CCTV and Surveillance Policy

1. Purpose

The Purpose of this policy is to regulate the management, operation and use of the CCTV system (Closed Circuit Television) within the 'Town of Swaffham'. A CCTV system is installed externally at "The Recreation Ground" in Swaffham for the purpose of enhancing security of the area and its associated equipment. The CCTV is in continual operation and is intended for the purposes of:

- Protecting Town Council buildings and assets
- Promoting the health and safety of residents and visitors
- Preventing bullying and/or intimidation by individuals and/or groups
- To reduce crime and anti-social behaviour
- Supporting the police in a bid to deter and detect crime
- Assisting in identifying, apprehending and prosecuting offenders
- The CCTV system is owned and operated by the Town Council
- The introduction of, or changes to, CCTV monitoring will be subject consultation with members of the Town Council

Swaffham Town Council's CCTV is registered with the Information Commissioner Office (ICO) under reference Z3064434 and pay an annual fee under the requirements of the Data Protection Act 2018 and the General Data Protection Regulation (GDPR) 2016/679

2. Scope

This policy relates directly to the location and use of CCTV and the monitoring, recording and subsequent use of such recorded material. The Town Council complies with the Information Commissioner's Office (ICO) CCTV Code of Practice to ensure it is used responsibly and safeguards both trust and confidence in its use.

CCTV warning signs will be prominently placed in areas where CCTV is used, with contact details of the Swaffham Town council.

The placement of the Camera's has endeavoured to ensure that the system will give maximum effectiveness and efficiency, but it is not guaranteed that the system will cover or detect every single incident taking place in the areas of
coverage. Video monitoring of public areas for security purposes within the Town Council is limited to uses that do not violate the individual's reasonable expectation to privacy.

All CCTV systems and associated equipment will be required to be compliant with this policy following its adoption by the Town Council. Recognisable images captured by CCTV systems are 'personal data'. They are therefore subject to the provisions of the General Data Protection Regulation and Data Protection Act 2018

3. Location of Cameras

The cameras are sited so that they only capture images relevant to the purposes for which they have been installed and care will be taken to ensure that reasonable privacy

expectations are not violated. The Town Council will ensure
that the location of future equipment is carefully considered to ensure that the images captured comply with the legislation.

CCTV Video Monitoring and Recording of Public Areas may include the following:

- ***Protection of buildings and property: Vandalism, theft***
- ***Criminal Investigations (carried out by the police)***: Robbery, burglary and theft surveillance

4. Storage and retention of CCTV images

Recorded data will not be retained for longer than 30 days except where the image identifies an issue and is retained specifically in the context of an investigation/prosecution of that issue.

The Data Protection Act and GDPR does not prescribe any specific minimum or maximum retention periods that apply to all systems or footage. Therefore, retention will reflect the Town Council's purposes for recording information, and how long it is needed to achieve this purpose.

The Town Council will store data securely at all times.

5. Access to CCTV images

Access to recorded images will be restricted to authorised personnel only. In line with Data Protection the CCTV is located in a secured cabinet with no access to non-authorised persons. To protect all parties two authorised people are required to view any CCTV recordings or carry out searches at all times. Supervising the access and maintenance of the CCTV System is the responsibility of the Town Council. In view of this it is paramount that the Town Council have three Town councillors trained on the CCTV system at all times.

6. Access Requests

Individuals have the right to request CCTV footage relating to themselves under the Data Protection Act and the GDPR.

All requests should be made to the Town Clerk.

Individuals submitting requests for access will be asked to provide sufficient information to enable footage relating to them to be identified. For example: time, date and location.

The Town Council does not have a facility to provide copies of CCTV footage but instead the applicant may view the CCTV footage if it is deemed necessary and it meets certain criteria.

The Town Council will endeavour to respond to requests within one calendar month of receiving the request.

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.

7. Access and disclosure of images to third parties

There will be no disclosure of recorded data to third parties other than authorised personnel such as the Police. (e.g. investigators).

If there are any concerns as to disclosure, then the Town Council should seek expert advice from a Data Protection Officer in the first instance and appropriate legal advice may be required.

8. Responsibilities

The Town Council retains overall responsibility and will:

- Ensure that the use of CCTV systems is implemented in accordance with this policy.
- Oversee and co-ordinate the use of CCTV monitoring for safety and security purposes within the Town.
- Ensure that all existing CCTV monitoring systems will be evaluated for compliance with this policy.
- Ensure that the CCTV monitoring is consistent with the highest standards and protections.
- Review camera locations and be responsible for the release of any information or recorded CCTV materials stored in compliance with this policy.
- Maintain a record of access (e.g. an access log) to or the release of any material recorded or stored in the system.
- Ensure that the perimeter of view from cameras conforms to this policy.
- Ensure that 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 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 when a zoom facility on a camera is being used, there is a second person present with the operator of the camera to guarantee that there is no unwarranted invasion of privacy.
- Ensure that camera control is solely to monitor suspicious behaviour, criminal damage etc. and for no other purpose.
- Ensure that camera control is not infringing an individual's reasonable expectation of privacy in public areas.

9. Data protection impact assessments and privacy by design.

CCTV has the potential to be privacy intrusive. The Town Council will perform a privacy impact assessment when installing or moving CCTV cameras to consider the privacy issues involved with using new surveillance systems to ensure that the use is necessary. An annual servicing of the system to ensure everything is fully functioning should be carried out by qualified personnel only.

10. Policy Review

The Clerk and Deputy Town Clerk are responsible for monitoring and reviewing this policy. In addition, changes to legislation, national guidance, codes of practice or commissioner advice may trigger interim reviews.

11. Checklist

The Clerk and Deputy Town Clerk will ensure effective control of the surveillance system by using the checklist:

- We know who has responsibility for the control of information within our organisation and who makes decisions about how it can be used.
- We have notified with the ICO if we are a controller, especially for the use of a surveillance system that processes personal data.
- We have agreed responsibilities if more than one controller is jointly involved in the processing, and each know their responsibilities in a transparent manner.
- We have written contracts in place that clearly define the responsibilities of organisations that provide processing services for us.
- We make sure that information is only processed by others in accordance with our instructions, with guarantees about security, storage and the use of properly trained staff.

12. CCTV Signage

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 is to ensure that this requirement is fulfilled. The CCTV sign should include the following:

- That the area is covered by CCTV surveillance and pictures are recorded.
- The purposes of using CCTV.
- The name of the Town Council.
- The contact telephone number or email address for enquiries.

13. Legal Basis

The power for a parish council to install CCTV and other surveillance equipment is conferred under Local Government and Rating Act 1997 s.31:

- A parish council or community council may, for the detection or prevention of crime in their area –
- install and maintain any equipment,
- establish and maintain any scheme, or
- assist others to install and maintain any equipment or to establish and maintain any scheme.

The Council also has a duty to consider crime and disorder implications of their functions, under the Crime and Disorder Act 1998 s.17:

- It shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonable can to prevent,
- crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and
- the misuse of drugs, alcohol, and other substances in its area; and

- re-offending in its area

Under Article 8 of the European Charter on Human Rights (enshrined in Human Rights Act 1998 Sch.1), an individual has the *qualified* right to respect for private and family life:

- Everyone has the right to respect for his private and family life, his home and his correspondence.
- There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety, or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

However, the rights of the individual are protected with regard to the qualification under (2) above, through the Protection of Freedoms Act 2012 s.33:

- A relevant authority must have regard to the surveillance camera code [created by s.29 of the Act]when exercising any functions to which the code relates.