

**THE WARWICK DISTRICT
COUNCIL**

CODES OF PRACTICE

For

CCTV IN COUNCIL OPERATED BUILDINGS

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1 INTRODUCTIONS AND DEFINITIONS

Introduction

This Code of Practice shall apply to the closed-circuit television (CCTV) surveillance Systems installed within Warwick District Council operated buildings. The CCTV systems comprise of cameras strategically located within premises which are both monitored and recorded. A problem orientated process was utilized to assess the requirements of the CCTV cameras within individual locations. The cameras have therefore been sited to capture images which are relevant to the purposes for which the schemes have been established.

Ownership

The system is owned by Warwick District Council who is responsible for the management, administration, and security of the systems. Warwick District Council will therefore ensure the protection of individuals and the public by complying with the Information Commissioners CCTV Code of Practice and this document.

Closed Circuit Television Mission Statement

To promote public confidence by developing a safe and secure environment for the benefit of those employed, visiting, or using the facilities provided at each location.

Codes of Practice Mission Statement

To inspire public confidence by ensuring that all public area CCTV systems are operated in a manner that will secure their consistent effectiveness and preserve the civil liberty of law-abiding citizens at all times.

Definitions

- **The CCTV control and monitoring facility** shall mean the area of a building where CCTV is monitored and data recorded, retrieved, and analysed.
- **CCTV scheme** shall mean the totality of the arrangements for closed circuit television in the locality and is not limited to the technological system,
 - staff and operational procedures.
- **The retrieval system** means the capability, in any medium, of effectively capturing data that can be retrieved, viewed, or processed.
- **Processing** means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording,

organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction – Article 4 (2) UK GDPR.

- **CCTV system** means the surveillance items comprising cameras and associated equipment for monitoring, recording, transmission and controlling purposes, for use in a defined zone.
- **Data** shall mean all information, including that about a person in the form of pictures, and any other associated linked or processed information.
- **Personal Data** means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person – Article 4 (1) UK GDPR.
- **Sensitive personal data** is personal data which is deemed to be sensitive. The most significant of these, for the purposes of this code are information about
 - The commission or alleged commission of any offences
 - Any proceedings for any offence committed or alleged to have been committed, the disposal of such proceedings or the sentence of any court in such proceedings.
- **An incident** is an activity that raises cause for concern that the safety or security of an individual may be compromised or that an offence has been, is being or is about to be, committed, or that an occurrence has taken place warranting specific action.
- **The owner** is Warwick District Council and is the organisation with overall responsibility for the formulation and implementation of policies, purposes, and control of the scheme.
- **The system manager** has the responsibility for the implementation of the policies, purposes, and methods of control of a CCTV scheme, as defined by the owners of the scheme.
- **Data controller** means the natural or legal person, public authority, agency, or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data – Article 4 (7) UK GDPR. The Data Controller in the case is of Council operated buildings is Warwick District Council.
- **Recording material** means any medium that has the capacity to store data and from which data can later be recalled irrespective of time.

System description

- The Closed-Circuit Television systems referred to in this document have been introduced into the premises for the purposes outlined in Section two. Whilst the scheme is owned by Warwick District Council its implementation and/or expansion is supported by the following bodies (the partners)
 - Warwickshire Police
 - Safety Forums
 - Local Management and employees
- The owner, and all partners will work in accordance with the Codes. The partners will have no involvement in the operating of the system with the exception of the Police.
- Images from all cameras are recorded simultaneously throughout 24-hour period, 365 days each year.
- The system is capable of being actively monitored by the police or authorised trained personnel according to operational needs.
- High quality cameras are in use.
- The physical and intellectual rights in relation to any and all material recorded by the systems shall at all times remain in the ownership of the Warwick District Council.

2 PURPOSES OF THE CODE OF PRACTICE AND CCTV SCHEME

- Any major changes to this Code of Practice will take place only after consultation with the relevant management group and upon agreement of the organizations with a participatory role in the operation of the system.

The Code of Practice will be subject to annual review.

Purpose of and Compliance with the Code of Practice

- This Code of Practice is to detail the management, administration, and operation of the closed-circuit television (CCTV) system in the specified areas and the associated Control, Monitoring and Recording Facilities.
- The Code of Practice has a dual purpose, in that it will assist owners, management and operators of the systems to understand their legal and moral obligations whilst reassuring the public about the safeguards contained within it.
- The owners and users of the CCTV system shall be required to give a formal undertaking that they will comply with this Code of Practice and act in good faith with regard to the basic principles contained within it.
- The owners, users, and any visitors to the Control, Monitoring and Recording facilities will be required to sign a formal confidentiality declaration that they will treat any viewed and/or written material as being strictly confidential and that they undertake not to divulge it to any other person.

Purposes of the scheme

The following are the objectives for which the CCTV systems were established:

- (a) enhance premises security.
- (b) protection of staff in areas used by the public.
- (c) assist in deterring crime.
- (d) detection of offences and provision of evidential material for court proceedings
- (e) reduce both the real and perceived level of crime.
- (d) improve confidence in the rule of law.
- (e) assist in the apprehension and prosecution of offenders.
- (f) gather evidence by a fair and accountable method.

3 FUNDAMENTAL RIGHTS

Rights of Privacy

- Warwick District Council and partners support the individual's right to privacy and will insist that all agencies involved in the provision and use of Public CCTV systems owned by the Council accept this fundamental principle as being paramount.
- Principles of management of the scheme
- The cameras have been sited to capture images which are relevant to the purpose for which the scheme has been established.
- The scheme will be operated fairly, within the applicable law and only for the purposes for which it is established, or which are subsequently agreed in accordance with the Code of Practice.
- Those who have authorised access are aware of the purpose(s) for which the scheme has been established and that the CCTV equipment is only used to achieve the identified purposes.
- The scheme will be operated with due regard for the privacy of the individual.
- The public interest in the operation of the scheme will be recognized by ensuring the security and integrity of operational procedures.
- The need for formal authorization to conduct covert 'Directed' surveillance as required by the Regulations of Investigatory Powers Act 2000 will be complied with.
- The system will only be operated by authorised personnel.
- To accomplish the above an 'Operational Requirement' will be completed at the time of the 'Impact Assessment' for each proposed camera to dictate the quality of images required. This is a recommendation of the information Commissioner.

Policy of the Scheme and Signage

- The scheme aims to provide surveillance of the public areas within the specified location, in order to fulfil the purposes of the scheme. The area protected by CCTV will be indicated by the presence of signs. The signs will be placed so that the public are aware that they are entering a zone which is covered by surveillance equipment. The signs will state the organization responsible for the scheme, the purposes of the scheme and a contact telephone number. Data will

not be held for longer than necessary and disposal of information will be regulated.

Point of contact

Should the public wish to contact the owners of the scheme they may write to:

Warwick District Council
Riverside House,
Milverton Hill
Royal Leamington Spa
Warwickshire,
CV32 5RL

The contact point will be available to members of the public during office hours. Enquiries will be provided with relevant documentation.

Release of information to the public

Information will be released to third parties, itemized in Section 7.3 who can show legitimate reasons for access. They will be required to request any information with reasons in writing and identify themselves. Information will be released if the reasons are deemed acceptable, the request and release of information complies with current legislation and on condition that the information is not used for any other purpose than that specified.

Individuals may request to view information concerning themselves held on record in accordance with General Data Protection Regulation. Information on how to obtain an application form can be found on Warwick District Council's web site www.warwickdc.gov.uk or by writing to the CCTV Operations team leader at the above address.

Release of information to statutory prosecuting bodies

The policy is to assist statutory prosecuting bodies such as the Police, and statutory authorities with powers to prosecute and facilitate the legitimate use of the information derived from the scheme. Statutory bodies may have access to information permitted for disclosure on application to the owner of the scheme or the manager, provided the reasons and statement of purpose, accord with the objectives of the scheme and conditions outlined in section. The information will be treated as evidential exhibits.

4 SYSTEM REGISTRATION AND LEGISLATION

- All Warwick District Council systems are registered with the Information Commissioner. The CCTV operations are subject to the following legislation:
 - The Data Protection Act 2018 (DPA).
 - UK General Data Protection Regulation (UK GDPR)
 - The Human Rights Act 1998 (HRA).
 - The Freedom of Information Act 2000 (FOIA).
 - The Regulation of Investigatory Powers Act 2000 (RIPA).

Council policies, procedures, and guidelines.

- It will be rare for small building CCTV systems to be required to respond to requests for assistance under RIPA.
- It is important that the operation of all Council run CCTV systems comply with these Acts and Council policies, procedures and guidelines and this Code of Practice.
- All CCTV systems managed and installed in Warwick District Council buildings, should have an up-to-date Privacy Risk assessment (PIA) or Data Privacy Impact Assessment (DPIA) in place. This should be undertaken by the system manager and reviewed on a yearly basis, to ensure ongoing compliance with legislation.

5 ACCOUNTABILITY

- Warwick District Council and the Partners support the principle that the community at large should be satisfied that the Public CCTV systems are being used, managed, and controlled in a responsible and accountable manner and that in order to meet this objective there will be ongoing assessment and scrutiny.

Responsibilities

The Owner

The owner shall be responsible for policy, effective management, and public relations of the scheme. They shall produce a written policy and be responsible for its implementation. This shall be carried out in consultation with users of the scheme and provide for the release of information relating to the operation of the system. The owner is responsible for dealing with complaints, and ensuring a fair system of staff selection and recruitment is adopted for staff employed in the control and monitoring environment. The role of owner also includes all statutory responsibilities including the role of “data controller” as prescribed by the General Data Protection Regulation.

The System Manager

The system manager or designated member of staff should undertake regular reviews of the documented procedures to ensure that the provisions of this Code are being complied with. The system manager should retain responsibility for the implementation of procedures to ensure that the system operates according to the purposes for which it was installed and in accordance with the objectives identified for the system.

The manager shall also ensure that on a day-to-day basis all equipment is working correctly and that all staff comply with the Code of Practice and Procedural Manual. Dealing with breaches of the codes and disciplinary measures shall lie with the manager.

Operators of the system

The system will be utilized according to operational needs and the operators of the system will be authorized staff employed at the specific location and on certain occasions, police officers. When acting as operators, staff and police officers will be responsible for complying with the code of practice and procedural manual. They have a responsibility to respect the privacy of the individual, understand and comply with the objectives of the scheme.

The information recorded must be accurate, adequate, and relevant to the purpose of the scheme.

Audit

Regular independent random audits will check the operation of the scheme and the compliance with the code of practice. It will consider the following:

- The level of attainment of objectives and procedures
- Random audits of the data log and release of information
- The review policy
- Standard costs for the release of viewing of material
- The complaints procedure
- Compliance with Procedures

Complaints

A member of the public wishing to make a complaint about the system may do so through Warwick District Council's complaint procedure. A copy of the complaint procedure is available on the Council's website or from the below address:

Information Governance
Manager
Warwick District Council
Riverside House,
Milverton Hill
Royal Leamington Spa
Warwickshire,
CV32 5RL

Codes of Practice

A copy of this Code of Practice will be made available to anyone on request by contacting the above address.

CODE OF PRACTICE FOR THE CCTV SCHEMES AT WARWICK DISTRICT COUNCIL OPERATED BUILDINGS

6 CCTV CONTROL FACILITY MANAGEMENT AND OPERATION

General

- Access to the monitoring and recording areas will be strictly controlled.
- Only those persons with a legitimate purpose will be permitted access to the Control, Recording and Monitoring Facility.
- The system Manager or in his/her absence the Deputy, is authorised to determine who has access to the monitoring area. This will normally be:
 - Authorised Personnel (including Council Representatives)
 - Police Officers who are operating the system.
 - Police officers requiring to view a particular incident, or intelligence or evidential purposes. These visits will take place by prior appointment.
 - Engineers and cleaning staff (These people will receive supervision throughout their visit)
 - Independent Inspectors appointed under this Code of Practice may visit the monitoring and recording facility without prior appointment.
 - Organised visits by authorised persons in controlled circumstances.

All visitors to the monitoring and recording area, including Police Officers, will be required to sign a visitors log and a declaration of confidentiality.

Observation and recording of incidents.

Recording will be throughout the 24-hour period. The system will be monitored on the basis of operational necessity.

7 PRIVACY AND DISCLOSURE ISSUES

Privacy

Cameras will not be used to infringe the individual's rights of privacy. The cameras generally are sited where they will not be capable of viewing any private areas.

The following principles must be adhered to:

- All employees will be aware of the restrictions set out in this Code of Practice in relation to access to, and disclosure of, recorded images.
- Images not required for the purposes of the scheme will not be retained longer than necessary.
- The Data controller will only disclose to third parties who intend processing the data for purposes which are deemed compatible with the objectives of the CCTV system.
- Monitors displaying images from areas in which individuals would have an expectation of privacy will not be viewed by anyone other than authorised persons.
- Recorded material will only be used for the purposes defined in the objectives and policy.
- Access to recorded material will be in accordance with policy and procedures.
- Information will not be disclosed for commercial purposes and entertainment purposes.
- All access to the medium on which the images are recorded will be documented.
- Access to recorded images will be restricted to those staff who need to have access in order to achieve the purpose(s) of using the equipment.
- Viewing of the recorded images should, where possible take place in a restricted area

Access to recorded images.

Access to recorded images will be restricted to the manager or designated member of staff

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who will decide whether to allow requests for access by third parties in accordance with the disclosure policy.

Access to data by third parties

Access to images by third parties will only be allowed in limited and prescribed circumstances. Disclosure will be limited to the following: -

- a) law enforcement agencies where the images recorded would assist in a specific criminal enquiry.
- b) prosecution agencies
- c) legal representatives
- d) the media, where it is assessed by the Police that the public's assistance is needed in order to assist in the identification of victim, witness, or perpetrator in relation to a criminal incident. As part of that assessment the wishes of the victim of an incident should be considered.
- e) The people whose images have been recorded and retained. (Data Subject) unless disclosure to an individual would prejudice the criminal enquiries or criminal proceedings.
- f) the media, where it is assessed by the Police that the public's assistance is needed in order to assist in the identification of victim, witness, or perpetrator in relation to a criminal incident. As part of that assessment the wishes of the victim of an incident should be considered.
- g) The people whose images have been recorded and retained. (Data Subject) unless disclosure to an individual would prejudice the criminal enquiries or criminal proceedings.

All requests for access or for disclosure will be recorded. If access or disclosure is denied, the reason should be documented.

If access to or disclosure of the images is allowed, details will be documented.

Recorded images should not in normal circumstances be made more widely available, for example, they should not be routinely made available to the media or placed on the internet.

If it is intended that the images will be made more widely available, that decision should be made by the system manager or designated member of staff and the reason documented.

The owner should not unduly obstruct a bone fide third party investigation to verify the existence of relevant data.

The owner should not destroy data that is relevant to previous or pending search request which

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may become the subject of a subpoena.

The owner should decide which other agencies, if any, should have access to data and it should be viewed live or recorded but a copy should never be made or released.

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8 RECORDED MATERIAL MANAGEMENT

General

Images, which are not required for the purpose(s) for which the equipment is being used will not be retained for longer than is necessary. While images are retained access to, and security of the images will be controlled in accordance with the requirements of the Data Protection Act.

- Recorded material should be of high quality. In order for recorded material to be admissible in evidence total integrity and continuity must be maintained at all times.
- Security measures will be taken to prevent unauthorised access to, alteration, disclosure, accidental loss, or destruction of recorded material.
- Recorded material will not be released to organisations outside the ownership of the system other than for training purposes or under the guidelines referred to previously.
- Images retained for evidential purposes will be retained in a secure place where access is controlled.
- The system records features such as the location of the camera and/or date and time reference and documented procedures are in place for ensuring accuracy.

Quality and Maintenance

In order to ensure that clear images are recorded at all times the equipment for making recordings and the associated security equipment including, help points, and public address systems will be maintained in good working order with regular servicing in accordance with the manufacturer's instructions. In the event of a malfunction the equipment will be repaired within specific time scales which will be scheduled within the maintenance agreement. All documentation relating to the equipment and its servicing and malfunction is retained in the control room and will be available for inspection and audit.

Recorded Material Register

There will be a register documenting all access to recorded media.

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9 DOCUMENTATION

- Logbooks must be sequential in order that pages or entries cannot be removed, and full and accurate records kept.

Administrative documents

The following shall be maintained:

- Media tracking register
- occurrence/incident Book
- visitors register.
- maintenance of equipment, whether routine or breakdown list of installed equipment.