persons who have been trained in their use and the legislative implications of their use.

7.1.2 Every use of the cameras will accord with the purposes and key objectives of the System and shall be in compliance with this Code of Practice and Procedural Manual.

7.1.3 Camera operators will be mindful of exercising prejudices, which may lead to complaints of the System being used for purposes other than those for which it is intended. The operators may be required to justify their interest in, or recording of, any particular individual, group of individuals or property at any time by virtue of the audit of the System or by the System Manager.

7.2 Primary Control

7.2.1 Only those trained operators and personnel for the purpose of maintenance and repairs will have access to the operating controls, with those operators having primacy of control at all times.

7.3 Secondary Control

7.3.1 A secondary control room may be established. The use of secondary control and monitoring facilities will be administered and recorded in full accordance with this Code of Practice and the Procedural Manual and does not diminish in any way the obligations imposed on any of the persons involved to comply with all current
legislative requirements.

7.4 Operation of the System by the Police

7.4.1 Under extreme circumstances the Police may make a request to assume direction of the System to which this Code of Practice applies. Only requests made on the written authority of a police officer of Inspector rank or above will be considered. In the event of such a request being permitted, the monitoring room will continue to be staffed, and equipment operated by, only those personnel who are authorised to do so under Sections 6 and 7 of this Code, who will then operate under the direction of the police officer designated in the written authority.

7.4.2 In very extreme circumstances a request may be made for the Police to take total control of the System in its entirety, including the staffing of the monitoring room and personal control of all associated equipment, to the exclusion of all representatives of the Owner. Any such request must be made to the CCCTV Manager in the first instance, who will consult personally with the senior officer of the Owners (or designated deputy). A request for total exclusive control must be made in writing by a police officer of the rank of Assistant Chief Constable or above.

7.5 Maintenance of the System

7.5.1 To ensure compliance with the Information Commissioners CCTV Code of Practice and ensure that images recorded continue to be of appropriate evidential quality, the CCTV System shall be maintained in accordance with the requirements of the Procedure Manual under a maintenance agreement.

8 Security Arrangements of Monitoring Room

8.1 Security Arrangements

8.1.1 All persons employed, either paid or voluntarily, in the control room will have been fully vetted and be cleared to the satisfaction of the Wyre Council to be allowed unsupervised access to the Civic Centre.

8.1.2 The monitoring room will have a physical means of security and authorised personnel only will be granted access.

8.1.3 Only trained and authorised personnel will operate any of the equipment located within the CCTV monitoring room (or equipment associated with the CCTV System).

8.2 Public Access and Visits

8.2.1 Public access to the monitoring and recording facility will be controlled at the discretion of the CCTV Manager and will be restricted to times when the control room is staffed so that visitors can be supervised by the CCTV Manager at all times. Any such visits will be conducted and recorded in accordance with the Procedure Manual.

8.2.2 Visits by auditors do not fall into the scope of the above paragraph and may take
place at any time, without prior warning. No more than two auditors will visit at any one time. Auditors will not influence the operation of any part of the System during their visit.

8.2.3 A visit will be suspended in the event of it being operationally inconvenient. Any such visit should be recorded in the same way as that described above.

8.3 Declaration of Confidentiality

8.3.1 All visitors to the CCTV monitoring room, including auditors, will be required to sign the visitors book and observe the declaration of confidentiality (Appendix 4).

8.3.2 Operations Staff who regularly access the Control Room will also sign a separate statement of the declaration of confidentiality, which will be kept on file. (Appendix 5).

9. Management of Recorded Material

9.1 Guiding Principles

9.1.1 For the purposes of the Code ‘recorded material’ means any material recorded by, or as the result of, technical equipment which forms part of the System, but specifically includes images recorded digitally, on DVD, including prints.

9.1.2 Every digital recording obtained by using the System has the potential of containing material that may need to be admitted in evidence at some point during its life span.

9.1.3 Members of the community must have total confidence that information recorded about their ordinary every day activities by virtue of the System, will be treated with due regard to their individual right to respect for their private and family life. It is therefore of the utmost importance that irrespective of the means or format (eg. paper copy, DVD, or any form of electronic processing and storage) of the images obtained from the System, they are treated strictly in accordance with this Code of Practice and the Procedural Manual from the moment they are received in the monitoring room until final destruction. Every movement and usage will be meticulously recorded.

9.1.4 Access to and the use of recorded material will be strictly for the purposes defined in this Code of Practice only. Recorded material will not be copied, sold, otherwise released or used for commercial purposes or for the provision of entertainment or otherwise made available for any use incompatible with this Code of Practice.

9.2 Requests for Release of Data

9.2.1 Requests to view or copy images will be considered on a case by case basis by the CCTV Manager (or nominee). Requests should be addressed to wyre.cctv@wyre.gov.uk. If access is denied the reasons should be documented.

9.2.2 Requests from the Police or other law enforcement agencies may arise from a number of purposes including:-

- For the prevention or detection of crime
• For the apprehension or prosecution of offenders
• For the assessment or collection of any tax due or duty or any imposition of a similar nature
• For immediate action relating to live incidents e.g. an immediate pursuit
• For the purpose of, or in connection with, any legal proceedings (including prospective legal proceedings)
• Is otherwise necessary for the purpose of establishing, exercising or defending legal rights
• For major incidents which may occur

9.2.3 CCTV Operators should follow the procedure detailed in the Procedure Manual for the request for download of recorded material. Any request for download shall be accompanied by the appropriate form.

9.3. Security of Recorded Images

It is the responsibility of the CCTV Manager to ensure that the method used to disclose images is secure and complies with the steps detailed in the Procedural Manual.

9.4 Accessing Personal Data

9.4.1 Wyre Borough Council CCTV Manager is obliged to supply individuals with their personal data under the Data Protection Act 1988. Individuals wishing to access their personal information contained within CCTV images should contact the CCTV Manager on wyre.cctv@wyre.gov.uk

The method of disclosure shall be secure.

9.5 Third Party Personal Data

9.5.1 Where possible third party data will be anonymised or redacted.

10. Video Prints

10.1.1 A video print is a hard copy of an image or images which already exist on computer disc. Such prints fall within the definition of ‘data’.

10.1.2 Video prints will not be taken as a matter of routine. Each time a print is made it must be capable of justification by the originator who will be responsible for recording the full circumstances under which the print is taken in accordance with the Procedural Manual and will be managed in the same manner as other recorded material.

10.1.3 The records of the video prints taken will be subject to audit in common with all other records in the System.
Appendix 1

Key Personnel and Responsibilities

System Owners

The CCTV System is owned by the Wyre Borough Council. The funding of the System is the responsibility of the Wyre Borough Council.

The postholder for the CCTV Manager's role is funded by Wyre Borough Council.

Wyre Borough Council
Civic Centre
Breck Road
Poulton-le-Fylde
Lancashire
Tel: 01253 891000

Responsibilities of Wyre Borough Council:-

- Act as employer for the position of the CCTV Manager.
- Maintain supervision of the CCTV Manager through the Neighbourhood Services portfolio.
- Ensure the provision and maintenance of all equipment forming part of the CCTV System in accordance with contractual arrangements, which the owners may from time to time enter into.
- Ensure that sufficient funds are available for the maintenance of the CCTV system.
- Ensure the interests of the Owner and other organisations are upheld in accordance with the terms of this Code of Practice.
- Work in partnership with regards to the appointment of staff, of any proposed alterations and additions to the System, this Code of Practice and/or the Procedural Manual.
- Provide accommodation and utilities for the CCTV control room.
- Provide administrational support to the system, namely the provision of DVDs.
- Work in partnership with regards to the appointment of staff, of any proposed alterations and additions to the System, this Code of Practice and/or the Procedural Manual.
- Allow access to the CCTV control room for operators/auditors and visitors.

Operational Management

- The CCTV Manager will have the following responsibilities
• Will have delegated authority for day-to-day management on behalf of the Data Controller.

• Will maintain day-to-day management of the System and staff.

• Will accept overall responsibility for the System and for ensuring that this Code of Practice and Health & Safety regulations are complied with.

• Will maintain direct liaison with the owners of the System and operating partners.

• Will recruit, train, arrange vetting for and organise rotas of volunteer staff.

• Will produce periodical outcome reports for the Data Controllers.
Appendix 3

National Standard for the release of data to third parties

A.3.1 Introduction

CCTV is one of the most powerful tools to be developed during recent years to assist with efforts to combat crime and disorder whilst enhancing community safety. Equally, it may be regarded by some as the most potent infringement of people’s liberty. If users, owners and managers of such Systems are to command the respect and support of the general public, the Systems must not only be used with the utmost probity at all times, they must be used in a manner which stands up to scrutiny and is accountable to the very people they are aiming to protect.

Wyre Borough Council is committed to the belief that everyone has the right to respect for his or her private and family life. Although the use of CCTV cameras has become widely accepted in the UK as an effective security tool, those people who do express concern tend to do so over the handling of the information (data) which the System gathers.

A.3.2 General Policy

All requests for the release of data shall be processed in accordance with the Procedural Manual. All such requests shall be channelled through the CCTV Manager or nominated representative.

A.3.3 Primary 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:

i. Providing evidence in criminal proceedings;
ii. Providing evidence in civil proceedings or tribunals;
iii. The prevention of crime.
iv. The investigation and detection of crime (may include identification of offenders).
v. Identification of witnesses.

(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:

i. Police.
ii. Statutory authorities with powers to prosecute (eg. Customs and Excise, Trading Standard etc).
iii. Solicitors.
iv. Claimants in civil proceedings.
v. Accused persons or defendants in criminal proceedings.
vi. Other agencies (as agreed by the Data Controller and notified to the Information Commissioner) according to purpose and legal status.
(c) Upon receipt from a third party of a bona fide request for the release of data, the data controller shall:

(i) Not unduly obstruct a third party investigation to verify the existence of relevant data.

(ii) Ensure the retention of data which may be relevant to a request, but which may be pending application for, or the issue of, a court order or subpoena. A time limit may be imposed on such retention, which will be notified at the time of the request.

(d) Where requests fall outside the terms of disclosure and subject access legislation, the data controller, or nominated representative, shall:

(i) Be satisfied that there is no connection with any existing data held by the police in connection with the same investigation.

(ii) Treat all such enquiries with strict confidentiality.

A.3.4 Secondary Request to View Data

(a) A 'secondary' request for access to data may be defined as any request being made which does not fall into the category of a primary request. Before complying with a secondary request, the data controller shall ensure that:

(i) The request does not contravene, and that compliance with the request would not breach, current relevant legislation (eg. Data Protection Act 1998, Human Rights Act 1998, Section 163 Criminal Justice and Public Order Act 1994 etc);

(ii) Any legislative requirements have been complied with (eg. the requirements of the Data Protection Act 1998);

(iii) Due regard has been taken of any known case law (current or past) which may be relevant (eg. Peck v United Kingdom, R v Brentwood BC ex p. Peck); and

(iv) The request would pass a test of 'disclosure in the public interest'

(b) If, in compliance with a secondary request to view data, a decision is taken to release material to a third party, the following safeguards shall be put in place before surrendering the material:

(i) In respect of material to be released under the auspices of 'crime prevention', written agreement to the release of the material should be obtained from a police officer, authorised not below the rank of Sergeant. The Officer should have personal knowledge of the circumstances of the crime/s to be prevented and an understanding of the CCTV System Code of Practice.
(ii) If the material is to be released under the auspices of ‘public well being, health and safety’, written agreement to the release of material should be obtained from the Environmental Health and Community Safety Manager within Wyre Borough Council. The officer should have personal knowledge of the potential benefit to be derived from releasing the material and an understanding of the CCTV System Code of Practice.

(c) Recorded material may be used for bona fide training purposes such as police or staff training. Under no circumstances will recorded material be released for commercial sale of material for training or entertainment purposes.

A.3.5 Individual Subject Access under Data Protection Legislation

(a) Under the terms of Data Protection legislation, individual access to personal data, of which that individual is the data subject, must be permitted providing:

(i) The request is made in writing;

(ii) A specific fee is paid for each individual search;

(iii) The Data Controller is supplied with sufficient information to satisfy him or herself as to the identity of the person making the request;

(iv) The person making the request provides sufficient and accurate information about the time, date and place to enable the data controller to locate the information that the person seeks (it is recognised that a person making a request is unlikely to know the precise time. Under those circumstances it is suggested that within one hour of accuracy would be a reasonable requirement);

(v) The person making the request is only shown information relevant to that particular search and which contains personal data of him or herself only, unless all other individuals who may be identified from the same information have consented to the disclosure.

(b) In the event of the Data Controller complying with a request to supply a copy of the data to the subject, only data pertaining to the individual should be copied (all other personal data which may facilitate the identification of any other person should be concealed or erased). Under these circumstances an additional fee may be payable to Wyre Borough Council.

(c) The Data Controller is entitled to refuse an individual request to view data under these provisions if insufficient or inaccurate information is provided, however, every effort should be made to comply with subject access procedures and each request should be treated on its own merit.

(d) In addition to the principles contained within the Data Protection legislation, the Data Controller should be satisfied that the data is:

(i) Not currently and, as far as can be reasonably ascertained, not likely to become, part of a ‘live’ criminal investigation;
(ii) Not currently and, as far as can be reasonably ascertained, not likely to become, relevant to civil proceedings;

(iii) Not the subject of a complaint or dispute which has not been actioned;

(iv) The original data and that the audit trail has been maintained;

(v) Not removed or copied without property authority;

(vi) For individual disclosure only (ie. to be disclosed to a named subject).

A.3.6 Process of Disclosure

(a) Verify the accuracy of the request.

(b) Replay the data to the requestee only (or responsible person acting on behalf of the person making the request).

(c) The viewing should take place in a separate room and not in the control or monitoring area. Only data which is specific to the search request shall be shown.

(d) It must not be possible to identify any other individual from the information being shown (any such information will be blanked-out, either by means of electronic screening or manual editing on the monitor screen).

(e) If a copy of the material is requested and there is no on-site means of editing out other personal data, then the material shall be sent to an editing house for processing prior to being sent to the requestee.

A.3.7 Media Disclosure

(a) In the event of a request from the media for access to recorded material, the procedures outlined under ‘secondary request to view data’ shall be followed. If material is to be released the following procedures shall be adopted:

(i) The release of the material must be accompanied by a signed release document that clearly states what the data will be used for and sets out the limits on its use, and indemnifies the partnership against any breaches of legislation.

(ii) The release form shall state that the receiver must process the data in a manner prescribed by the Data Controller, eg. identifies data that must not be revealed.

(iii) It shall require that proof of any editing must be passed back to the data controller, either for approval or final consent, prior to its intended use by the media (protecting the position of the data controller who would be responsible for any infringement of Data Protection legislation and the System’s Code of Practice).
(iv) The release form shall be considered a contract and signed by both parties.
Appendix 4

Example of Restrict Access Notice

WARNING RESTRICTED ACCESS AREA

Everyone, regardless of status, entering this area is required to complete an entry in the Visitors book. Visitors are advised to note the following confidentiality clause and entry is conditional on acceptance of that clause:

Confidentiality Clause:

‘In signing this visitors book I, a visitor to the Wyre Borough CCTV System monitoring room, acknowledge that the precise location of the CCTV monitoring room and personal details of those operating the System are confidential and must remain so. I further agree not to divulge any information obtained, overheard or seen during my visit'.
ACCEPTANCE OF INDIVIDUAL RESPONSIBILITY TO MAINTAIN SECURITY OF WYRE COUNCIL INFORMATION

Information is a vital component in the provision of an effective service. Wyre Council keeps and processes a large amount of information that is often sensitive in nature and is required to protect life, property, prevent and detect crime and assist in the apprehension and prosecution of offenders.

Whilst working for the Council you will gather, use and disclose information for all sorts of reasons whilst undertaking your duties. You must be aware of the implications for both yourself and the organisation if you misuse that information. You will be advised how you should utilise Council information so that it is provided to the right people for the right purpose at the right time on a ‘need to know’ basis.

The following declaration must be signed to signify that you accept your responsibility to abide by Council requirements relating to security of information at all times.

DECLARATION

Information Security

1. I understand that I am personally responsible for the protection, confidentiality and security of all information that I handle, use and disclose during the course of my work for the Council. I understand my personal responsibilities, including the fact that I may be held personally liable for non-compliance.

2. I understand the above declaration continues to apply when my work for Wyre Borough Council has ended.

SIGNED: ...........................................................................................

SURNAME (BLOCK LETTERS): .............................................................................

FORENAME (S): ........................................ DATE: .....................................
A.6 Regulation of Investigatory Powers – Guiding Principals


The Regulation of Investigatory Powers Act 2000 relates to surveillance by the Police and other agencies and deals in part with the use of directed covert surveillance which is defined under Section 26 of RIPA as covert but not intrusive and is undertaken for the purposes of a specific investigation or a specific operation:

(a) In such a manner as is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation or operation); and
(b) Otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation under this Part to be sought for the carrying out of the surveillance.

The impact for staff in the CCTV monitoring centre, is that there might be cause to monitor for some time, a person or premises using the cameras. In most cases, this will fall into subsection (b) above, i.e. it will be an immediate response to events or circumstances. In this case, it would not require authorisation unless it were to continue for some time.

In cases where a pre-planned incident or operation wishes to make use of CCTV for such monitoring, an authorisation will almost certainly be required. All authorisations shall be made in accordance with RIPA.

The Protection of Freedoms Act 2012, introduced a more restrictive approach to the use of RIPA by local authorities by limiting the use of direct authorisations to serious crimes punishable by a maximum custodial sentence of 6 months or more or those constituting an offence of selling alcohol or tobacco to children. Local Authority RIPA authorisations must also have judicial approval by a magistrate before an authorisation takes effect.

Requests from the police for directed surveillance shall be authorised by an Officer not below the rank of Superintendent. If an authority is required immediately an Inspector may do so. The authorisation must indicate the reason and should fall within one of the following categories under the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010.

(a) In the interests of national security;
(b) for the purpose of preventing or detecting crime or of preventing disorder;
(c) in the interests of the economic well-being of the United Kingdom;
(d) in the interests of public safety;
(e) for the purpose of protecting public health;

If requests are received from other public authorities (other than the police/local authorities) then advice must be sought from the Council’s Senior Solicitor.

The relevant public authorities will produce their completed RIPA authorisation forms to the Wyre CCTV manager, suitably redacted if necessary. A copy will be kept by the CCTV Manager.

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