



Closed Circuit Television (CCTV) Policy

Westerham Town
Council

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REVIEWED 2 YEARLY

Section 1 Introduction and Objectives

1.1 Introduction

Westerham Town Council (WTC) operates a Closed Circuit Television (CCTV) system. The System comprises three cameras at Russell House, Market Square, Westerham TN16 1RB recording and monitoring at Russell House and one unmonitored camera on the Groundsman Hut, King George's Field.

WTC also own a portable CCTV unit for use in Westerham 'hotspots' as defined and in consultation with the Police. Recordings only to be accessed in the event of an issue in Westerham.

1.2 The Human Rights Act 1998

- 1.2.1 WTC recognises that public authorities and those organisations carrying out the functions of a public service are required to observe the obligations imposed by the Human Rights Act 1998. WTC considers that the use of CCTV in Westerham, is necessary, proportionate and a suitable tool to help reduce crime and the fear of crime and to improve public safety.
- 1.2.2 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.
- 1.2.3 It is recognised that operation of the WTC CCTV System may be considered an infringement of the privacy of individuals. WTC recognises that it is their responsibility to ensure that the scheme should always comply with all relevant legislation in order to ensure its legality and legitimacy in a democratic society. The scheme will only be used as a proportional response to identified problems. It will only be used in the interests of national security, public safety, the economic well-being of the area, the prevention and detection of crime or disorder, the protection of health and morals, or for the protection of the rights and freedoms of others.
- 1.2.4 Observance of this Policy shall ensure that evidence is secured, retained and made available as required with due regard to the rights of the individual.
- 1.2.5 WTC's CCTV System shall be operated with respect for all individuals, recognising the individual right to be free from inhuman or degrading treatment and avoiding any form of discrimination on the basis of sex, race, age, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

- 1.2.6 The government has attempted to address this perceived intrusion problem by introducing the Protection of Freedoms Act 2012, the 2013 Surveillance Camera Code of Practice and establishment of a Surveillance Camera Commissioner.
- 1.2.7 The Surveillance Camera Commissioner has promised to promote the principles of transparency and openness which are contained in the Protection of Freedoms Act 2012.
- 1.2.8 The 2013 Surveillance Camera Code of Practice, states that relevant authorities, as defined by the Protection of Freedoms Act, should adopt guiding principles. By adopting these principles owners and operators should make their systems more efficient and productive. WTC actively supports and applies the principles given in this document.

1.3 Objectives of the System

- 1.3.1 The objectives of the WTCs CCTV System, which form the lawful basis for the processing of data, are:
- to help reduce the fear of crime
 - to help deter crime
 - to help detect crime and provide evidential material for court proceedings

Section 2 Statement of Purpose and Principles

2.1 Purpose

The purpose of this document is to enable the objectives outlined in Section 1.3 to be realised.

2.2 General Principles of Operation

- 2.2.1 The System will be operated in accordance with the principles and requirements of the Human Rights Act 1998.
- 2.2.2 The operation of the System will also recognise the need for formal authorisation of any covert 'directed surveillance' or crime-trend 'hotspot' surveillance, as required by the Regulation of Investigatory Powers Act 2000 and Police Policy.
- 2.2.3 The System will be operated in accordance with the Data Protection Act 2018 and GDPR, the Data Protection legislation.
- 2.2.4 The System will be operated fairly and within the law. It will only be used for the purposes for which it was established and which are identified within the Policy, or which may be subsequently agreed in accordance with the Policy.

- 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 home.
- 2.2.6 The public interest in the operation of the System will be recognised by ensuring the security and integrity of operational procedures.
- 2.2.7 Throughout this Policy it is intended, as far as reasonably possible, to balance the objectives of the CCTV System with the need to safeguard the rights of the individual. The owners of the System operate complaints procedures that ensure that the System is not only accountable, but is seen to be accountable.

2.3 Copyright and Data Controller.

- 2.3.1 Copyright and ownership of all material recorded by virtue of the System will remain with the Councils' Data Controller (Town Clerk). Once recorded data has been disclosed to a partner or authorised other, such as the Police, they then become the Data Controller for the copy of that data. It is then the responsibility of the Police or authorised other to comply with the Data Protection Act in relation to any further disclosures.

2.4 Monitoring and Recording Facilities

- 2.4.1 The static CCTV equipment installed has the capability of recording all cameras simultaneously throughout every 24-hour period.
The portable CCTV records throughout every 24-hour period but is only accessed when there is a need to review the footage.

2.5 Processing and Handling of Recorded Material

- 2.5.1 All recorded material, whether recorded in analogue or digital format, or as a hard copy video print, will be processed and handled strictly in accordance with this Policy.

Section 3 Privacy and Data Protection

3.1 Public Concern

3.1.1 Although members of the public have become accustomed to being observed, when concern is expressed, it is mainly over matters pertaining to the processing of the information, or data, i.e. what happens to material that is obtained?

Note: '**Processing**' means **obtaining, recording or holding** the information or data or **carrying out any operation or set of operations** on the information or data, including:

- i) organising, adapting or altering the information or data
- ii) retrieving, consulting about or using the information or data
- iii) disclosing the information or data by transmission, dissemination or otherwise making available, or
- iv) aligning, combining, blocking, erasing or destroying the information or data

3.1.2 All personal data obtained by virtue of the 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. When processing personal data, the individual right to privacy in his or her private and family life and home will be respected.

3.1.3 Data will be stored securely in accordance with the requirements of the Data Protection Act 2018 and the GDPR legislation.

3.2 Data Protection Legislation

3.2.1 The operation of the System has been notified to the Office of the Information Commissioner in accordance with Data Protection legislation.

3.2.2 For the purposes of the Data Protection Act the 'data controller' is the Town Clerk.

3.2.3 All data will be processed in accordance with the principles of the Data Protection Act 2018 and the GDPR legislation, which include in summary, but are not limited to, the following:

- i) all personal data will be obtained and processed fairly and lawfully
- ii) personal data will be held only for the purposes specified
- iii) personal data will be used only for the purposes, and disclosed only to the people, shown within this Code of Practice

- iv) only personal data which is adequate, relevant and not excessive in relation to the purpose for which the data is held, will be held
- v) steps will be taken to ensure that personal data is accurate and where necessary, kept up to date
- vi) personal data will be held for no longer than is necessary
- vii) individuals may be allowed access to information held about them and, where appropriate, permitted to correct or erase it, any cost involved will be to the individual making the request
- viii) procedures will be implemented to put into place security measures to prevent unauthorised or accidental access to, alteration or disclosure of, or loss and destruction of information

3.3 Request for information (Subject Access)

- 3.3.1 Any request from an individual for the disclosure of personal data, which he or she believes is recorded by virtue of the System, will be directed in the first instance to the Town Clerk.
- 3.3.2 The principles of the Data Protection Act 2018 (Rights of Data Subjects and others) shall be followed in respect of every request.
- 3.3.3 If the request cannot be complied without identifying another individual, permission from all parties must be obtained (in the context of the degree of privacy they could reasonably anticipate from being in that location at that time) in accordance with the requirements of the legislation.
- 3.3.4 Any person making a request must be able to prove his 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 the Data Protection Act 2018 and GDPR, reference may also be made to Section 29 of the Act, which includes, but is not limited to, the following statement:

Personal data held for the purposes of the prevention or detection of crime or the apprehension or prosecution of offenders is exempt from the subject access provisions in any case 'to the extent to which the application of those provisions to the data would be likely to prejudice any of the matters mentioned in this subsection'.

3.5 Criminal Procedures and Investigations Act 1996

- 3.5.1 The Criminal Procedures and Investigations Act 1996 introduced a statutory framework for the disclosure to defendants of material that the prosecution would not intend to use in the presentation of its own case. This material is known as 'unused material'.

Section 4 Accountability and Public Information

4.1 Public Information

4.1.1 CCTV Policy

A copy of this Policy shall be published on the Council's website and will be made available to anyone on request.

4.1.2 Signs

Signs will be placed in the locality of the cameras. The signs will indicate:

- the presence of CCTV monitoring

Section 5 Assessment of the System and Code of Practice

5.1 Evaluation

5.1.1 The System will be evaluated periodically to establish whether the purposes of the System are being met and whether objectives are being achieved. The evaluation will normally include the following:

- an assessment of the impact upon crime
- an assessment of the incidents monitored by the System
- a review of the Policy
- a review of the continuing relevancy of the purposes of the System
- any other factors which have been identified

5.1.2 The results of any evaluation will be used to review, develop and make any alterations to the specified purpose and objectives of the scheme as well as the functioning, management and operation of the System.

5.2 Monitoring

5.2.1 The Town Clerk will be responsible for the monitoring, operation and evaluation of the System and the implementation of this Policy.

Section 6 Control and Operation of Cameras

6.1 Guiding Principles

- 6.1.1 All persons operating the system must act with the utmost probity at all times.
- 6.1.2 Only persons, who have been trained in their use and the legislative implications of such use, will operate the system and the control, recording and reviewing equipment.
- 6.1.3 Every use of the cameras will accord with the purposes and key objectives of the System and shall be in compliance with this Policy.

6.2 Control

- 6.2.1 Only staff who are trained and authorised to use the CCTV equipment will have access to the operating controls. Those operators will have primacy of control at all times.

6.3 Operation of the System by the Police

- 6.3.1 Under some circumstances the Police may make a request to assume direction of the System to which this Policy applies. Any requests must be made in writing using the forms in Appendix A and B.

Section 7 Management of Recorded Material

7.1 Guiding Principles

- 7.1.1 For the purposes of this Policy 'recorded material' means any material recorded by, or as the result of, technical equipment which forms part of the System. This specifically includes images recorded digitally, or on videotape, DVD's, CD's or by way of video copying, including video prints.
- 7.1.2 Every video or digital recording obtained using the System has the potential of containing material that has to be admitted in evidence at some point during its life span.
- 7.1.3 Members of the community must have total confidence that information about their ordinary, everyday activities recorded by virtue of the System, will be treated with due regard to their individual right to respect for their private and family life.
- 7.1.4 Access to recorded material and its use will be strictly for the purposes defined in this Policy.

- 7.1.5 Recorded material will not be copied, sold, otherwise released or used for commercial purposes of any kind or for the provision of entertainment.

Section 8 Management of Recorded Material

8.1 National Standard for the Release of Data to a Third Party

- 8.1.1 Every request for the release of personal data generated by the System will be channelled through the Town Clerk.

In complying with the national standard for the release of data to third parties, it is intended, as far as is reasonably practicable, to safeguard the rights of the individual to privacy and to give effect to the following principles:

Recorded material shall be processed lawfully and fairly, and used only for the purposes defined in this Code.

The release or disclosure of data for commercial or entertainment purposes is specifically prohibited.

8.1.2 Members of the Police Service or other agency having a statutory authority to investigate and/or prosecute offences may, release details of recorded information to the media in an effort to identify alleged offenders or potential witnesses. Under such circumstances, full details will be recorded.

Note: The Police and Criminal Evidence Act 1984, covers release to the media of recorded information, in any format, which may be part of a current investigation. Any such disclosure should only be made after due consideration of the likely impact on a criminal trial. Full details of any media coverage must be recorded and brought to the attention of both the prosecutor and the defence.

8.2 Recorded Images – Retention

- 8.1.3 Recorded data will be retained for a period of 31 days, before being re-recorded or destroyed.

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Appendix A– Police/Authorised Person Requests Images Viewing Log

Camera Number and Location	
Requester (name and address)	
Date of request	
Reason for viewing	
Names of the person(s) viewing/removing the image(s)	
Outcome (if any) of viewing	
The date and time the images were returned to the system or secure place, if they have been retained for evidential purposes	

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Appendix B – Police Request to use images for Legal Proceedings

The date on which the images were removed from the System for use in legal proceedings	
The reason they were removed from the System	
To whom the images were released, the images must be signed for	
Any crime incident number to which the images may be relevant	